

Texas Register

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Withdrawn Sections-sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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Open Meetings-notices of open meetings

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

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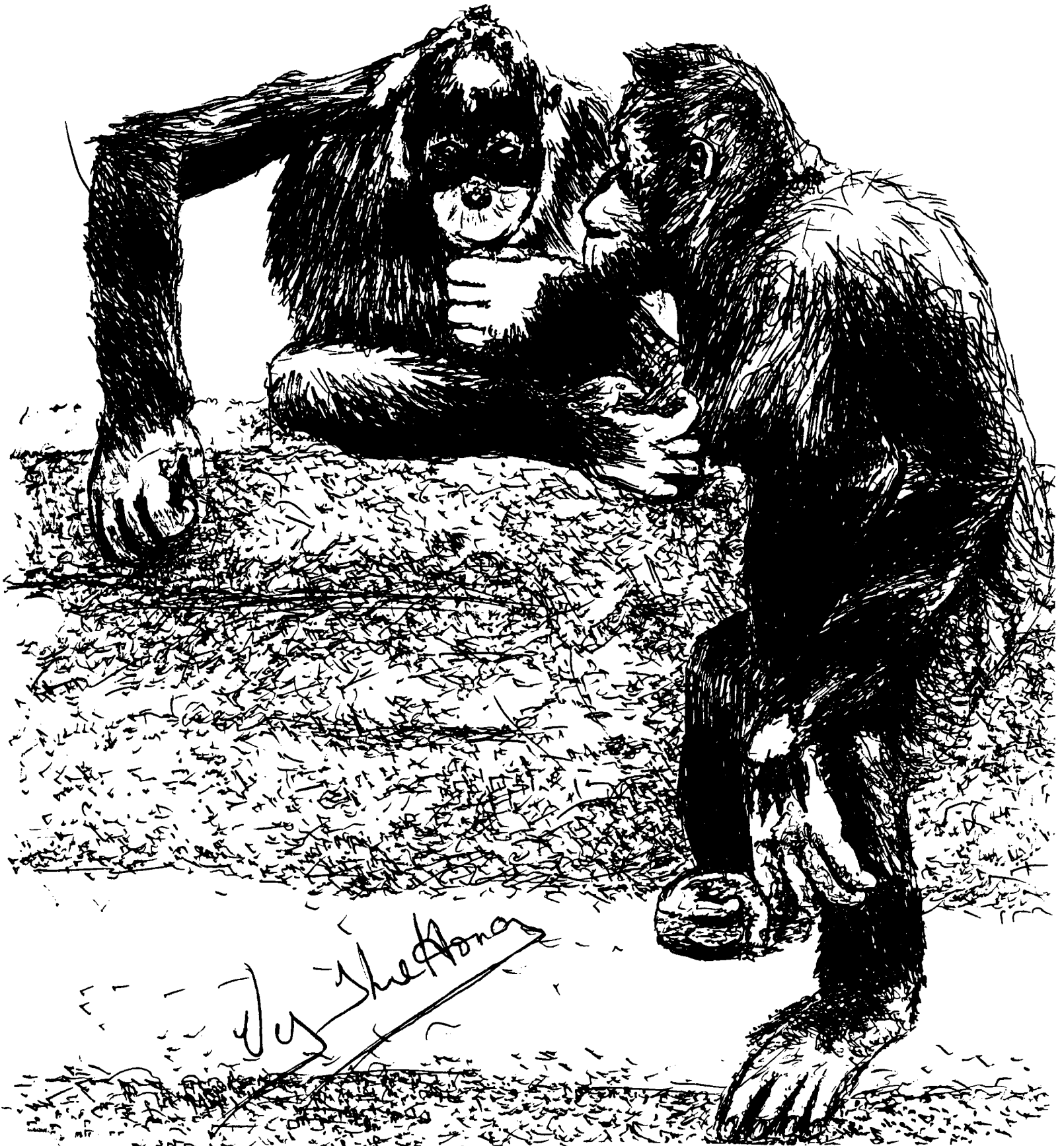
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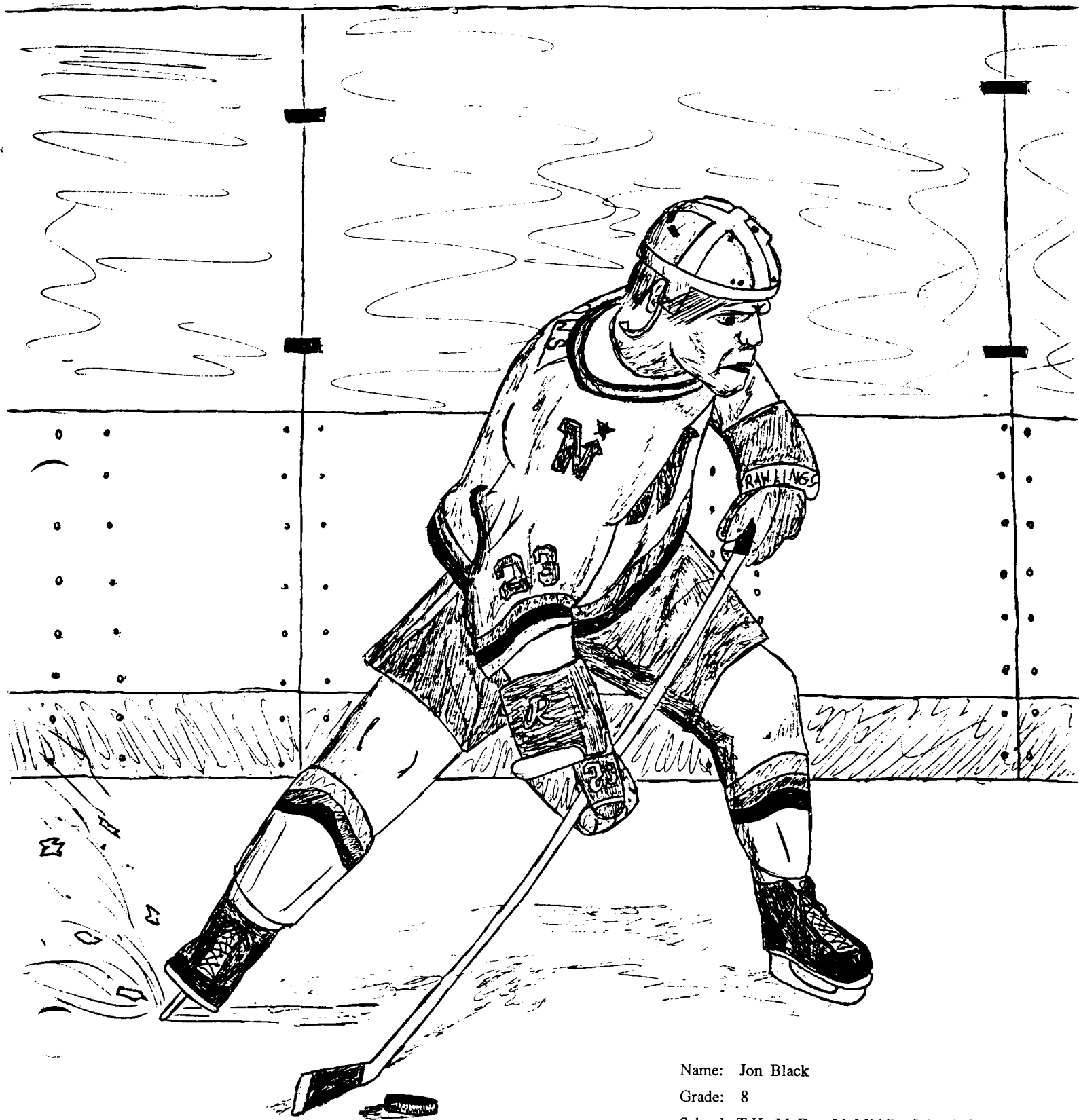
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The Governor

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.

Executive Order

WPC 90-4

RELATING TO THE DESIGNATION OF TEXAS A&M UNIVERSITY AS THE LEAD INSTITUTION TO PREPARE THE TEXAS PROPOSAL TO THE NATIONAL SCIENCE FOUNDATION

WHEREAS, the National Science Foundation is soliciting proposals for projects intended to broaden the impact, accelerate the pace and increase the effectiveness of improvements in science, mathematics and engineering education in both kindergarten through twelfth grade and post-secondary levels; and,

WHEREAS, the National Science Foundation is soliciting proposals from states to develop a statewide systematic initiative as a cooperative venture designed to achieve significant improvements in science, mathematics, and engineering education; and,

WHEREAS, the National Science Foundation directive allows for only one proposal per state which is to be the result of a statewide systemic initiative coordinated by the Office of the Governor and involving academic institutions, public school districts and business community leaders within the state; and,

WHEREAS, the State of Texas wishes to submit a grant proposal in accordance with the directive of the National Science Foundation; and,

WHEREAS, Texas A&M University is nationally recognized as a leader in science, mathematics and engineering education, and has the expertise and resources to lead the concerted effort to prepare the Texas Proposal to the National Science Foundation;

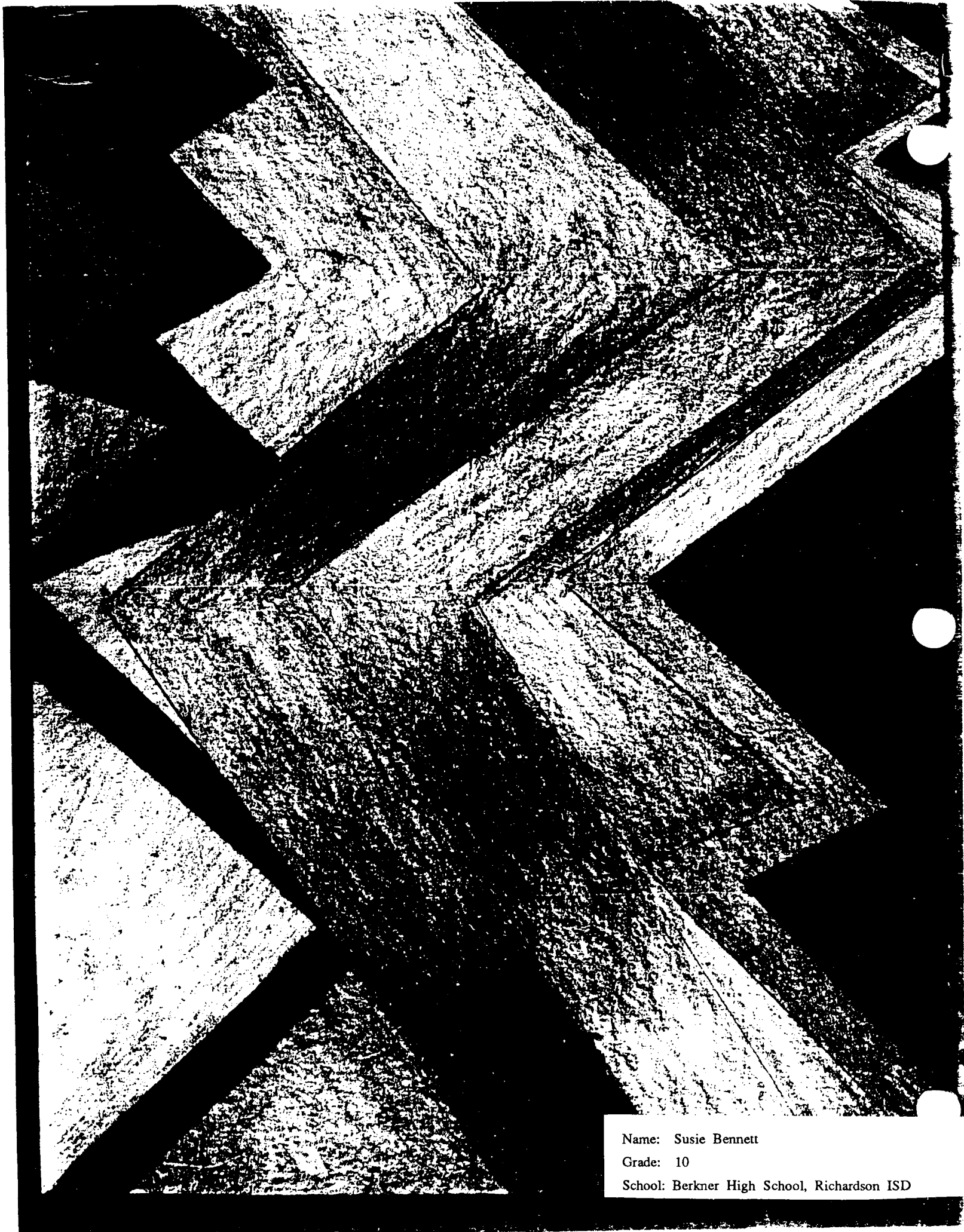
NOW, THEREFORE, I, William P. Clements, Jr., Governor of Texas, under the authority vested in me hereby designate Texas A&M University as the lead institution to prepare the Texas Proposal and to solicit assistance from all interested state agencies and institutions, public school districts and private sector representatives in preparing this statewide initiative in science education.

This executive order shall be effective immediately and shall remain in full force and effect until modified, amended, or rescinded by me.

Issued in Austin, Texas on July 12, 1990.

TRD-9007257 William P. Clements, Jr.
Governor of Texas





Name: Susie Bennett

Grade: 10

School: Berkner High School, Richardson ISD

Secretary of State

Under provisions of the Texas Election Code (Article 1.03), the secretary of state is authorized to issue opinions based on the election laws. Under provisions of Texas Civil Statutes (Article 6252-9c, §14A), the secretary of state is authorized to issue advisory opinions in response to written requests based on a real or hypothetical situation that relates to Article 6252-9c.

Questions on particular submissions should be addressed to the Office of the Secretary of State, Elections Division, P.O. Box 12887, Austin, Texas 78711, 1 (800) 252-9602 or (512) 463-5650.

Election Law Opinion, July
16, 1990

Election Law Opinion GSB-3. Request from Robert Parten, Elections Administrator, Fort Worth, concerning whether a political party's executive committee may make a nomination for an office appearing on the general election ballot if no one filed for the office in the party's primary.

Summary of Opinion. A political party's executive committee may not make a nomination for an office appearing on the general election ballot if no one filed for the office in the party's primary.

TRD-9007386





Name: Chris Black

Grade: 11

School: Berkner High School, Richardson ISD

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 19. EDUCATION Part II. Texas Education Agency Chapter 75: Curriculum

The Texas Education Agency adopts on an emergency basis amendments to §§75.64, 75.141, 75.142, 75.166, 75.168, and 75.169, concerning the description of a well-balanced elementary and secondary curriculum. Senate Bill 1 passed by the 71st Texas Legislature, Sixth Called Session, §2.25, voids all rules relating to teaching time and methodology under Chapter 75 that were adopted by the State Board of Education prior to September 1, 1990. In addition, Senate Bill 1 amended the Texas Education Code, §21.101, by adding subsection (h) that requires the State Board of Education to adopt rules for the implementation of the section, except that the board may not designate the methodology used by a teacher nor the time spent by the teacher or a student on a particular task or subject.

In accordance with Senate Bill 1, provisions for methodology and time requirements currently in §§75.64, 75.141, 75.142, 75.166, 75.168, and 75.169 have been deleted.

These amendments have been adopted on an emergency basis because current rules relating to teaching time and methodology in the elementary and secondary grades become void as of September 1, 1990.

Subchapter D. Essential Elements-Grades Nine- Twelve

• 19 TAC §75.64

The amendment is adopted on an emergency basis under the Texas Education Code, §21.101, which provides the State Board of Education with the authority to adopt rules concerning the well-balanced curriculum.

§75.64. Science.

(a)-(r) (No change.)

[(s) Note: All science courses in this section shall be laboratory oriented (i.e., a minimum of 40% of the instructional time is devoted to student laboratory/field activities exclusive of teacher demonstrations).]

Issued in Austin, Texas, on July 19, 1990.

TRD-9007362

W. N. Kirby
Commissioner of Education

Effective date: July 23, 1990

Expiration date: November 20, 1990

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

Subchapter E. Well-Balanced Curriculum

• 19 TAC §75.141, §75.142

The amendments are adopted on an emergency basis under the Texas Education Code, §21.101, which provides the State Board of Education with the authority to adopt rules concerning the well-balanced curriculum.

§75.141. Description of a Well-balanced Elementary Curriculum.

(a) Essential elements. [Within the time allocations described in this section.] The [the] school district shall provide instructions in the essential elements described in Subchapter B of this chapter (relating to Essential Elements-Prekindergarten-Grade Six). Instruction may be provided in a variety of arrangements and settings. Teachers are encouraged to use interdisciplinary approaches by combining instruction in two or more areas [rather than adhering to rigid time schedules for each subject].

(b) For limited English proficient [proficiency] (LEP) students in kindergarten-grade six, primary language instruction in the language arts and mathematics, science, and social studies content areas shall be provided within the instructional time allocated to these content areas [prescribed time allocations listed in subsections (c)-(e) of this section,] as required by existing law [and board rule] and commensurate with individual student needs.

(c) Kindergarten.

(1) Instruction shall be provided daily in language arts, mathematics, and physical education [No less than 40% of the instructional day shall be devoted to teaching English language arts].

(2)[(4)] The weekly schedule shall include instruction in fine arts, health, science, and social studies.

(3)[(5)] The essential elements in all subjects are the same for half-day and full-day kindergarten programs. Time re-

strictions in half-day programs will limit the depth of instruction.

[(2) No less than 20% of the instructional day shall be devoted to teaching mathematics.

[(3) The daily schedule shall include instruction in physical education.]

(4)[(7)] Instruction in other languages may be included in the language arts instruction described in paragraph (1) of this subsection.

[(6) The school district shall develop and implement a written instructional plan detailing how the essential elements will be addressed in physical education, fine arts, health, science, and social studies.]

(d) Grades one-three.

(1) Instruction shall be provided daily in language arts, mathematics, and physical education [Language arts shall be taught daily and no less than 600 minutes per week].

(2) Instruction shall be provided weekly in science, social studies, fine arts and health, or in a schedule that is equivalent to weekly instruction in a well-balanced curriculum [Mathematics shall be taught daily and no less than 300 minutes per week].

(3)[(8)] Each school district is encouraged to offer other languages to the extent possible.

(3) Within each semester, the equivalent of at least 100 minutes per week shall be devoted to teaching science.

[(4) Within each semester, the equivalent of at least 100 minutes per week shall be devoted to teaching social studies.

[(5) The daily schedule shall include instruction in physical education.

[(6) The weekly schedule shall include instruction in fine arts and health.

[(7) The school district shall develop and implement a written instructional plan detailing how the essential elements will be addressed in physical education, fine arts, health, science, and social studies.]

(e) Grades four-six

(1) Instruction shall be provided daily in language arts and mathematics [Language arts shall be taught daily and no less than 450 minutes per week.

(2) **Instruction shall be provided weekly in science, social studies, health, physical education and fine arts, or in a schedule that is equivalent to weekly instruction in a well-balanced curriculum.** [Mathematics shall be taught daily and no less than 300 minutes per week.]

(3)[(6)] Each school district is strongly encouraged to offer other languages [to the extent possible].

(3) Within each six weeks, the equivalent of 225 minutes per week for each subject shall be devoted to teaching science and social studies.

(4) Within each six weeks, the equivalent of 60 minutes each week shall be devoted to teaching health.

(5) The equivalent of 112 minutes per week for each subject shall be devoted to teaching physical education and fine arts. Districts may choose to alternate two and three periods of instruction weekly in fine arts and physical education by dropping to the equivalent of 90 minutes one week and increasing to the equivalent of 135 minutes the next week for each subject area on a rotating basis.

(7) Upon approval of the commissioner of education, school districts with departmentalized grades four, five, and six may modify the time requirements in paragraphs (1)-(6) of this subsection. Such modification shall provide for instruction in the essential elements specified in Subchapter B of this chapter (relating to Essential Elements-Prekindergarten-Grade Six) for the grade levels affected. School districts which wish to deviate from the time requirements in this section may submit an alternate plan to the commissioner of education for approval. The plan must indicate how the district will ensure that the required essential elements will be taught.

(8) The school district shall develop and implement a written instructional plan detailing how the essential elements and time requirements will be addressed in health, physical education, and fine arts.]

(f) **Special instructional activities.** Some instructional activities such as science field trips, visits to museums or historical sites, and resource speakers may necessitate occasional deviations from the elementary **daily or weekly schedule** [time requirements]. **However,** in [In] scheduling such activities the district shall use professional discretion to assure that the activities are kept to a minimum and have a specified instructional purpose.

(g) Provisions for prekindergarten programs. The following provisions apply to prekindergarten programs.

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

(3) Student/teacher ratio. [Beginning with the 1985-1986 school

year,] A [a] school district may not enroll more than 22 students in a prekindergarten class. This requirement shall not apply during the last 12 weeks of any school year.

(4)-(7) (No change.)

§75.142. Description of a Well-balanced Secondary Curriculum.

(a) Grade six at the middle school.

(1) (No change.)

(2) A unit at grade six shall constitute the equivalent of at least one class period [a minimum of 45 minutes] of academically engaged time per day for a subject during a 175-day school year. A one-half unit shall constitute one semester for a subject which meets the equivalent of one class period per day [the minimum time of 45 minutes per day]. All school districts must schedule at least a six-period day.

(3) The units required for each school district to provide and each student to take are:

(A)-(G) (No change.)

(4) School districts that wish to implement organizational structures that deviate from the provisions of this subsection or of §75.141(e) of this title (relating to Description of a Well-Balanced Elementary Curriculum), including grade five at the middle school, shall submit a request for exception to the commissioner of education. The request shall describe the proposed organizational structure and delineate how the district intends to offer instruction in the essential elements [and meet minimum time requirements].

(b) Secondary grades seven-eight.

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

(3) A unit shall require the equivalent of one class period [a minimum of 45 minutes] of academically engaged time per day per course during a 175-day school year. A one-half unit is defined as a one semester course which meets the equivalent of one class period [minimum time of 45 minutes] per day.

(4) Each school district shall teach and each student shall take:

(A)-(C) (No change.)

(D) earth science [(refer to paragraph (6) of this subsection)]-1 unit;

(E)-(J) (No change.)

(5) (No change.)

(6) The life science course shall include a three-week unit per semester of health education with the essential elements as specified in §75.

44(a)(11) of this title (relating to Science) [Science courses shall be laboratory oriented (i.e., a minimum of 40% of the instructional time shall be devoted to laboratory/field activities)].

(7)-(14) (No change.)

(c) Secondary grades 9-12.

(1) Each school district shall offer the courses listed in this subsection and shall maintain evidence that students have the opportunity to take these courses every year or at least every other year.

(A)-(B) (No change.)

(C) Science-Biology I, Chemistry I, Physics I, physical science, introductory biology;[.] [Science courses shall be laboratory oriented (i.e., a minimum of 40% of the instructional time is devoted to student laboratory/field activities exclusive of teacher demonstrations);]

(D)-(L) (No change.)

(2)-(4) (No change.)

Issued in Austin, Texas, on July 19, 1990.

TRD-9007364

W. N. Kirby

Commissioner of Education

Effective date: July 23, 1990

Expiration date: November 20, 1990

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

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Subchapter G. Other Provisions

• 19 TAC §§75.166, 75.168, 75.169

The amendments are adopted under the Texas Education Code, §21.101, which provides the State Board of Education with the authority to adopt rules concerning the well-balanced curriculum.

§75.166. Credit by Examination.

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

(4) Students who have had [at least 55 scholastic hours of] prior formal instruction [for a semester course or 110 scholastic hours of prior formal instruction for a full-year course] may use credit by examination procedures. Districts shall determine prior formal instruction based upon a review of educational records.

(5)-(6) (No change.)

(b)-(d) (No change.)

§75.168. Summer School Programs.

(a) School district boards of trustees may establish summer school programs. A board, electing to provide summer school, shall adopt policies to govern the operation of the program.

(1) Students may be awarded credit for courses begun and successfully completed during the summer session.

(A)-(D) (No change.)

(E) One unit of credit must be scheduled for the equivalent of one class period per day for 175 days net instructional time [no less than 160 clock hours net instructional time]. One-half unit of credit must be scheduled for the equivalent of one class period per day for one semester net instructional time [no less than 80 clock hours]. Net instructional time does not include time used for registration, holidays, and daily class breaks.

(F) (No change.)

(2)-(5) (No change.)

§75.169. Award of Credit, Grades 9-12.

(a) The award of credit for a course by a school district affirms that a student has satisfactorily met all state and local requirements. Courses for which credit is awarded shall be provided in accordance with this subsection.

(1) Courses offered for a unit of credit in grades 9-12 shall be scheduled for the equivalent of one class period per day for 175 days [a minimum of 160 clock hours of class instruction]. A unit of credit is the equivalent of the study of a subject that is scheduled for a [minimum of 160 clock hours] daily class period, which traditionally is one 55-minute period per day for the 175-day school year. A one-half unit of credit is the equivalent of one class period per day for one semester [80 clock hours]. This definition is based on the usual operation of schools. School districts may make modifications in lengths of class periods [schedule class periods for no less than 50 minutes per day] if a seven-period school day is implemented. Deviations from the usual operations are acceptable for meeting the unit of credit so long as the school makes available the amount of time required to permit the individual to meet the acceptable achievement standards for the course.

(2)-(6) (No change.)

(b) (No change.)

§75.173. Tutorial Programs.

(a)-(b) (No change.)

(c) Scheduling [and time requirements].

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

(3) School districts shall provide the opportunity for students to participate in tutorials at least twice a week [for a cumulative total of 90 minutes]. A school district may provide tutorials [for the cumulative

total of 90 minutes per week] on three or four separate days and sessions may be varying amounts of time to meet the needs of students. For example, sessions [for grades one-three] may vary from 15 or 20 minutes to 30 minutes[, so long as the district offers an aggregate of 90 minutes per week in the subject. Districts may elect to provide more than the minimum time].

(4)-(5) (No change.)

(d)-(f) (No change.)

Issued in Austin, Texas, on July 19, 1990.

TRD-9007363 W. N. Kirby
Commissioner of Education

Effective date: July 23, 1990

Expiration date: November 20, 1990

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

◆ ◆ ◆
Chapter 89. Adaptations for Special Populations

Subchapter F. Remedial and Compensatory Instruction

General Provisions

• 19 TAC §89.131

The Texas Education Agency adopts on an emergency basis an amendment to §89.131, concerning the definition of remedial and compensatory education. The amendment specifies that the percentages of any districts allotment to these programs must be at least equal to the state's longitudinal dropout rate for the preceding year when the district's dropout rate in any school year exceeds the state's dropout rate goal for that year. These requirements begin with the 1990-1991 school year. The amendment also implements requirements contained in Senate Bill 1 enacted by the 71st Legislature, Sixth Called Session related to the supplementary use of compensatory education funds beginning with the 1990-1991 school year. The amendment has been adopted on an emergency basis to be in effect for the beginning of the 1990-1991 school year.

The amendment is adopted on an emergency basis under the Texas Education Code, §21.557, which provides the State Board of Education with the authority to set standards for remedial and compensatory education; and the Texas Education Code, §16.152(e), which provides the State Board of Education with the authority to provide technical assistance to school districts to reduce the dropout rate.

§89.131. Definition of Remedial and Compensatory Instruction.

(a) Each public school district in Texas shall adopt a written policy for use of state compensatory education funds consistent with the Texas Education Code, §21.557. The policy shall include at least the following:

(1) eligibility requirements for participation in the program for students in prekindergarten through grade 12;

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

(b)-(c) (No change.)

(d) Compensatory funds are to be used to provide specifically designed supplementary remedial or compensatory services or programs. Generally, costs charged to the compensatory education allotment would represent only those costs above and beyond the basic program. However, special instruction that satisfies basic program requirements may be funded provided it is specifically designed to meet the needs of students identified for these programs and is not a standard approach to courses or subjects currently offered. During 1990-1991, school districts should transition compensatory and remedial programs as necessary in order to comply fully with these provisions beginning in 1991-1992.

(e)[(d)] Use of the funds will be reviewed through the performance-based accreditation process, and technical assistance shall be provided when necessary. Redirection of funds to improve programs may be required, when appropriate, as a condition for maintaining accredited status.

(f)[(e)] The commissioner of education shall develop and disseminate a technical assistance document that describes some types of programs and activities for which use of state compensatory funds is appropriate. The document shall include instructions for the annual report required by the Texas Education Code, §21.557(d).

(g)[(f)] Districts may use up to 15% of state compensatory education funds for general administrative costs.

(h) Each school district shall allocate a percentage of the district's state compensatory education funds for remedial and support programs specifically for students at risk of dropping out of school as required in the Texas Education Code, §16.152(e), relating to compensatory education allotment. This targeted allotment shall be:

(1) at least equal to the state's longitudinal dropout rate, grades seven through 12, for the previous school year in any school district in which the actual dropout rate in any school year exceeds the state's dropout rate goal for that year under Texas Education Code, §11.205(e), relating to the Dropout Reduction Program; and

(2) applicable to remedial and support programs for prekindergarten through grade 12.

(i) Remedial and support programs and services for students at risk of dropping out of school as determined by subsection (g) of this section shall include:

(1) support services such as instructional materials, instructional evaluation procedures, parental involvement activities, counseling, and school social work services;

(2) proven models and strategies that have demonstrated statistically significant improvements in student life coping skills (communications, decision-making, and goal-setting), and student performance such as cooperative learning, peer tutoring, computer-assisted instruction, content mastery learning, multi-sensory approaches, and continuous progress;

(3) instructional designs that result in a reduction in class size; and

(4) innovative strategies developed by the district provided a rationale and program design with an evaluation component are approved by the local board of trustees and reviewed annually for program effectiveness as described in the Texas Education Code, §21.557(e).

Issued in Austin, Texas, on July 19, 1990.

TRD-9007361

W. N. Kirby

Commissioner of Education

Effective date: July 23, 1990

Expiration date: November 20, 1990

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

Chapter 97. Planning and Accreditation

Subchapter A. General Provisions

• 19 TAC §97.5

The Texas Education Agency adopts on an emergency basis an amendment to §97.5, concerning the types of accreditation status. The amendment incorporates changes in the types of accreditation status made in Senate Bill 1, 71st Texas Legislature, Sixth Called Session. The affect of the amendment is to rate districts currently classified as "accredited warned" as "academically unaccredited" beginning September 1, 1990. Districts rated as "academically unaccredited" for two years are to be annexed or operated by the state. This amendment has been adopted on an emergency basis to be in effect for the beginning of the 1990-1991 school year.

The amendment is adopted on an emergency basis under the Texas Education Code, §21.753, which provides the State Board of Education with the authority to adopt an accreditation process and standards which a school district must satisfy to be accredited.

§97.5. *Types of Accreditation Status.* The types of accreditation status are as follows.

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

(3) Academically unaccredited [Accredited, warned].

(A) A district may be classified [warned] academically unaccredited when at least one of the following is true:

(i)-(ii) (No change.)

(B) A district placed on [warned] academically unaccredited status is given deadlines for correction of its deficiencies.

(C)[(4)] [Unaccredited]. If a district fails to [meet or maintain compliance with] satisfy accreditation requirements after actions by the commissioner of education under the Texas Education Code, §21.757, the [State Board of Education] commissioner has a legal mandate to revoke the district's accreditation.

(4)[(5)] Accredited, probationary. A new district, or a district adding grades, is placed on probationary status until the agency can conduct a full accreditation review and establish an accreditation status for the new district or the total district including its new grade levels.

Issued in Austin, Texas, on July 19, 1990.

TRD-9007360

W. N. Kirby

Commissioner of Education

Effective date: July 23, 1990

Expiration date: November 20, 1990

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

Chapter 129. Student Attendance

Subchapter A. Student Attendance Allowed

• 19 TAC §129.1

The Texas Education Agency adopts on an emergency basis an amendment to §129.1, concerning free attendance in general. The amendment will allow the commissioner of education to define documents that are suitable for the identification of students enrolling in school or transferring from another school in Texas or another state. This identification is required under the Texas Education Code, §21.0313, identification required for enrollment. These procedures will also assist in fulfilling the requirements of the Texas Education Code, §11.205, Dropout Reduction Program, including standardized statewide recordkeeping, document of school transfers, and follow-up procedures for students who drop out of school. The amendment also provides that children cannot be denied enrollment on the basis of these requirements for documentation. The amendment has been adopted on an emergency basis so that procedures will be in place for the start of the 1990-1991 school year.

The amendment is adopted on an emergency

basis under the Texas Education Code, §21.0313, which provides the State Board of Education with the authority to adopt rules necessary for the implementation and enforcement of this section, including rules providing for the types of documents that are suitable for identification purposes under this section.

§129.1. Free Attendance in General.

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

(e) Identification is required within 30 days of a child's enrollment in a Texas school, in accordance with the Texas Education Code, §21.0313. For the purposes of identification, the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Documents that are suitable for identification shall be defined by the commissioner of education.

(2) The child's records include a minimum set of data and documentation established by the commissioner of education. The minimum set of data will include the child's social security number or a state-approved alternative identification number as assigned by the Public Education Information Management System (PEIMS).

(3) Children shall not be denied enrollment or be removed solely because they fail to meet the requirements of this section.

Issued in Austin, Texas, on July 19, 1990.

TRD-9007359

W. N. Kirby

Commissioner of Education

Effective date: July 23, 1990

Expiration date: November 20, 1990

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

Chapter 149. Education Personnel Development

Subchapter C. Appraisal of Certified Personnel

• 19 TAC §149.43

The Texas Education Agency adopts on an emergency basis an amendment to §149.43, concerning the teacher appraisal procedures. The amendment will eliminate the two-part form "Teacher Assessment of Instructional Goals and Outcomes" whose first part is initiated by the teacher no later than the end of the second six weeks and the second part completed prior to the summative conference. The elements focus on goal-setting, student performance outcomes, and teacher self assessment, and are instead, to become a portion of the summative conference conducted by the teacher's supervisor under the amended rule. The amendment has been

adopted on an emergency basis in order to be in place at the beginning of the 1990-1991 school year.

The amendment is adopted on an emergency basis under the Texas Education Code, §13.302, which provides the State Board of Education with the authority to adopt an appraisal process and criteria on which to appraise the performance of teachers for career ladder purposes.

§149.43. Teacher Appraisal Procedures.

(a)-(e) (No change.)

(f)(g) Summative appraisal.

(1) Each teacher must receive a summative conference at the end of the teacher's last appraisal period. In this conference, the teacher's supervisor will review the completed assessment of instructional goals and outcomes, inform the teacher of the domain performance scores and the overall summary performance score for the year, review the teacher's status relating to requirements for advancement and/or on the teacher career ladder, make recommendations regarding

domains needing improvement, and address a professional growth plan as appropriate. **The teacher's supervisor and the teacher shall also discuss teacher self-assessment aspects such as the goals of the individual teacher, campus planning, instructional strategies, and student outcomes during the summative conference.**

(2) The requirements for the post-observation conferences set forth in subsection (c)(11) of this section may be met through the summative conference, provided the appropriate appraisers are present and the time requirements are met.

(3) Any documentation collected after the summative conference but before the end of the required days of instruction for students during one school year may be considered if it will affect the teacher's domain and overall summary performance scores. Another summative conference shall be held to inform the teacher of the changes.

(f) Teacher assessment of instructional goals and outcomes.

[(1) No later than the end of the second six weeks, each teacher will complete the first part of the teacher assessment of instructional goals and outcomes and file a copy with the teacher's supervisor. Significant changes in assignment or class composition may result in the need to update the first part of the teacher's assessment.]

[(2) During the week preceding the summative conference, the teacher will complete the second part of the assessment of instructional goals and outcomes. A copy of the completed assessment will be attached to the appraisal record at the summative conference.]

Issued in Austin, Texas, on July 19, 1990.

TRD-9007357

W. N. Kirby

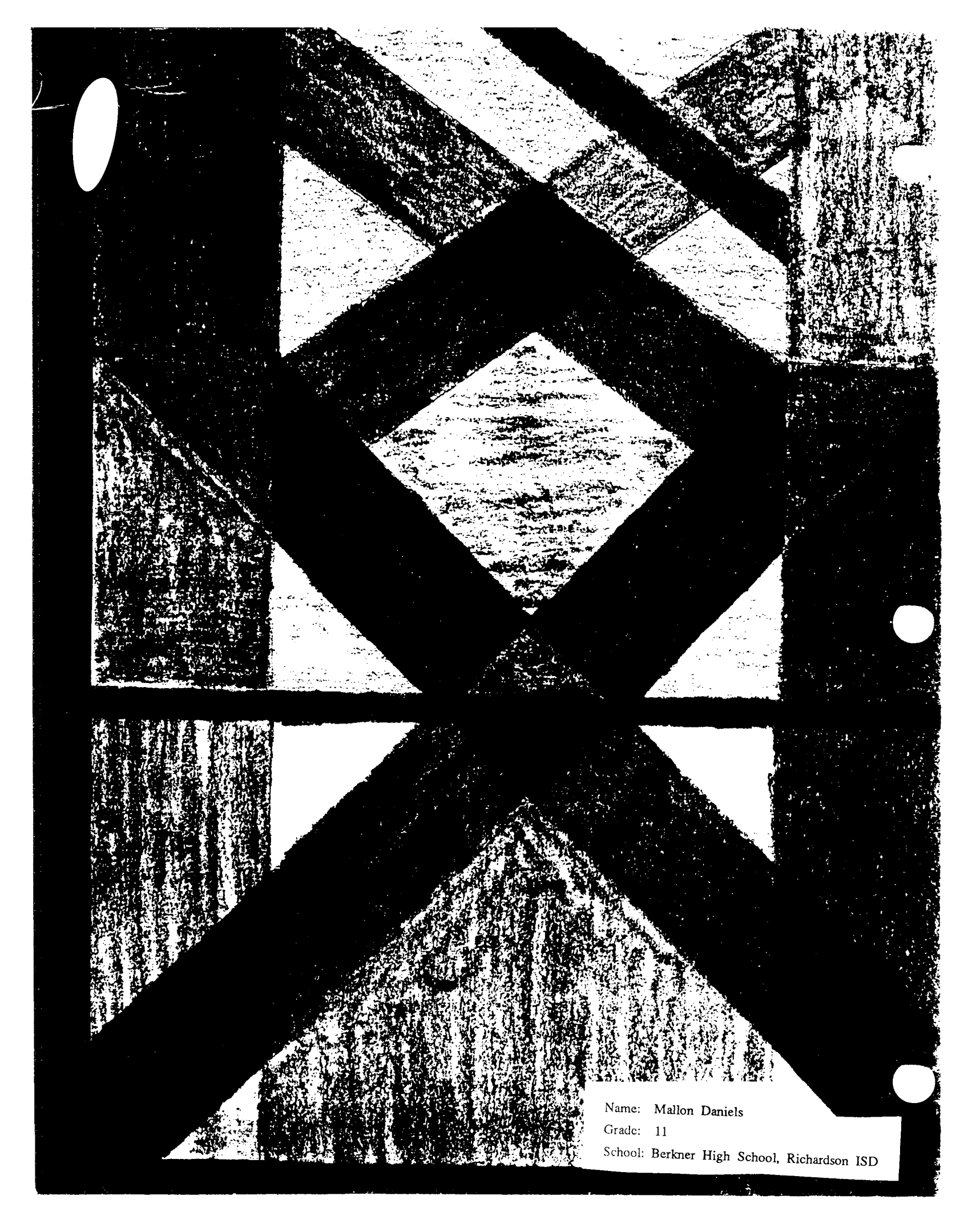
Commissioner of Education

Effective date: July 23, 1990

Expiration date: November 20, 1990

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





Name: Mallon Daniels

Grade: 11

School: Berkner High School, Richardson ISD

Proposed Sections

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

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

TITLE 7. BANKING AND SECURITIES

Part V. Office of Consumer Credit Commissioner

Chapter 85. Rules of Operation for Pawnshops

• 7 TAC §85.1

(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 Consumer Credit Commissioner or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Office of Consumer Credit Commissioner proposes the repeal of §85.1, concerning a system of changing the date under which the licenses issued under the Texas Pawnshop Act shall expire and a method of collecting the annual fee for the issuance of such pawnshop licenses.

Al Endsley, Consumer Credit Commissioner, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Mr. Endsley also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be that it allows adoption of a new section which will continue the stability of the pawn business in this state and ensure the prevention of frauds, unfair practices, and unlawful property transactions. There will be no effect on small businesses. There is no anticipated economic cost to persons as a result of enforcing the repeal.

Comments on the proposal may be submitted to Al Endsley or E. L. Scott in care of the Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705, within 30 days after the date of this publication.

The repeal is proposed under the Texas Pawnshop Act, Texas Civil Statutes, Article 5069-51.09(b), which provides the Office of Consumer Credit Commissioner with the authority to make regulations necessary for the enforcement of the Texas Pawnshop Act.

§85.1. Expiration and Renewal of Licenses.

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 July 20, 1990.

TRD-9007339 Al Endsley
Commissioner
Office of Consumer Credit
Commissioner

Earliest possible date of adoption: August 27, 1990

For further information, please call: (512) 479-1280

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

The Office of Consumer Credit Commissioner proposes new §§85.1, 85.2, 85.4, 85.9, 85.12, 85.22, 85.30, 85.50, 85.57, and 85.58, concerning the operation of pawnshops subject to licensure under the Provisions of the Texas Pawnshop Act. The sections define terms commonly used by pawnbrokers, set standards, duties and responsibilities of pawnbrokers involving the location, licensing, and operation of pawnshops, including the requirements for the pledging or purchasing of tangible personal property and the redeeming or sale of such property; providing a comprehensive set of rules, supplementing the provisions of Texas Civil Statutes, Article 5069, Chapter 51, and providing guidance to pawnbrokers concerning all matters pertaining to the operation of pawnshops.

Al Endsley, consumer credit commissioner, has determined that for the first five-year period the proposed 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. Endsley 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 to continue the stability of the pawn business in this state and to ensure the prevention of frauds, unfair practices, and unlawful property transactions. 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 Al Endsley or E. L. Scott in care of the Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705, within 30 days after the date of this publication.

The new sections are proposed under the Texas Pawnshop Act, Texas Civil Statutes, Article 5069-51.09(b), which provides the Office of Consumer Credit Commissioner with the authority to make regulations necessary

for the enforcement of the Texas Pawnshop Act.

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

Commissioner—The commissioner of the Texas Office of Consumer Credit Commissioner.

Goods—Tangible personal property held by a pawnbroker. Goods may be either those pledged as collateral for a pawn loan or merchandise inventory or both and should be given the broadest meaning unless the context dictates otherwise.

Grace period—The 60-day period following the original or extended maturity date of a pawn loan during which a pledgor may redeem pledged goods.

Pawnbroker—A person who has an ownership interest in a pawnshop as shown in an application for a pawnshop license filed with the commissioner. When general duties and prohibitions are described, pawnbroker also includes pawnshop employees unless the context indicates otherwise.

Pawnshop—A place of business licensed by the commissioner pursuant to Texas Civil Statutes, Article 5069, Chapter 51.

§85.2. Pawnshop Licensing.

(a) Qualifications.

(1) Character and general fitness. To be eligible for a pawnshop license an applicant must have good moral character. Before granting a license, the commissioner must find that the character and general fitness of the applicant, its owners, and manager are such as to warrant belief that the business will be operated lawfully and fairly within the purposes of the Texas Pawnshop Act, Texas Civil Statutes, Article 5069, Chapter 51. In evaluating character and general fitness the commissioner will consider among other things any felony or misdemeanor convictions of parties to the application. The commissioner may revoke any pawnshop license if the licensee violates any laws or is otherwise found to be in a condition that would justify a denial of license by the commissioner.

(2) Net assets. Each existing pawnshop license has a defined net assets requirement. Statutory changes have

provided that higher net assets requirements are not retroactive. If there is a change in ownership of a licensed pawnshop that results in the entry of a new person with any ownership interest, the net assets requirement of the license increases to the requirement in effect on the date of entry. Any other type of change in ownership does not cause an increase in the net assets requirement. All new license applications must meet the current net assets requirement.

(3) Determination of net assets. Pursuant to the enactment of Texas Civil Statutes, Article 5069-51.02(g), the amount of net assets that an applicant or licensee has is determined by taking the sum of cash on hand, cash on deposit in banks, the value of tangible personal property held for sale in the pawnshop or to be held for sale in the pawnshop, and the amount of cash loaned on open pawn loans receivable and subtracting any and all unsecured debts, debts secured in whole or part by the previously listed assets, and any other monetary liabilities. Net assets of license obtained prior to this enactment which have a \$25,000 or less requirement are determined by the definition used at the time the license was granted.

(4) Determination of value of property. The value of tangible personal property constituting merchandise shall be the lower of the owner's actual cost or the current market value. The current market value is the wholesale price that a willing seller would accept and a willing buyer would pay for the total inventory transferred in a single bulk sale within 30 days of the valuation. Valuations at cost must be substantiated by reference to the books of the owner which are maintained according to generally accepted accounting principles.

(5) Financial responsibility. The commissioner is required to find that an applicant is financially responsible before granting a pawnshop license. The commissioner shall investigate the history of the applicant as to the applicant's payment of debts, taxes and judgments, and handling of financial affairs generally. Compliance with the net assets requirement is not evidence of financial responsibility.

(6) Experience. The commissioner is required to find that an applicant has experience that would warrant belief that the business will be operated lawfully and fairly within the purposes of the Texas Pawnshop Act. The commissioner shall investigate the history of the applicant and any employees as to their previous satisfactory experience in the operation of a Texas pawnshop or other successful experience in the operation of a business.

(b) Applications.

(1) Forms. Applications for pawnshop licenses under Texas Civil Statutes, Article 5069, Chapter 51 must be

submitted on forms currently prescribed by the commissioner and in accordance with the commissioner's published instructions.

(2) When required. An application must be filed and approved before any person engages in the business of making pawn loans. The application and approval is required without regard to the rate of interest or pawn service charge contracted for, charged, or received, if any. An application must be filed and approved in connection with any change of ownership except as otherwise provided herein. A change in the proportionate interests of two or more owners of a pawnshop must be timely reported but does not require an application.

(3) Disclosure of principal parties. In submitting an application for a license all principal parties must be fully identified. As used herein the term "principal party" includes all individuals associated with applicants as partners, limited partners, officers, directors, shareholders owning any outstanding stock, and trustees. The application need not identify shareholders as described in Texas Civil Statutes, Article 5069, §51.04(d). All persons for whom any trustee acts must be fully identified. The term also includes any individual, or other legal entity who either directly or through ownership or control of any parent, subsidiary, or controlling separate entity has a beneficial interest in the licensed entity. All corporations must identify any officer, director, or shareholder required to be identified in this paragraph who is serving as an officer, director, or shareholder of any other corporation licensed under Texas Civil Statutes, Article 5069.

(4) Bond. The commissioner may require a bond, as authorized by Texas Civil Statutes, Article 5069-51.04(c), of any applicant or licensee. If bond is required, the commissioner shall give written notice to the applicant or licensee to deliver a bond acceptable to the commissioner within 40 days of the date of the mailing of the notice. Failure to provide bond within the required time period may result in denial of any pending application or proceedings to revoke or suspend any license(s) held by the licensee.

(5) Insurance. The commissioner may require general liability and fire insurance coverage, as authorized by Texas Civil Statutes, Article 5069, §51.04(b)(2), of any applicant or licensee. If insurance coverage is required, the commissioner shall give written notice to the applicant or licensee to produce proof of insurance acceptable to the commissioner within 40 days of the date of the mailing of the notice. Failure to provide insurance coverage within the required time period may result in denial of any pending application or proceedings to revoke or suspend any license(s) held by the licensee.

(6) Personal guaranties. The commissioner may require that the principals of a corporate applicant or licensee execute personal guaranties that would, in the event the corporation failed to perform, provide for replacement of pledged goods lost while in the custody of the pawnshop. Such guaranties would, in the event the corporation failed to perform, provide the funds necessary to satisfy the pawnbroker's liability under Texas Civil Statutes, Article 5069-51.16(e), and to pay any amounts due the commissioner.

(7) SEC filings. Any licensee described in Texas Civil Statutes, Articles 5069-51.03(d), and 5069-51.04(d) shall make the filings described therein simultaneously with the commissioner and the Securities and Exchange Commission. Any such licensee shall, upon request of the commissioner, provide the commissioner with such information that it may have or may reasonably obtain regarding its shareholders.

(c) Timetable for actions.

(1) Initial review. The commissioner will respond to applications received by mail within 14 working days of receipt identifying deficiencies and/or requesting additional information.

(2) Approval or denial of complete application. A complete application is one which conforms to the commissioner's published instructions and for which all fees have been paid. A complete application will be approved or denied within 60 days from the date received by the commissioner.

(d) Notice to commissioner of change of ownership.

(1) Sale, transfer, or assignment. No license may be sold, transferred, or assigned without written approval of the commissioner. Any sale, transfer, or assignment of a license shall be reported to the commissioner within three business days of the transaction and said transaction shall be made subject to, and on the condition of, the approval of the commissioner. An application is required.

(2) Acquisition of license by gift, devise, or descent. Any person or other legal entity acquiring any license through gift, devise, or descent shall promptly notify the commissioner and submit such proof of ownership as the commissioner may require. An application is required.

(3) Organizational form of business. A pawnbroker desiring to alter the organizational form of business under which the licensed business is conducted without effecting any change of beneficial ownership, management, or control shall advise the commissioner by filing an amended application reflecting the change.

(4) Application filing deadline. Applications filed in connection with any change of ownership may be filed in

advance but must be filed no later than 14 days following the actual change.

(e) Purchaser operating under seller's license. The commissioner may approve a written agreement whereby the seller grants the buyer the authority to operate a pawnshop under the seller's license pending approval of the buyer's license application. The agreement must provide that the seller accepts full responsibility to the commissioner and any customer of the pawnshop for any acts of the buyer in connection with the operation of the pawnshop. The request to operate under the seller's license must be submitted along with the written agreement between the seller and buyer not less than three business days after the date of sale.

(f) Relocation of a pawnshop.

(1) Notice to commissioner. A pawnbroker may move a pawnshop from the licensed location to any other location, as permitted under this chapter as to siting of pawnshops, but must forward notice of the intended relocation to the commissioner not less than 30 days prior to the anticipated relocation date. Such notice must include the present name and address of the licensed pawnshop, the anticipated date of relocation, and a sample copy of the notice to be mailed to pledgors on open pawn loans.

(2) Notice to customers. Written notices must be mailed to all pledgors on open pawn loans at least 15 days prior to the date of the relocation. Notices must identify the pawnshop, identify both the old and the new locations, and the telephone number of the new location and date the relocation is effective. The commissioner may modify the notification requirements if the relocation adversely affects pledgors. Such modification may require the pawnbroker to extend the maturity date of pawn transactions and/or waive the collection of pawn service charges which may accrue after the action is taken. No relocation shall be made which will adversely affect pledgors to the extent that redemption is unreasonable or impossible due to the distance between the locations. The commissioner may approve notification by signs in lieu of notification by mail if in his opinion no pledgors will be adversely affected.

(g) Relocation of pawn loans. A pawnbroker may sell pawn loan receivables to a nonaffiliated licensee or transfer pawn loan receivables to an affiliated licensed location. The pawnbroker must notify the commissioner of an intended transfer to an affiliate not less than five business days in advance of the transfer and of a sale to a nonaffiliate not less than three business days after the date of sale. Such notice must include the present name and address of the licensed pawnshop, the name and address of the receiving pawnshop, the anticipated date of sale or transfer, a sample copy of the

notice to be mailed to pledgors of active pawn transactions, and a copy of any agreement between the buyer and seller concerning the sale of loans.

(h) Expiration and renewal of licenses.

(1) Coordination with regulated loan licenses. Where both a pawnshop license and a regulated loan license are issued to any person authorizing the conduct of both businesses at the same location, the pawnshop license and the pawnshop employee licenses of employees of such pawnshops shall expire on December 31 of each year unless the annual fees for the following calendar year have previously been paid. At any time a pawnbroker obtains, surrenders, or transfers a regulated loan license authorizing such business at the same location as the pawnshop the expiration date of the pawnshop license shall be adjusted in accordance with these provisions and any license fee collected in the year of change shall be computed on a pro rata basis.

(2) General expiration date. All other pawnshop licenses and the pawnshop employee licenses of employees of such pawnshops shall expire on June 30 of each year unless the annual fees for the following year have been previously paid.

(3) Pro rata fees. The license fee for any new pawnshop license shall be the statutory annual fee if that license becomes effective more than six months prior to its expiration date; otherwise, the fee shall be one-half of the annual fee.

§85.4. Pawnshop Employee Licensing.

(a) Knowledge of laws and rules. Every applicant or employee must have sufficient knowledge of all applicable laws and rules as they relate to their area of responsibility. All applicants and employees must satisfactorily complete a course of study prescribed by the commissioner within a time period specified by the commissioner to be eligible for a license or to retain the license issued. Failure to satisfactorily complete the required study will result in a denial of license or an action to revoke the license.

(b) Application.

(1) A pawnbroker must notify employees of the pawnshop of employee licensing requirements and make available to employees all necessary forms for the employees to apply for pawnshop employee licenses. This action is required at the date of employment.

(2) Applications for a pawnshop employee license under the Texas Pawnshop Act must be submitted on forms currently prescribed by the commissioner and in accordance with his instructions.

(3) The application and any required exhibits may not be accepted for

filing until compliance with the commissioner's published instructions have been made. The 60-day period within which the commissioner must act on an application begins when a completed application is received and all required fees have been paid.

(4) No person may apply for a pawnshop employee license unless that person is an employee of a pawnshop.

(c) Employment of persons with licenses.

(1) If a pawnbroker hires a person who holds an employee license which is currently valid, a new application is not required. The pawnbroker must notify the commissioner of the employment of such a person within 10 days of hiring. The pawnbroker should provide notification on forms provided by the commissioner. A new license will not be issued due to an employment change during the year and no extra fee will be charged.

(2) Any pawnshop employee whose license has expired must make a new application.

(d) Display of license.

(1) All pawnshop employee licenses must be displayed at the employing pawnshop in a position visible and readable by the public. The employee named in each pawnshop employee license is the owner of the license and may take possession of the license when terminating employment.

(2) If the commissioner provides an identification card designed to be worn, the employee must wear it in a visible position on or about the employee's chest while dealing with customers in the pawnshop.

(3) If a pawnshop employee regularly works in several pawnshops, the employee must display the employee license at the pawnshop whose address is on the license or other new address reported to the commissioner. The employee must carry the pocket card issued with the license when working at other pawnshops.

(e) Renewal.

(1) A pawnshop employee license may be renewed annually by payment of the required fee and submission of a renewal application prescribed by the commissioner. Renewal applications may be rejected if not completed in accordance with the commissioner's printed instructions.

(2) No person may apply for renewal of a pawnshop employee license unless that person is an employee of a pawnshop.

(f) Employee terminations. When the employment of a licensed employee is terminated, the pawnbroker must notify the commissioner of such termination. The pawnbroker must give this notification

within 10 days of the termination and should do so on forms provided by the commissioner.

(g) Exemptions. A person who holds a beneficial interest in a pawnshop may work in that pawnshop without an employee license but must not work in any other pawnshop without making application for and obtaining an employee license within the period prescribed in the Texas Pawnshop Act.

(h) Age and citizenship. There is neither a minimum age to qualify for a license nor an age at which a person is exempt from licensing. United States citizenship is neither required to obtain a license, nor is an alien exempt from licensing. Employment laws relating to age and citizenship are not affected by licensing requirements.

§85.09. Siting of Pawnshops. Application of local ordinances; authority of the commissioner. Upon receiving application for a pawnshop license or to relocate a pawnshop, the commissioner shall determine whether all applicable local authorities have authorized operation of a pawnshop on the proposed site. If the commissioner finds that local authorities have denied required authorizations without discrimination as to the type of lender, the commissioner will deny the application. If the commissioner finds that the zoning of the proposed site would permit a lending business by any other lender supervised by the Finance Commission of Texas, the commissioner may approve the application. Approval of the application shall constitute the final authorization required for the operation of a pawnshop; however, the pawnbroker must comply with local ordinances in developing and using the site which would be applicable to other lenders.

§85.12. Business Records. Each pawnbroker must keep adequate books and records relating to all business transacted in the pawnshop. The following records are the minimum required records and must be kept in the pawnshop unless otherwise approved by the commissioner.

(1) Loans.

(A) Pawn ticket.

(i) Prescribed form and content. The commissioner shall prescribe the form and content of the pawn ticket. Each pawnbroker must file with the commissioner a sample of the pawn ticket to be used. In a manual records system the pawn ticket must be a four-part form on which entries to the top part are legibly and simultaneously reproduced on the remaining parts. The ticket must contain all the information required in Texas Civil Statutes, Article 5069.51.10, satisfy the requirements of the Truth in-Lending Act

and Regulation Z, and contain any additional information which the commissioner may prescribe. All parts of the form must be sequentially numbered by the printer who produces the ticket. The form must provide a perforated sequentially numbered stub to be utilized in tagging pledged goods.

(ii) Distribution of copies.

The original must be given to the pledgor when the loan is made. The second part must be made available to a local law enforcement agency and may be retained by the agency. The third part must be placed in an alphabetical file of open loans. The fourth part must be maintained in a file in strict numerical sequence. The back of the fourth part must provide appropriately designated spaces for posting amounts paid on the loan. The original and third parts of voided tickets must be retained and filed with the fourth part of the ticket.

(B) Memorandum of extension.

(i) Prescribed form and content. The commissioner shall prescribe the form and content of the memorandum of extension. A written memorandum must be used to document the extension of the maturity date of a pawn loan. The extension must be by agreement between the pledgor and the pawnbroker. The memorandum must be a two-part form on which entries to the top part are legibly and simultaneously reproduced on the second part. The memorandum must set out the pawn ticket number of the loan being extended, the date of preparation of the memorandum, the extended maturity date, the amount of pawn service charge (finance charge) paid, the additional amount of pawn service charge to be paid as a result of the extension, the date to which earned pawn service charges have been paid, and the daily rate at which the pawn service charge accrues. A written procedure explaining the proper use of the memorandum of extension shall be published and made available to all pawnbrokers.

(ii) Distribution of copies.

The original of the memorandum must be given to the pledgor or shall be mailed to the pledgor if the transaction is negotiated by mail. The copy shall be retained by the pawnbroker and shall be attached to the fourth part of the corresponding pawn ticket.

(C) Records of payment and forfeiture. A written record of any cash payment on a loan must be made immediately upon receipt. Payments received must be posted on the day received to the back of the fourth part of the pawn ticket. The payment record shall show at least the following information:

(i) the date (month, day, year) of payment;

(ii) the actual amount received and itemized as applied to:

(I) principal (amount financed);

(II) pawn service charge;

(III) charge for lost ticket statement;

(IV) charge for packing, insurance, and shipping.

(D) Written receipt. A pawnbroker must upon request give a payer a written receipt for any payment on a loan.

(E) Record of redemption option. When a pawnbroker exercises his option to take pledged goods as his property he must make a notation of such action and the date of action on the back of the fourth part of the pawn ticket. If a pawn ticket has not been so marked, the related loan is considered open even if the grace period has expired. The pledged goods on any open loan may be redeemed by payment of the amount financed and any pawn service charges accrued to the actual date of redemption.

(F) Alphabetical index. The third part of each pawn ticket issued is to be promptly filed alphabetically by the name of the pledgor as an index of pledgors with open pawn loans. The index shall be maintained in strict alphabetical order and tickets promptly removed when the corresponding loans are closed.

(G) Numerical index of loans. The fourth part of each pawn ticket must be filed in numerical sequence by the serial number on the ticket.

(H) Numerical index of redemptions. The original of each pawn ticket returned to the pawnbroker must be filed in serial number sequence. Separate lost ticket statement forms must be filed with the original pawn tickets according to the serial number of the related ticket. This file may be maintained separately or may be merged and combined with the numerical index of loans.

(2) Agreement to purchase.

(A) Prescribed form and content. The commissioner shall prescribe the form and content of the agreement to purchase, commonly called the sellers bid of sale. Each pawnbroker must file with the commissioner a sample copy of the form to be used. The form must be a three-part form

on which entries to the top part are legibly and simultaneously reproduced on the remaining parts. The form must contain a warranty that the seller has the right to possess the property, the information required in Texas Civil Statutes, Articles 5069-51.16(i), and such additional information as the commissioner may require. All parts of the form must be sequentially numbered by the printer who produces the agreement.

(B) Distribution of copies. The original must be retained by the pawnbroker in serial number sequence. The second part must be made available to a local law enforcement agency and may be retained by the agency. The third copy must be given to the seller of the goods at the time such goods are purchased by the pawnbroker.

(3) Titled goods.

(A) Negotiation. A pawnbroker may accept motor vehicles and other tangible personal property requiring a certificate of title as goods pledged on loans. The pawnbroker must not have the owner sign the title to effect transfer to the pawnbroker.

(B) Limited power of attorney. When a pawn loan involves titled property, the pawnbroker may require that the owner sign a power of attorney form appointing the pawnbroker as his attorney-in-fact for the sole purpose of transferring the ownership of the titled property to the pawnbroker in the event the pledgor fails to pay the loan. The pawnbroker must establish a separate, special file in which all powers of attorney, certificates of title, and registration receipts are kept.

(C) Title, tax, and transfer fees. A pawnbroker must not charge for title, tax, transfer, or other such fees when accepting titled goods on a pawn loan.

(4) Standards for describing goods. Pledged goods and purchases must be accurately and fully described. All serial numbers including vehicle identification numbers and boat hull numbers that are reasonably available must be accurately entered on required documents. Any owner applied number must be recorded. The item type, brand, make, or model number must be recorded when applicable as are inscriptions, color, size, length, or unique markings and design.

(A) Firearms. Descriptions of firearms must also include caliber and type of firearm such as handgun or pistol, rifle, shotgun, airgun, or black powder weapon.

(B) Jewelry. Descriptions of jewelry must also include type of metal including the purity of gold if indicated or determined, gender, style and type, color, shape, number, size, and weight of stones. Class ring descriptions must include school name, class year, and initials or other personalized inscription.

(C) Motor vehicles. Descriptions of motor vehicles must include the year model of manufacture, body style, and license plate number and state of registration.

(D) Required sequence. The commissioner may prescribe a required sequence in which primary descriptive information is required to be entered on pawn tickets and on agreements to purchase.

(5) Sales. A pawnbroker must give a purchaser an appropriate written acknowledgement of any amounts paid for purchases.

(6) Layaways.

(A) Written agreement required. A pawnbroker must establish a written agreement for every layaway. A copy of the agreement must be given to the purchaser at the time the agreement is established.

(B) Prescribed content. The agreement must accurately and fully describe the goods according to the rules for describing goods on pawn tickets. The agreement must also disclose the sale price of the goods, the amount paid when the agreement was established, the dates, and amounts of payments required to fulfill the agreement. The agreement must clearly state whether the purchaser has any vested rights in amounts paid in the event of default and what those rights are, if any.

(C) Payment receipts. The pawnbroker must give the purchaser a written receipt for every payment made on a layaway. The agreement may be designed and used to satisfy this requirement.

(7) Accounting records and systems. Each pawnbroker must establish and maintain procedures to record transactions that will produce financial and accounting records that conform with generally accepted accounting principles. A study and evaluation of the internal accounting control system shall be performed by an independent certified public accountant who shall issue a report expressing reasonable assurance that the system can be counted on to produce reliable financial information and to safeguard assets. Any modification of the pawnbroker's accounting system requires an update of the accountant's report.

(8) Records maintained on electronic data processing (EDP) systems.

(A) Filing of description of systems and programs. Records and accounting systems maintained in whole or in part by electronic data processing may be used in lieu of the books, files, and records required by this chapter if they contain equivalent information. Each such system must receive prior written approval from the commissioner. Pawnbrokers seeking such approval must file a complete and detailed written description of the system proposed to be utilized, including an enumeration of all features that do not meet the requirements of the regulations and a full explanation as to how the equivalent information is maintained with the proposed system. Filings must include operating manuals and instructions and, if requested, a copy of the software in the magnetic media as used by the pawnbroker. Printed user instructions must provide a clear and concise section of procedures which must be followed to operate the system as contemplated by the commissioner in approving the system.

(B) Filing of amendments. All changes to a pawnbroker's electronic data processing system must be filed with the commissioner at least 14 days in advance of use by a pawnbroker.

(C) Withdrawal of approval by the commissioner. If based on examinations and practical experience with an EDP system and its records the commissioner finds that such system and records do not function and provide information as anticipated at the time of approval and are unsatisfactory, approval may be withdrawn by the commissioner. A pawnbroker will have 90 days to make modifications in accord with directives of the commissioner concerning a satisfactory record system.

(D) Reporting property transactions to law enforcement. The commissioner may require that pawnbrokers who maintain their records by use of an electronic data processing system must report their loan transaction information and information on purchases of used tangible property to an appropriate local law enforcement agency directly or through the commissioner's office. The commissioner may do this by publication of a bulletin setting forth the technical criteria and details developed through consultation with interested law enforcement agencies and vendors of electronic data processing system software.

(9) Records retention. All required books, records, instruments, and papers must be available for inspection at any time by the commissioner or his authorized representative for two years

from the date of the last recorded transaction.

(10) Consumer credit commissioner file. Each pawnbroker shall maintain a separate file for all communications from the commissioner and for copies of correspondence and reports addressed to the commissioner. This file shall include, but not be limited to, copies of the Texas Pawnshop Act, examination reports, and any orders and rules issued by the commissioner.

(11) Annual report. The commissioner may require that each pawnbroker complete and file an annual report with the commissioner. The report shall be made on forms published by the commissioner and shall contain such information as the commissioner may require. The commissioner shall not publish or publicize the information reported by any pawnbroker but may publish information consolidated from reports of pawnbrokers in particular regions or on a statewide basis.

§85.22. Personal Property-Pledged or Sold to Pawnbroker.

(a) Pledged goods—liability of pawnbroker.

(1) A pawnbroker is liable for any loss or damage to pledged goods. No signs shall be posted in a pawnshop and no verbal statements shall be made by a pawnbroker or pawnshop employee that would lead a pledgor to believe otherwise.

(2) A pawnbroker shall not advise a pledgor that the replacement of lost or damaged pledged goods will be accomplished in any manner which is more limited than replacement with like kinds of merchandise. The amount loaned on pledged goods may not be used in the determination of the value of pledged goods being replaced.

(3) Each pawnbroker shall establish a separate record immediately upon discovery that pledged goods have been lost or damaged. If the current market value of the lost item(s) or the extent of damage to the pledged item(s) exceeds \$1,000, the pawnbroker shall immediately notify the commissioner by telephone and in writing of the scope of such loss or damage.

(4) No payment of pawn service charge or for application to principal of a pawn loan shall be accepted by a pawnbroker if the pledged goods are not in the possession of the pawnbroker or otherwise cannot be made available to the pledgor for redemption. Likewise, no payment shall be accepted by a pawnbroker if the pledged goods were damaged while in the possession of the pawnbroker and such goods were not fully restored.

(5) In each instance when a pawnbroker must deny acceptance of

payment by a pledgor under this section, the pawnbroker shall, at that time, provide the pledgor with a notice of the rights of the pledgor.

(6) The required notice shall be in a form prescribed by the commissioner and shall:

(A) disclose the rights of the person entitled to recover the pledged goods;

(B) prescribe the information required to be recorded and maintained by the pawnbroker relative to the lost or damaged goods.

(7) If a pawnbroker accepts pledged goods that cannot be stored inside the pawnshop, i.e. motor vehicles, boats, trailers, construction equipment, etc., such goods are required to be stored within the proximity of the pawnshop and shall be securely enclosed by protective fencing. Reasonable protection for pledged goods stored in a fenced area shall include security lighting and an alarm system that is generally approved, accepted, and recognized as appropriate to this type of application.

(b) Goods alleged to have been stolen. The commissioner shall consult with all local law enforcement agencies that have pawnshops in their jurisdictions to develop a uniform policy and procedure concerning police holds and seizures. This policy and procedure shall address the ordering of holds, the release of holds, the term of holds, renewal of holds, documentation, notice to customer attempting to redeem goods on hold, and reporting to the commissioner.

§85.30. Notices of Licensing, Regulation, and Law. A pawnbroker must provide that the following notice is legibly printed on every pawn ticket and on every agreement to purchase that is delivered to the customer and posted in a form provided by the commissioner: "Pawnbrokers are required to be licensed by: The Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705-4207, (512) 479-1289, (214) 263-2016, (713) 461-4074; Contact the above Office relative to any inquiries or complaints."

§85.50. Advertising.

(a) Prohibition—false, misleading or deceptive. No pawnbroker may advertise or cause to be advertised, in any manner whatsoever, any false, misleading, or deceptive statement or representation. No person may advertise the availability of pawn loans or suggest by use of any sign or other advertisement that a place of business is a pawnshop unless that person holds a pawnshop license for that place of business.

(b) Advertising copy file. Every pawnbroker must maintain at the licensed location or other location authorized by the commissioner a complete record of all printed and other advertising material used. This record must be retained until the next examination by a representative of the commissioner. Printed text or audio cassette recording of any audio advertising and a VHS video tape copy of any television advertising must be included. If any language other than English is used in any advertising material, a true and correct translation must be made and attached.

(c) Compliance with federal laws and regulations. Every pawnbroker must comply with all applicable requirements and disclosures of the Truth-in-Lending Act and Regulation Z.

(d) Use of state agency name. It shall be permissible for a licensed pawnbroker to publicly display or advertise the following statement: "This pawnshop is licensed and examined by the Office of Consumer Credit Commissioner of the State of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705-4207, (512) 479-1289." In addition, any pawnbroker must include any telephone number that provides toll free calling to the commissioner's office from the trade area in which the advertising is used. The authorized statement must be used in its entirety if any reference is made to licensing or regulation.

§85.57. Examinations and Investigations. Corrective actions required. If the commissioner determines that a pawnbroker has excessive violations of the Texas Pawnshop Act or other applicable laws, the commissioner may direct the pawnbroker to review his records and make appropriate refunds or take other corrective actions. The pawnbroker must comply with such directive within a reasonable period of time as specified by the commissioner.

§85.58. Miscellaneous Operating Provisions.

(a) Hours and days of operation.

(1) Public posting. Each pawnbroker must post the days and the hours of each day that the shop will be open for business. The pawnshop shall be open for business during the posted hours. If the pawnshop must be closed due to an emergency, a notice of closing must be posted. Such notice must include the date and the time that the pawnshop will reopen for business. Both postings must be easily visible to a person outside all public entrances.

(2) Hours of operation. Every pawnshop must maintain normal minimum business hours of four hours on each of five days each week. No pawnshop shall begin

doing business before 7 a.m. nor continue doing business after 9 p.m. local time.

(3) Temporary, non-emergency closings. All pledgors must be adequately advised, both orally and through use of posted notices, prior to the planned date of the temporary closing. Any closing in excess of three business days requires notification of the commissioner in advance. A notice shall be posted as in subsection (1) of this section.

(4) Effect of closing. The amount of pawn service charge scheduled to accrue on each pawn loan during closings of one or more full days must be waived for any person who made an unsuccessful effort to redeem goods during such closings. If the 60-day grace period of any pawn loan is scheduled to expire during a closing, it is extended by one business day for each posted business day or part of a day that the pawnshop is closed.

(b) Identification of customers.

(1) pledgors and sellers.

(A) Acceptable identification documents. Any time a pawn loan or a purchase is made, the pawnbroker must require that the customer show acceptable identification which contains a photograph of the customer. No other method of identification may be used. The pawnbroker must examine the photograph to be sure it is of the customer. A pawnbroker must refuse to make a loan or purchase goods when presented any identification that an experienced pawnbroker would recognize as counterfeit or that has a photograph or physical description that does not correspond with the person presenting the document. The following documents of identification are acceptable:

(i) Texas (or any other state's) driver's license;

(ii) Texas (or any other state's) identification card;

(iii) A passport issued by any government;

(iv) United States Military identification including dependent, retired, and reserve status cards;

(v) Non-Resident Alien Border Crossing Card, Form Number I 586;

(vi) Resident Alien Border Crossing Card, Form Number I 551.

(B) Expired and lost documents. Any of the preceding documents which have expired no more than four months prior to the date of presentation are considered acceptable identification provided the pawnbroker notates the fact and date of expiration on the pawn ticket or agreement to purchase and gives an oral warning to the customer. If a customer has lost or had his driver's license

stolen, the temporary driving permit plus any form of picture identification is considered acceptable.

(C) Use of a friend's identification. A pawnbroker must not accept identification from any person except the person who first proposes a sale or requests a loan unless the pawnbroker has evidence that such other person is the lawful owner of the goods.

(D) Thumbprint identification. A thumbprint of the person pawning, pledging, or selling items to a pawnbroker or pawnshop shall be required in a form approved by the chief of police. Access to the prints will be restricted and not disclosed to the general public. Such prints will only be used by the police department for law enforcement purposes.

(2) Persons presenting pawn tickets to redeem pledged goods. Texas Civil Statutes, Article 5069-51.14, requires that the person presenting a pawn ticket to the pawnbroker for redemption properly identify himself. If not personally known to the pawnbroker, the pawnbroker must identify the person by requiring the person to produce an acceptable form of identification or, if the presenter has no proper identification, having another person who has acceptable identification confirm the identity of the person presenting the pawn ticket. A pawnbroker must record on the original pawn ticket the type of identification and the identifying number presented by any person other than the pledgor.

(c) Use of pledged goods prohibited. A pawnbroker must not use or permit any other person to use pledged goods.

(d) Public display of pledged goods prohibited. A pawnbroker must not place pledged goods in a public area of the pawnshop.

(e) Pawnshop premises.

(1) Security.

(A) Alarms. All pawnshops must be protected by an alarm system or systems that are generally approved, recognized, and accepted as sufficient to detect and signal unauthorized entry or presence of unauthorized persons and protect such premises. The purpose of such protection is for the security of pledged goods.

(B) Safes. A pawnbroker must provide a safe of a type generally recognized and accepted as suitable for the application for the safekeeping of pledged jewelry.

(C) Weapons. A pawnbroker may keep loaded firearms in areas of the pawnshop not open to the public such as

behind and beneath counters over which business is conducted. Such firearms may only be displayed in an offensive or defensive manner when a pawnbroker is confronted by an armed person or by an aggressive person who is clearly threatening the pawnbroker with serious bodily harm. No pawnbroker may wear or carry any firearm on his person in a manner visible to the public in a pawnshop during business hours. The prohibition against wearing or carrying a firearm in the pawnshop does not prohibit the employment of an armed, uniformed security guard. The possession of firearms and employment of a security guard must be in accordance with all applicable laws, ordinances, and rules.

(D) Vehicle barriers. All exterior walls of pawnshops that are susceptible to breakthrough by a motor vehicle shall be protected. Protection shall consist of vertical sections of steel pipe not less than 66 inches in length by four inches in diameter set 36 inches deep in the ground in concrete, spaced at intervals that would not permit the entry of a vehicle capable of a breakthrough.

(E) Walls. All exterior walls of a pawnshop that are susceptible to breakthrough by use of tools or equipment smaller than a motor vehicle shall be reinforced internally with plywood 5/8 inches or heavier and externally with suitable sheet steel to a height of five feet above the ground.

(F) Bars. Bars and other fabricated metals constructed and installed to prevent or inhibit unauthorized entry to a pawnshop must exhibit a good quality of workmanship and must be painted or otherwise finished in a subdued color that does not call attention to their presence.

(2) Compatibility with surrounding properties. All pawnshop properties shall be designed, constructed, and maintained in a manner that is compatible with properties within 750 feet from any point on the pawnshop property. Compatibility shall be measured by but not be limited to: type of construction, external colors, landscaping, screening from residential areas, lighting, traffic flow into and out of the property, signage, outside storage areas, outdoor display of goods, and general level of maintenance and upkeep, including trash removal.

(3) Outdoor displays. All outdoor displays of merchandise for sale must be compatible with surrounding properties. Outdoor displays must not be established unless permitted by local ordinances and customarily established by other retail merchants in the immediate vicinity. No displays may be placed on public right-of-way or within 15 feet of any street. All displays must be orderly.

(4) Signage. All signage must be in compliance with local ordinances. All pawnbrokers must avoid the use of garish colors in signage. Each pawnshop must have at least one readily visible permanent external sign clearly stating the trade name of the business as shown on the pawnshop license issued by the commissioner. No signage may be constructed or positioned that creates a safety hazard.

(5) Cleanliness. Every pawnshop must be maintained in a manner that presents an impression of cleanliness to the public. A pawnbroker must sweep or vacuum the floors and remove all trash in all public areas daily and all non-public areas at least weekly. A pawnbroker must dust all merchandise and display areas at least every two weeks. The exterior of all windows must be cleaned at least monthly and the interior at least quarterly. All pawnshops must be maintained to prevent noxious odors.

(6) Animals. Pawnbrokers may keep dogs and domestic cats in a pawnshop provided their presence or evidence of their presence is not offensive. A pawnbroker must not keep in a pawnshop dogs or any other animals trained to attack humans on command. A pawnbroker must not keep any other animals in a pawnshop unless secured in an enclosure consisting of solid walls, ceiling, and floor.

(f) Identification of source of goods in pawnshop. Every item of tangible personal property located in a pawnshop other than personal effects of persons in the pawnshop and furniture, fixtures, and equipment of the pawnshop shall be tagged or otherwise marked to identify the source of the goods or the transaction through which the goods were obtained. This section shall apply to all goods purchased by or forfeited to a pawnbroker on and after its effective date.

(g) Hold period. Each item of personal property purchased or otherwise acquired by a pawnbroker, other than forfeited goods, must be held at the pawnshop by the pawnbroker for a period of at least 30 days from the date of acquisition before being sold or disposed of in any manner.

(h) Modification of character of goods. A pawnbroker must not modify or change the characteristics of any goods in his possession in connection with any open pawn loans or during any hold period described in subsection (g) of this section.

(i) Redemptions by mail.

(1) Persons authorized. Any person who relocates subsequent to making a loan and thereafter resides more than 50 miles from the pawnshop must be permitted to redeem by mail. Such a person may do so after identifying himself, presenting the pawn ticket, and making such a request of the pawnbroker provided the pawnbroker has not received prior notice that the pawn ticket has been lost, destroyed, or stolen.

(2) Shipping, handling, and insurance charges. The pawnbroker shall be entitled to recover the reasonable and necessary expenses involved in the packaging and shipping of the goods and any additional charge to insure the goods. Goods must be insured for their retail value during shipment. Shipment may be by United States Mail or any authorized parcel delivery service.

(j) Monitoring of transactions and customers.

(1) Type of goods offered. A pawnbroker must not purchase, accept in pawn, or otherwise acquire any item on which the serial number has been defaced, altered or removed. A pawnbroker must monitor goods coming into a pawnshop in an effort to identify situations where there is an indication that the goods are stolen. Examples of situations that should be identified, investigated, and rejected if appropriate are: expensive jewelry or equipment not compatible with the customer's employment and economic status, a greater number of items of a particular type than one person would be expected to own, new goods in original containers, owner applied identification numbers that do not match the customer's numbers, or class rings with school year or engraved initials not consistent with the customer's age or name.

(2) Number of concurrent loans. Each pawnbroker must provide the commissioner, within five days from the first day of each calendar month, copies of all outstanding pawn tickets with individuals who have 10 or more open loans with the pawnbroker.

(3) Acceptance of uniquely marked goods. A pawnbroker must not purchase, accept in pawn, or otherwise acquire any item that is marked in a manner that suggests or indicates ownership by a rental company, motel, training school, construction company, governmental body, or any other person or firm other than the person offering the item to the pawnbroker, unless the seller or pledgor produces a valid receipt or other proof of purchase or ownership of the item.

(4) A pawnbroker must not make a loan to purchase goods from any person believed to be under the influence of alcohol or other drugs.

(k) Purchases from minors prohibited. A pawnbroker must not purchase goods from a person under the age of 18 years.

(1) Other business on pawnshop premises.

(1) By the pawnbroker. A pawnbroker must notify the commissioner of any type of business that he conducts on the pawnshop premises other than making and collecting pawn loans and buying and sell-

ing goods. Such notice must be made within 30 days of the effective date of this chapter or thereafter prior to starting such business.

(2) By others. A pawnbroker must not permit another person to engage in any business on the premises of a pawnshop without first filing such information about such person and business as the commissioner may require. The commissioner may refuse to permit the operation of such other business if after thorough investigation he finds the operation to be inconsistent with the purposes of the Texas Pawnshop Act.

(m) Unclaimed funds-Escheat. A pawnbroker shall transfer any amounts due a pledgor not paid within one year to an Escheat suspense account. Amounts not Paid include amounts unclaimed by pledgors. The transfer shall be noted on the reverse side of the fourth part of the pawn ticket.

(1) Proof of attempt to pay refund. Evidence of a bona fide attempt to pay a refund to a pledgor must be kept in the records of the pawnshop. The minimum acceptable evidence of a bona fide attempt is certified mail sent to the last known address of the pledgor. A pawnbroker must retain in the files of the pawnshop any information which indicates the pledgor has died leaving no will or heirs, or has left the community and the pledgor's whereabouts are unknown.

(2) Use of unclaimed monies. Use of unclaimed monies within the business until such time as paid to the pledgor, the estate of the pledgor, or to the State of Texas is not prohibited.

(3) Payment of unclaimed funds to treasurer. At the end of three years a pawnbroker must request the necessary escheat forms from the state treasurer and pay the unclaimed funds to the treasurer, as required by the Property Code.

(4) Preservation of records. The records of the Escheat suspense account shall be preserved for a period of four years.

(n) Duties and responsibilities of pawnbrokers.

(1) Examinations. When a representative of the commissioner appears at a pawnshop to make an examination, the pawnbroker must provide the examiner with a desk or table providing adequate working space. The pawnbroker must also provide a suitable chair, adequate lighting, and convenient access to a 110-volt electrical outlet in an area reasonably suited to the type of work to be performed.

(2) Communications. A pawnbroker must not misrepresent to any examiner, peace officer, or any other person with a valid interest any information regarding activities in or about the pawnshop or the status of any goods which may

have come into the pawnbroker's possession.

(3) Responsibility for acts of others. Any person who holds a pawnshop license may be held responsible for the acts of its officers, directors, employees, and agents in the conduct of the pawnshop business.

(4) Arrests. A pawnbroker must report to the commissioner within three business days any arrest, charge, indictment, or conviction of the pawnbroker or any employee of the pawnbroker. Any such action or indictment that would not require reporting on a pawnshop employee license application form in use at that date is excepted from reporting.

(5) Federal firearms license. A pawnbroker must report to the commissioner any known investigation of alleged violations of the federal laws or rules relating to firearms. A pawnbroker must also report any adverse action proposed or taken by the Bureau of Alcohol, Tobacco, and Firearms against the federal firearms license held by or used in the pawnshop. Such reports must be made within three business days of the pawnbroker's knowledge of such information or action.

(6) Other business locations. A pawnbroker must report to the commissioner the name and address of every location at which the pawnbroker or any affiliated person operates a second hand merchandise store, buy shop, retail outlet, or other similar business or any business to which the pawnbroker regularly transfers goods from the pawnshop, whether on a permanent or temporary basis.

(7) Electrically powered pledged goods. A pawnbroker must provide a site within the pawnshop that has appropriate electrical outlets where customers can test electrically powered goods at the time of redemption.

(A) Display of sign. Every pawnbroker shall prominently display in the redemption area of the pawnshop a sign no smaller than one foot by two feet with appropriately sized lettering reflecting the following: "Pawn Customers: For your protection, we suggest you test all electrically powered goods you redeem before you leave the shop."

(B) Alternative procedure. Alternatively, the pawnbroker may provide

the testing with an appropriately modified sign displayed.

(8) Alcoholic beverages and other drugs. A pawnbroker must not use or possess or permit the use or possession of any drugs or other chemicals in or around the pawnshop if such use or possession violates any law or ordinance. A pawnbroker must not operate the pawnshop while under the influence of alcohol or other drugs.

(9) Treatment of customers. A pawnbroker must not treat any customer in an abusive manner when any dispute arises over a regulated transaction.

(o) Board of review. The commissioner may appoint a board of review consisting of no more than three pawnbrokers and four persons not engaged in the business of a pawnbroker. The commissioner may request the board review such matters as violations of the Texas Pawnshop Act, complaints received by the commissioner, issues of possible unethical conduct by particular pawnbrokers or pawnbrokers in general, and such other matters as the commissioner may determine. The board shall review such matters as are presented to it and make recommendations to the commissioner as to appropriate action or response.

(p) Consumer education. A pawnbroker must provide a small, suitable space in a public area of the pawnshop for a display of printed materials designed to educate and inform customers of their duties, rights, and responsibilities in consumer credit transactions. The display and printed materials will be furnished by the commissioner.

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 July 20, 1990.

TRD-9007338
Al Endsley
Commissioner
Office of Consumer Credit
Commissioner

Earliest possible date of adoption: August 27, 1990

For further information, please call: (512) 479-1280

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TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Customer Service and Protection

• 16 TAC §23.45

The Public Utility Commission of Texas proposes an amendment to §23.45, concerning customer billing. As the section currently reads, telephone customers interested in verifying the accuracy of their bills must make a written request to the telephone utility to obtain a breakdown of local service charges. Similarly, electric customers interested in re-computing their bills must request a rate schedule from the electric utility. The proposed amendment corrects these shortcomings by requiring utilities to itemize billed charges on a monthly basis and to provide sufficient detail to enable the customers to check the accuracy of the bills. The proposed amendment also contains a provision allowing telephone business customers the option of receiving a monthly telephone bill which does not itemize features and services. Telephone business customers electing this option receive a less detailed monthly bill and a fully itemized bill once each year. The proposed amendment requires that electric utilities prominently display the total amount due for services, separately list all charges included in the bill, and prominently display the monthly usage. Finally, the proposed amendment requires the retention of billing records for a two-year period after the bill is mailed to a customer.

Patrick J. Sullivan, assistant 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. Sullivan 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 allow ratepayers to verify the accuracy of their bills; to allow ratepayers to confirm receipt of and evaluate the cost of those optional telephone features and services for which they are being billed; to allow ratepayers to evaluate their monthly consumption of electricity and the effect that conservation can have on their total bill; and to facilitate billing compliance audits conducted by commission personnel. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the section as proposed is as follows:

	1990	1991	1992	1993	1994
Capital Costs	\$2,000,000	-0-	-0-	-0-	-0-
Operation and Maintenance Costs	<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>
TOTAL	\$3,000,000	1,000,000	1,000,000	1,000,000	1,000,000

Capital costs include the one-time only cost of additional equipment and computer software needed to include itemization in present billing. Operations and maintenance costs include the additional labor and supplies utilized in preparing, processing, and storing the itemized customer bills. The previously stated total is an estimate of the cumulative cost of compliance for all regulated utilities in the state. The economic cost of compliance for each individual utility depends upon a number of variables, including utility size, customer base, computer software capability, and so forth. Persons submitting comments are encouraged to submit estimates of the costs, if any, of compliance with the proposed amendment and estimates of the time needed to achieve compliance with the new requirements.

Finally, Mr. Sullivan has determined that for each year of the first five years the section is in effect, there will be no impact on employment in the geographical areas affected by implementing the requirements of the section.

Written comments (11 copies) on the proposed amendment may be submitted to Mary Ross McDonald, Secretary, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, within 30 days after publication.

The amendment is proposed under Texas Civil Statute, Article 1446c §16, which provide the Public Utility Commission of Texas with the authority to make and to enforce rules reasonably required in the exercise of its powers and jurisdiction.

§23.45. Billing.

(a)-(e) (No change.)

(f) Rendering and form of bills.

(1) Telephone utilities.

(A) Bills for telephone service shall [normally] be rendered monthly unless otherwise authorized by the commission, or unless service is rendered for a period of less than one month, [; shall show the period of time covered by the billings;] and shall provide an itemized [show a clear listing of all charges due and payable, including outstanding amounts in the same customer class the utility has chosen to transfer from a customer's prior delinquent account(s). [The utility shall provide the customer with a breakdown of local service charges upon written request.] Itemized toll statements shall be included in each bill. If the

telephone utility is billing the customer for services provided by another telecommunications utility, the bill shall identify the utility whose rates are used to calculate the charges for each call listed on the bill. Customer billing sent through the United States mail shall be sent in an envelope.

(B) Billing information provided to each customer on a monthly basis shall include, but not be limited to:

(i) the period for which the bill is rendered;

(ii) each applicable telephone number and/or account number;

(iii) the total amount due for features and services provided;

(iv) the local exchange access line charge(s);

(v) an itemized list of each feature and/or service provided, including mileage, and the charge(s) therefore. Each optional feature shall be identified as such and the total for all optional features shall be stated separately on the bill. If features are purchased on a package basis, each feature within the package shall be identified and the charge for the package shall be listed;

(vi) each fee or charge set by an agency of the federal, state, or local government, including, but not limited to, subscriber line charges and charges for 911 service, as more fully set forth in subsection (k) of this section;

(vii) each applicable tax;

(viii) explanations of any abbreviations or symbols used on the customer's bill to identify specific charges; and

(ix) the information required by this paragraph which shall be arranged so as to allow the customer to readily compute his bill with the information provided.

(C) The information concerning itemized features and services required by subsection (f) (1)(B)(V) of this section is not required to be provided in monthly bills to business customers

unless the business customer specifically requests in writing that the information be provided. If monthly itemization is not provided, the monthly bill to a business customer shall notify such customer that detailed billing information can be obtained from the telephone company upon request. Additionally, each business customer shall be provided, on an annual basis, an itemized list of each feature and/or service provided and the charges therefore, as well as an explanation of any abbreviations or symbols used to identify specific charges. After a business customer submits a written request for monthly itemization of features and services, such information shall be provided with each monthly bill at no additional cost to the business customer.

(D)[(B)] In the event a customer's service is interrupted other than by the negligence or [of] willful act of the customer, and it remains out of order for 24 hours or longer after access to the premises is made available and after being reported to be out of order, appropriate adjustment or refunds shall be made to the customer. The amount of adjustment or refund shall be determined on the basis of the known period of interruption, generally beginning from the time the service interruption is first reported. The refund to the customer shall be the pro rata part of the month's flat rate charges for the period of days and that portion of the service facilities rendered useless or inoperative. The refund may be accomplished by a credit on a subsequent bill for telephone service.

(2) Electrical utilities.

(A) (No change.)

(B) The customer's bill shall show all the following information:

(i) (No change.)

(ii) the number and kind of units metered which shall be prominently displayed;

(iii) (No change.)

(iv) the total amount due for services provided which shall be prominently displayed, including outstanding amounts in the same customer class the utility has chosen to transfer from a customer's prior delinquent account(s). Such trans-

ferred accounts shall not include continuation of service from one address to another within the same utility serving area, or contracts of guarantee involving a written agreement between a utility and its guarantor if a customer defaults;

(v)-(vii) (No change.)

(viii) the information required in clauses (ii)-(v) and (vii) of this subparagraph which shall be arranged so as to allow the customer to readily compute his bill with the information provided. [applicable rate schedule which shall be mailed on request to the customer.] **Customer (facilities) charges, demand charges, energy charges, fuel charges, taxes, and all other specific rates (per unit) and charges are to be identified separately on the customer's bill. The bill must also contain explanations of any abbreviations or symbols used on the customer's bill to identify specific charges.**

(3) (No change.)

(g)-(j) (No change.)

(k) Fees. Any fee or charge set by an agency of the federal, state, or local government shall be shown on the bill as a separate item, clearly stating the name of the federal, state, or local government agency and concisely stating the nature of the fee or charge.

(l) (No change.)

(m) Record retention. Each utility shall retain a billing history (by month) for each account for at least two years after mailing of the bill. The billing history shall contain data sufficient to reconstruct a customer's billing for a given month. Upon written request, billing histories shall be made available for inspection by the customer at the utility's business office during normal business hours. Copies of billing histories records may be obtained by the customer upon request.

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 July 18, 1990.

TRD-9007271

Mary Ross McDonald
Secretary of the
Commission
Public Utility Commission
of Texas

Earliest possible date of adoption: August 27, 1990

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



Part IV. Texas Department of Licensing and Regulation

Chapter 60. Texas Commission of Licensing and Regulation

Subchapter C. Fees

• 16 TAC §60.75

The Texas Department of Licensing and Regulation proposes an amendment to §60.75, concerning fees of the registrant. Section 60.75 clarifies exam fees by including costs for various combinations of exams and re-exams, and adds a processing fee of one-half the original license or exam fee when a refund is requested.

Elvis G. Schulze, general counsel, has determined that for the first five-year period the section is in effect there will be fiscal implications for state government 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 \$1,000 for fiscal years 1991-1995. There will be no effect on local government as a result of enforcing or administering the section.

Mr. Schulze, 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 provide more detailed information regarding fees and requested refunds concerning exams and re-exams. There will be no significant effect on small businesses. The anticipated economic cost to persons who are required to comply with the section as proposed will be minimal for those requesting refunds only. The cost will be \$75 for fiscal years 1991-1995.

Comments on the proposal may be submitted to Elvis G. Schulze, General Counsel, P.O. Box 12157, Texas Department of Licensing and Regulation, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 8861, which provide the commissioner with the authority to adopt rules to enforce and regulate the air conditioning and refrigeration program.

§60.75. Air Conditioning and Refrigeration Fees. All fees should be paid by cashier's check or money order made payable to the Texas Department of Licensing and Regulation.

(1) Exam costs. Class A and Class B exam fees are: one exam-\$100 (either for environmental air conditioning or commercial refrigeration and process cooling and heating); two original exams \$150 (taken during the same examination period); re-exam \$50; one re-exam and one original exam \$150; two re-exams \$100; re-schedule \$100 (after second free re-schedule, whether consecutive or not) [\$50].

(2)-(5) (No change.)

(6) Processing fee. One half of exam or license fees submitted for which

a refund is requested will be retained as a processing fee.

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 July 16, 1990.

TRD-9007290

Larry E. Kosta
Executive Director
Texas Department of
Licensing and
Regulation

Earliest possible date of adoption: August 27, 1990

For further information, please call: (512) 463-3127



Subchapter D. Practice and Procedure

• 16 TAC §60.152

The Texas Department of Licensing and Regulation proposes an amendment to §60.152, concerning the disposition by agreement of contested cases before the department by settlement agreements to be submitted to the general counsel for his recommendation to the commissioner and/or the commission instead of being submitted to the hearings examiner.

Elvis G. Schulze, 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. Schulze, 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 a clearer understanding of the agreement process provided to the parties of contested cases that are before the department before a final order is entered. 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 Elvis G. Schulze, General Counsel, P.O. Box 12157, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 9100, which provide the commissioner with the authority to adopt rules and regulations to administer the agency.

§60.152. Disposition by Agreement.

(a) (No change.)

(b) Parties agreeing to such informal disposition shall prepare a settlement agreement [proposal for decision], containing proposed findings of fact and conclusions of law, which shall be signed by all the parties and their designated representatives. The settlement agreement [proposal for decision] shall be filed with the general counsel [hearing examiner].

(c) The general counsel [hearing examiner] shall promptly make his

recommendation to the commissioner and/or the commission on the **settlement agreement** [proposal for decision].

(d) Upon receipt of the **settlement agreement** [proposal for decision] and the **general counsel's** [hearing examiner's] recommendation, the commissioner and/or the commission may:

(1) adopt the **settlement agreement** [proposal] and issue a final order;

(2) reject the **settlement agreement** [proposal] and remand the contested case for a hearing before the hearing examiner;

(3) reject the **settlement agreement** [proposal] and order [a] further investigation by the department; or

(4) (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 July 16, 1990.

TRD-9007289

Larry E. Kosta
Executive Director
Texas Department of
Licensing and
Regulation

Earliest possible date of adoption: August 27, 1990

For further information, please call: (512) 463-3127

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

Chapter 69. Proprietary Schools and Veterans Education

Subchapter A. General Provisions

• **19 TAC §69.3**

The Texas Education Agency proposes new §69.3, concerning the adoption by reference of a memorandum of understanding for regulation of proprietary schools. Senate Bill 417 of the 71st Texas Legislature, 1989, amended the Texas Education Code by adding §32.25. The statute requires the Central Education Agency to develop, in consultation with the Texas Guaranteed Student Loan Corporation and each state agency that regulates proprietary schools in this state, a comprehensive strategy to reduce default rates at the regulated proprietary schools and to improve the overall quality of the programs operated by the schools. The law requires the memorandum of understanding to be adopted by August 31, 1990.

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 no fiscal implications for

state or local government as a result of enforcing or administering the section.

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 will be the reduction of the default rates at the regulated proprietary schools and improvement of the overall quality of programs operated by the proprietary schools. 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 Cloudt McCuller, Office of Planning Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on 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 sections has been published in the *Texas Register*.

The new section is proposed under the Texas Education Code, §32.25, which provides the Central Education Agency with the authority to execute a memorandum of understanding with the Texas Guaranteed Student Loan Corporation and each state agency regulating proprietary schools.

§69.3. *Memorandum of Understanding for Regulation of Proprietary Schools.* Senate Bill 417 of the 71st Legislature requires the Central Education Agency to execute a memorandum of understanding with the Texas Guaranteed Student Loan Corporation and each state agency regulating proprietary schools. The purpose of the memorandum is to reduce default rates at the regulated proprietary schools and to improve the overall quality of the programs operated by the schools. That memorandum of understanding is adopted by reference as an official rule. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m. except on holidays, Saturdays, and Sundays, at the Central Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

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 July 19, 1990.

TRD-9007373

W. N. Kirby
Commissioner of Education

Earliest possible date of adoption: August 27, 1990

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

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Chapter 75. Curriculum

(Editor's Note: The Texas Education Agency proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)

The Texas Education Agency proposes amendments to §§75.64, 75.141, 75.142, 75.166, 75.168, and 75.169, concerning the description of a well-balanced elementary and secondary curriculum. Senate Bill 1 passed by the 71st Texas Legislature, Sixth Called Session, §2.25, voids all rules relating to teaching time and methodology under Chapter 75 that were adopted by the State Board of Education prior to September 1, 1990. In addition, Senate Bill 1 amended the Texas Education Code, §21.101, by adding subsection (h) that requires the State Board of Education to adopt rules for the implementation of the section, except that the board may not designate the methodology used by a teacher nor the time spent by the teacher or a student on a particular task or subject.

In accordance with Senate Bill 1, provisions for methodology and time requirements currently in §§75.64, 75.141, 75.142, 75.166, 75.168, and 75.169 are proposed for deletion. These amendments have also been adopted on an emergency basis.

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 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 that the agency's rules concerning the well-balanced curriculum will be in compliance with recent statutory requirements. 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 section 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 section has been published in the *Texas Register*.

Subchapter D. Essential Elements-Grades Nine-12

• **19 TAC §75.64**

The amendment is proposed under the Texas Education Code, §21.101, which provides the State Board of Education with the authority to adopt rules concerning the well-balanced curriculum.

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 July 19, 1990.

TRD-9007366 W. N. Kirby
Commissioner of Education

Earliest possible date of adoption: August 27, 1990

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

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Subchapter E. Well-Balanced Curriculum

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• 19 TAC §75.141, §75.142

(Editor's Note: The Texas Education Agency proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments are in the Emergency Rules section of this issue.)

The amendments are proposed under the Texas Education Code, §21.101, which provides the State Board of Education with the authority to adopt rules concerning the well-balanced curriculum.

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 July 19, 1990.

TRD-9007356 W. N. Kirby
Commissioner of Education

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

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Subchapter G. Other Provisions

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• 19 TAC §§75.166, 75.168, 75.169

(Editor's Note: The Texas Education Agency proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments are in the Emergency Rules section of this issue.)

The amendments are proposed under the Texas Education Code, §21.101, which provides the State Board of Education with the authority to adopt rules concerning the well-balanced curriculum.

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-9007365 W. N. Kirby
Commissioner of Education

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

Chapter 89. Adaptations for Special Populations

Subchapter E. General Educational Development

◆ ◆ ◆
• 19 TAC §89.120

The Texas Education Agency proposes new §89.120, concerning equivalency examination pilot programs. Senate Bill 417, §6.02, passed by the 71st Legislature, 1989, requires the Central Education Agency to develop a pilot program to prepare certain students who are at-risk of dropping out of school to take the high school equivalency examination. This legislation amends the Texas Education Code by adding §11.351. School districts are required by statute to participate in the equivalency examination pilot program if required to do so by the Texas Education Agency. The Texas Education must request at least those districts with dropout rates in the top 25% of all districts to participate in the program. The proposed new section clarifies the basis for this 25%. The commissioner of education, on request of a district, may waive the requirement for a district's participation for one year only if the district would be unable to participate effectively. Other school districts may participate in the pilot with the approval of the Texas Education Agency. The proposed new section sets out the requirements for the equivalency examination pilot program.

Lynn Moak, deputy commissioner for research and development, has determined that for the first five-year period the proposed section is in effect there will be fiscal implications for local government as a result of enforcing or administering the section. This change directs participating schools to redirect some Foundation School Program funds, compensatory education, and local JTPA funds targeted to at-risk students be used to administer this program. Actual amounts cannot be accurately estimated because the program depends on the number of participating students. There will be no fiscal implications for government as a result of enforcing or administering the section.

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 is that there will be in place an alternative instructional program for certain students who are at-risk of dropping out of school. There will be no effect on small businesses. Persons are required to comply with 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 section 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 section has been published in the *Texas Register*.

The new section is proposed under the Texas Education Code, §11.351, which authorizes the State Board of Education to develop a

pilot program and program criteria to prepare certain students who are at-risk of dropping out of school to take a high school equivalency examination.

◆ ◆ ◆
§89.120. Equivalency Examination Pilot Program.

(a) All school districts whose dropout rates are in the top 25% of all districts as determined by the most recent public school dropout report of the State Board of Education are required to participate in the equivalency examination pilot program.

(b) All districts required to or desiring to participate in the equivalency examination pilot program must submit all requested information for approval prior to implementation.

(1) Districts required to participate in the equivalency examination pilot program must apply no later than November 1 of the first year in which they are required to participate. Implementation must begin no later than the start of spring semester of that year.

(2) No reasonable expectation that the student will graduate on schedule means that the student is not expected to graduate within four years of the time the student entered the ninth grade.

(3) In assessing a reasonable expectation that the student will be able to pass the high school equivalency examination upon completion of the program.

(A) Each public school district shall use multiple criteria, including current student assessment data, individual profiles generated in response to §75.195 of this title (relating to Alternatives to Social Promotion), and other indicators of student performance.

(B) Districts are encouraged to use a committee consisting of at least the at-risk coordinator, the student's counselor, and a campus administrator.

(c) Approved applications to operate an equivalency examination pilot program expire September 1, 1993.

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 July 19, 1990.

TRD-9007371 W. N. Kirby
Commissioner of Education

Earliest possible date of adoption: August 27, 1990

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

Subchapter F. Remedial and Compensatory Instruction

General Provisions

• 19 TAC §89.131

(Editor's Note: The Texas Education Agency proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the amendment is in the Emergency Rules section of this issue.)

The Texas Education Agency proposes an amendment to §89.131, concerning the definition of remedial and compensatory education. The amendment specifies that the percentages of any districts allotment to these programs must be at least equal to the state's longitudinal dropout rate for the preceding year when the district's dropout rate in any school year exceeds the state's dropout rate goal for that year. These requirements begin with the 1990-1991 school year. The amendment also implements requirements contained in Senate Bill 1 enacted by the 71st Legislature, Sixth Called Session related to the supplementary use of compensatory education funds beginning with the 1990-1991 school year.

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 no fiscal implications for state or local government as a result of enforcing or administering the section.

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 will be the redirection of funds to serve at-risk students. 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 Cloudt McCuller, Office of Planning Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on 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 sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §21.557, which provides the State Board of Education with the authority to set standards for remedial and compensatory instruction; and the Texas Education Code, §16.152e), which provides the State Board of Education with the authority to provide technical assistance to school districts to reduce the dropout rate.

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 July 19, 1990.

TRD-9007367 W. N. Kirby
Commissioner of Education

Earliest possible date of adoption: August 27, 1990

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

Chapter 97. Planning and Accreditation

Subchapter A. General Provisions

• 19 TAC §97.5

(Editor's Note: The Texas Education Agency proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the amendment is in the Emergency Rules section of this issue.)

The Texas Education Agency proposes an amendment to §97.5, concerning the types of accreditation status. The proposed amendment incorporates changes in the types of accreditation stats made in Senate Bill 1, 71st Texas Legislature, Sixth Called Session. The affect of the amendment is to rate districts currently classified as "accredited warned" as "academically unaccredited" beginning September 1, 1990. Districts rated as "academically unaccredited" for two years are to be annexed or operated by the state. This amendment has also been adopted on an emergency basis.

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 for local government as a result of enforcing or administering the section. The local school districts will be responsible for the costs associated with the state providing management teams to operate the district. There will be no fiscal impact on state government as a result of enforcing or administering the section.

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 is in effect will be to improve the quality of education offered to students in districts rated as "academically unaccredited." 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 Cloudt McCuller, Office of Planning Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on 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 sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §21.753, which provides the State Board of Education with the authority to adopt an accreditation process and standards which a school district must satisfy to be accredited.

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 July 19, 1990.

TRD-9007372 W. N. Kirby
Commissioner of Education

Earliest possible date of adoption: August 27, 1990

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

Chapter 121 Public School Finance - Personnel

Subchapter C. Years of Service for Salary Increment Purposes

• 19 TAC §121.31

The Texas Education Agency proposes an amendment to §121.31, concerning the general provisions regarding years of service. The proposed amendment would allow teachers who instruct in all institutions approved for creditable service where a Texas teaching certificate is not required, and who did not participate in the 1987 Texas Examination of Current Administrators and Teachers (TECAT) to count their years of experience when they have successfully taken the TECAT.

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 for state government as a result of enforcing or administering the section. This change will allow teachers who have not taken the TECAT and are teaching in institutions where a Texas teaching certificate is not required to count their years of experience outside of public school if they begin teaching in Texas public schools provided they pass the TECAT within six months of public school employment. Because it is impossible to estimate the number of teachers outside the public schools who will work in the public schools in the future, the financial impact of this change cannot be determined. There will be no fiscal impact on local government as a result of enforcing or administering the section.

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 will be that additional qualified persons may be encouraged to seek employment in the public schools, particularly in areas where shortages exist, if they can receive credit for previous service. 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 Cloudt McCuller, Office of Planning Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on 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 sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §16.005, which provides the State Board of Education with the authority to make rules for administration of the Foundation School Program.

§121.31. General Provisions Concerning Years of Service.

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

(d)[(e)] For persons who held a Texas certificate and were employed during the 1986-1987 school year or any year thereafter in an entity other than a Texas public elementary or secondary school [outside the State of Texas] that is recognized for creditable service, such years of experience [outside the State of Texas] may be recognized for salary increment purposes provided the person performed satisfactorily on the Texas Examination of Current Administrators and Teachers within six months of employment in a Texas public elementary or secondary school.

[(d)] For persons employed after June 30, 1986, by a Texas public school in a position that requires certification, the following rule applies: Years of experience served after June 30, 1986, in entities identified in §121.33 of this title (relating to Entities Recognized for Creditable Service) and §121.34 of this title (relating to Requirements Concerning Entities Recognized for Creditable Service) may be recognized for salary increment purposes only if the person held a current valid certificate at the time the service occurred. A person holding a Texas certificate and employed in an entity recognized for creditable service other than a Texas public school is eligible to receive credit for service during the 1986-1987 school year if the educator performs satisfactorily on the Texas Examination for Current Administrators and Teacher prior to August 31, 1987.]

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 July 19, 1990.

TRD-9007370 W. N. Kirby
Commissioner of Education

Earliest possible date of adoption: August 27, 1990

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



Chapter 149. Education
Personnel Development

Subchapter C. Appraisal of
Certified Personnel

• 19 TAC §149.43

(Editor's Note: The Texas Education Agency proposes for permanent adoption the

amendment it adopts on an emergency basis in this issue. The text of the amendment is in the Emergency Rules section of this issue.)

The Texas Education Agency proposes an amendment to §149.43, concerning teacher appraisal procedures. The proposed amendment will eliminate the two-par form "Teacher Assessment of Instructional Goals and Outcomes" whose first part is initiated by the teacher no later than the end of the second six weeks and the second part completed prior to summative conference. The elements focus on goal-setting, student performance outcomes, and teacher self assessment, and are to become instead, a portion of the summative conference conducted by teacher's supervisor under the amended rule. This amendment has also been adopted on an emergency basis.

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 no fiscal implications for state or local government as a result of enforcing or administering the section.

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 will be a savings in time and paperwork on the teacher's part. 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 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 section 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 section has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §13.302, which provides the State Board of Education with the authority to adopt an appraisal process and criteria on which to appraise the performance of teachers for career ladder purposes.

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 July 19, 1990.

TRD-9007374 W. N. Kirby
Commissioner of Education

Earliest possible date of adoption: August 27, 1990

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



TITLE 31. NATURAL
RESOURCES AND CON-
SERVATION

Part IX. Texas Water
Commission

Chapter 308. Criteria and
Standards for the National
Pollutant Discharge
Elimination System

The Texas Water Commission proposes new §§308.1, 308.21, 308.31, 308.41, 308.71, 308.81, 308.101, 308.121, and 308.141, concerning criteria and standards for the national pollutant discharge elimination system (NPDES). The new sections adopt by reference rules promulgated by the Environmental Protection Agency (EPA), pursuant to its authority under the Federal Clean Water Act (CWA), concerning such NPDES criteria and standards.

New §308.1 provides criteria and standards for imposing technology-based treatment requirements under the CWA, §301(b) and §402. This section describes the purpose and scope of such criteria and standards, defines terms, and sets out technology-based treatment requirements in permits.

New §308.21 provides criteria for issuance of permits to aquaculture projects, and describes the purpose and scope of such criteria.

New §308.31 provides criteria for extending compliance dates for facilities installing innovative technology under the CWA, §301(k). This section describes the purpose and scope of such criteria, refers to statutory authority, defines terms, regulates requests for and procedures related to compliance extensions and signatories to such requests, establishes certain permit conditions, and requires supplementary information and recordkeeping.

New §308.41 provides criteria and standards for determining fundamentally different factors under the CWA, §301(b)(1)(A) and §301(b)(A) and (E). This section defines terms and the method of application.

New §308.71 provides criteria for modifying the secondary treatment requirements under the CWA, §301(h). This section describes the scope and purpose of such criteria, quotes the sections of the CWA governing issuance of a §301(h) modified permit, defines terms, includes general regulations related to the criteria, requires the existence of and compliance with applicable water quality standards, requires the attainment or maintenance of certain water quality, requires the establishment of a monitoring program, regulates the effect of discharge on other point and nonpoint sources, defines a required toxics control program, regulates increases in effluent volume or the amount of pollutants discharged, provides special conditions for §301(h) modified permits, and contains appendices.

New §308.81 provides criteria for determining alternative effluent limitations under the CWA, §316(a). This section describes the purpose and scope of such criteria, defines terms, requires early screening of applications for §316(a) variances, and describes criteria and standards for the determination of alternative effluent limitations' under §316(a).

New §308.101 provides criteria for extending compliance dates under the CWA, §301(i). This section describes the purpose and scope of such criteria, defines terms, regulates requests for, and provides criteria for permit modification and issuance under the CWA, §301(i)(1) and (2), and requires certain permit terms and conditions under the CWA, §301(i)(1) and (2).

New §308.121 provides criteria and standards for best management practices (BMP) authorized under the CWA, §304(e). This section describes the purpose and scope of such criteria, defines terms, discusses applicability of BMPs, discusses permit terms and conditions, and otherwise regulates BMP programs.

New §308.141 provides ocean discharge criteria. This section describes the purpose and scope of such criteria, defines terms, requires and regulates a determination of unreasonable degradation of the marine environment, discusses permit requirements, and requires certain information to be submitted by the applicant.

Roger G. Bourdeau, chief fiscal officer, has determined that for the first five-year period the proposed sections are in effect there will be no direct fiscal implications as a result of enforcing or administering the sections. The sections incorporate existing regulations promulgated by EPA. These federal regulations may have fiscal implications for businesses and government agencies subject to the provisions of CWA and permitted under the NPDES program. The fiscal impacts may be attributed to the federal regulations and are not directly affected by incorporation into state regulations.

There will be administrative costs to the state related to the enforcement of these sections upon delegation of the NPDES program to the commission. Senate Bill 1525, Acts of the 71st Legislature, 1989, authorizes the commission to amend existing fee revenue authority to recover increased administrative costs of the delegated NPDES program. An estimate of the fiscal impact of administrative costs and the increased revenues to be generated are contingent on the NPDES program. An estimate of the fiscal impact of administrative costs and the increased revenues to be generated contingent on NPDES program delegation will be presented in a subsequent proposal prior to the effective date of delegation. It should be noted that some cost savings may be realized by applicants for discharge permits as a result of adoption of the federal requirements and delegation of the federal program. Duplicative permit application costs will be avoided coincident with the state's assumption of comprehensive permit authority. These costs will vary widely depending on the size, complexity, and location of proposed waste treatment and discharge facilities.

Mr. Bourdeau 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 improvement in the regulation of municipal and industrial waste treatment facilities, protection of the quality of the water resources of the state, and enforcement of the provisions of the Water Code and regulations of the Texas Water Commission.

Comments on the proposal may be submitted to Sharon J. Smith, Staff Attorney, Legal Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069. Comments will be accepted for 30 days following the date of publication.

Subchapter A. Criteria and Standards for Imposing Technology-based Treatment Requirements

• 31 TAC §308.1

The new sections are proposed under the Texas Water Code, §5.102 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Code and other laws of the State of Texas and to establish and approve all general policy of the commission.

§308.1. Criteria and Standards for Imposing Technology-based Treatment Requirements Under §§301(b) and 402. 40 Code of Federal Regulations Part 125, Subpart A, as in effect on the date of Texas pollutant discharge elimination system program authorization, as amended, is adopted by reference.

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 July 18, 1990.

TRD-9007230 Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: August 27, 1990

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

Subchapter B. Criteria for Issuance of Permits to Aquaculture Projects

• 31 TAC §308.21

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

§308.21. Criteria for Issuance of Permits to Aquaculture Projects. 40 Code of Federal Regulations Part 125, Subpart B, as in effect on the date of Texas pollutant discharge elimination system

program authorization, as amended, is adopted by reference.

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 July 18, 1990.

TRD-9007229 Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: August 27, 1990

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

Subchapter C. Criteria and Extending Compliance Dates for Facilities Installing Innovative Technology Under §301(k)

• 31 TAC §308.31

The new section is proposed under the Texas Water Code, §5.102 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Code and other laws of the State of Texas and to establish and approve all general policy of the commission.

§308.31. Criteria for Extending Compliance Dates for Facilities Installing Innovative Technology Under §301(k). 40 Code of Federal Regulations Part 125, Subpart C, as in effect on the date of Texas pollutant discharge elimination system program authorization, as amended, is adopted by reference.

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 July 18, 1990.

TRD-9007248 Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: August 27, 1990

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

Subchapter D. Criteria and Standards for Determining Fundamentally Different Factors Under §301(b)(1)(A), (B)(2)(A), and (E)

• 31 TAC §308.41

The new section is proposed under the Texas Water Code, §5.102 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Code and other laws of the State of Texas

and to establish and approve all general policy of the commission.

§308.41. Criteria and Standards for Determining Fundamentally Different Factors Under §301(b)(1)(A), (2)(A), and (E). 40 Code of Federal Regulations Part 125, Subpart D, as in effect on the date of Texas pollutant discharge elimination system program authorization, as amended, is adopted by reference.

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 July 18, 1990.

TRD-9007249 Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: August 27, 1990

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



Subchapter G. Criteria for Modifying the Secondary Treatment

• 31 TAC §308.71

The new section is proposed under the Texas Water Code, §5.102 and §5. 105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Code and other laws of the State of Texas and to establish and approve all general policy of the commission.

§308.71. Criteria for Modifying the Secondary Treatment Requirements Under §301(h). 40 Code of Federal Regulations Part 125, Subpart G, as in effect on the date of TPDES program authorization, as amended, is adopted by reference.

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 July 18, 1990.

TRD-9007250 Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: August 27, 1990

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



Subchapter H. Criteria for Determining Alternative Effluent Limitations Under §316(a)

• 31 TAC §308.81

The new section is proposed under the Texas Water Code, §5.102 and §5. 105, which

provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Code and other laws of the State of Texas and to establish and approve all general policy of the commission.

§308.81. Criteria for Determining Alternative Effluent Limitations Under §316(a). 40 Code of Federal Regulations Part 125, Subpart H, as in effect on the date of Texas pollutant discharge elimination system program authorization, as amended, is adopted by reference.

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 July 18, 1990.

TRD-9007251 Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: August 27, 1990

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



Subchapter J. Criteria for Extending Compliance Dates Under §301(i)

• 31 TAC §308.101

The new section is proposed under the Texas Water Code, §5.102 and §5. 105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Code and other laws of the State of Texas and to establish and approve all general policy of the commission.

§308.101. Criteria for Extending Compliance Dates Under §301(i). 40 Code of Federal Regulations Part 125, Subpart J, as in effect on the date of Texas pollutant discharge elimination system program authorization, as amended, is adopted by reference.

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 July 18, 1990.

TRD-9007252 Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: August 27, 1990

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



Subchapter K. Criteria and Standards for Best Management Practices Authorized Under §304(e)

• 31 TAC §308.121

The new section is proposed under the Texas Water Code, §5.102 and §5. 105, which

provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Code and other laws of the State of Texas and to establish and approve all general policy of the commission.

§308.121. Criteria and Standards for Best Management Practices Authorized Under §304(e). 40 Code of Federal Regulations Part 125, Subpart K, as in effect on the date of Texas pollutant discharge elimination system program authorization, as amended, is adopted by reference.

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 July 18, 1990.

TRD-9007253 Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: August 27, 1990

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



Subchapter M. Ocean Discharge Criteria

• 31 TAC §308.141

The new section is proposed under the Texas Water Code, §5.102 and §5. 105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Code and other laws of the State of Texas and to establish and approve all general policy of the commission.

§308.141. Ocean Discharge Criteria. 40 Code of Federal Regulations Part 125, Subpart M, as in effect on February 14, 1990, is adopted by reference.

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 July 18, 1990.

TRD-9007254 Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: August 27, 1990

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



Chapter 313. Edwards Aquifer

Subchapter A. Edwards Aquifer in Medina, Bexar, Comal, Kinney, Uvalde, Hays, Travis, and Williamson Counties

• 31 TAC §313.10 §313.11

The Texas Water Commission (TWC) proposes new §313.10 and §313.11, concerning the regulation of underground and aboveground storage tanks on the recharge zone and transition zone of the Edwards Aquifer. The existing sections were adopted on an emergency basis on March 21, 1990 (15 TexReg 1616), and will expire on July 19, 1990, unless extended for an additional 60 days to September 17, 1990. The TWC intends to extend these emergency sections for an additional 60 days and propose these sections to succeed the emergency sections which are going to expire. These proposed sections are identical to the emergency sections now in effect and are intended as an interim measure pending development of more comprehensive rules covering hydrocarbon and hazardous substance storage facilities on the Edwards Aquifer recharge and transition zones.

The commission is now in the process of reviewing its hydrocarbon and hazardous substance storage rules for the Edwards program and is developing more comprehensive rules relating to underground and aboveground storage tanks on the recharge and transition zones. The TWC anticipates that these new rules will be proposed no later than September, 1990. In order to insure that regulation of tanks over the Edwards continues and at the same time allow a longer period for public comment on the comprehensive rules the TWC is currently developing, the TWC is proposing adoption of the interim §313.10 and §313.11 which follow.

The proposed sections which follow apply to the newly adopted transition zone in Travis, Williamson, and Hays Counties; the newly adopted recharge zone in Hays and Travis Counties; and to the officially designated recharge and transition zones in Kinney, Uvalde, Medina, Bexar, and Comal Counties. Also, these proposed sections require the submittal of one additional copy of the application for filing with local governmental entities.

New §313.10 requires executive director approval of the design of underground storage tanks (USTs) and related piping systems located on the recharge zone and transition zone for USTs that contain hydrocarbon or hazardous substances, including leak detection systems, spill containment areas, and other control measures.

New §313.11 requires executive director approval of the design of aboveground storage tanks (ASTs) and related piping systems located on the recharge zone and transition zone for ASTs that contain hydrocarbon or hazardous substances, including leak detection systems, spill containment areas, and other control measures.

Roger G. Bourdeau, chief fiscal officer, has

determined that for the first five-year period the proposed sections are in effect there will be direct fiscal implications as a result of enforcing or administering the sections. The costs to be attributed to this proposal are those related to approval of installations of hydrocarbon and hazardous materials storage facilities within the newly designated recharge or transition zones of the Edwards Aquifer in Williamson, Travis, or Hays Counties. It is estimated that the additional requirements for storage facilities may represent incremental costs of facility construction of approximately \$20,000 for an installation with the average of three underground tanks. Application costs could be somewhat higher as more extensive plans or other demonstrations may be required for review and approval, but these costs are not anticipated to exceed \$250 per application.

The effect on state government for the first five-year period the sections will be in effect will be an increase in cost of approximately \$31,000 per year. Annual revenues are anticipated to increase by \$2,500.

The effect on local government will be an increase in cost of \$20,000 for a typical underground tank installation as identified previously. A facility with fewer than three tanks, or an aboveground tank system may represent a lower cost. The effect on small businesses is identical.

Mr. Bourdeau 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 is improved protection of the Edwards Aquifer, a major source of drinking water, from pollution. There is no additional cost to persons who are required to comply with the sections which have not been identified under costs to small businesses.

Comments on the proposed sections may be submitted to Mark Alvarado, Staff Attorney, Legal Division, P. O. Box 13087, 1700 North Congress Avenue, Austin, Texas 78711-3087. Comments will be accepted until 5 p.m., 30 days after the date of this publication.

The new sections are proposed under the Texas Water Code, §§5.013, 5.103, 5.105, 26.011, 26.046, and 26.341-26.359, which give the Texas Water Commission the responsibility and jurisdiction to establish a program for protection of water quality in the state and a program to regulate underground and aboveground storage tanks in the state, and to promulgate rules necessary for the exercise of its jurisdiction and powers provided by the Code and other laws.

§313.10. Static Hydrocarbon and Hazardous Substance Storage in Underground Storage Tanks. Approval of the design of underground storage tanks and related piping systems located on the recharge zone and transition zone for hydrocarbon or hazardous substances, including leak detection systems, spill containment areas, or other control measures, as described in installation of the underground storage tank system. A geologic assessment, describing surface and subsurface geology and emphasizing significant recharge features, shall be conducted at the location of

proposed facilities. The geologic assessment shall be submitted with the facility design plans. To request approval of the design plans, the applicant shall file a written request with the appropriate district office in quadruplicate.

(1) Underground storage tanks. Facilities for the underground storage of static hydrocarbon or hazardous substances shall be of double-walled construction, or of an equivalent method approved by the executive director. Methods for detecting leaks in the wall of the storage facility shall be included in the facility's design and construction. The leak detection system shall provide continuous monitoring of the facility and shall be capable of immediately alerting the system owner to possible leakages.

(2) Existing underground storage facilities. For Kinney, Uvalde, Medina, Bexar, Comal, and Hays Counties, all underground facilities for the storage of static hydrocarbons and hazardous substances which were in existence prior to December 5, 1984, shall be registered with the Commission's San Antonio office. The registration shall include the location, size, date of construction, and owner of the facility, as well as the substances stored at the facility.

§313.11. Static Hydrocarbon Storage in Aboveground Storage Tanks. Approval of the design of aboveground storage tanks and related piping systems located on the recharge zone and transition zone for hydrocarbon or hazardous substances, including leak detection systems, spill containment areas, or other control measures, as described in paragraph (1) of this section, shall be obtained from the executive director prior to construction related to the installation of the aboveground storage tank system. A geologic assessment, describing surface and subsurface geology and emphasizing significant recharge features, shall be conducted at the location of proposed facilities. The geologic assessment shall be submitted with the facility design plans. To request approval of the design plans, the applicant shall file a written request with the appropriate district office in quadruplicate.

(1) Aboveground storage facilities. Facilities used for the aboveground storage of static hydrocarbon shall be constructed within controlled drainage areas that are sized to capture one and one-half times the storage capacity of the facility and that direct any spillage to a point convenient for the collection and recovery of the spillage. The controlled drainage area shall be constructed of or in a material suitably impervious to the material being stored. Any spillage from such storage facilities shall be removed from the controlled drainage area for disposal within 24 hours of spillage. Static hydrocarbon temporary storage facilities to be used on

site for less than one year which do not require a permit from the commission, and permanent storage facilities smaller than 1,000 gallons are exempt from this paragraph.

(2) Existing aboveground storage facilities. For Kinney, Uvalde, Medina, Bexar, Comal, and Hays Counties, all aboveground facilities for the storage of static hydrocarbons and hazardous substances, which were in existence prior to December 5, 1984, shall be registered with the commission's San Antonio office. The registration shall include the location, size, date of construction, and owner of the facility, as well as the substances stored at the facility.

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 July 23, 1990.

TRD-9007391

Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: August 27, 1990

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

Chapter 314. Toxic Pollutant Effluent Standards

Subchapter A. Toxic Pollutant Effluent Standards

• 31 TAC §314.1

The Texas Water Commission proposes new §314.1, concerning toxic pollutant effluent standards and prohibitions. The new section incorporates rules promulgated by the Environmental Protection Agency (EPA), pursuant to its authority under the Federal Clean Water Act, concerning the National Pollutant Discharge Elimination System (NPDES) Program.

New §314.1 adopts by reference 40 Code of Federal Regulations, Part 129, Subpart A, Toxic Pollutant Effluent Standards and Prohibitions. The new section describes the purpose and scope of the section, defines terms, explains abbreviations, lists toxic pollutants subject to regulation, provides compliance requirements, explains the requirement and procedure for establishing a more stringent effluent limitation, sets a compliance date, and specifically addresses aldrin/dieldrin, DDT, DDD, and DDE, endrin, toxaphene, benzidine, and polychlorinated biphenyls (PCBs).

Mr. Roger G. Bourdeau, chief fiscal officer, has determined that for the first five-year period these sections will be in effect there will be no direct fiscal implications as a result of enforcing or administering these sections. The proposed sections incorporate existing regulations promulgated by the Environmental Protection Agency. These federal regulations may have fiscal implications for businesses and government

agencies subject to the provisions of the Clean Water Act and permitted under the NPDES program. The fiscal impacts may be attributed to the federal regulations and are not directly affected by incorporation into state regulations.

There will be administrative costs to the state related to the enforcement of these sections upon delegation of the NPDES program to the commission. Senate Bill 1525, Acts of the 71st Legislature, Regular Session (1989) authorizes the commission to amend existing fee revenue authority to recover increased administrative costs of the delegated NPDES program. An estimate of the fiscal impact of administrative costs and the increased revenues to be generated contingent on NPDES program delegation will be presented in a subsequent proposal prior to the effective date of delegation. It should be noted that some cost savings may be realized by applicants for discharge permits as a result of adoption of the federal requirements and delegation of the federal program. Duplicative permit application costs will be avoided coincident with the state's assumption of comprehensive permit authority. These costs will vary widely depending on the size, complexity, and location of proposed waste treatment and discharge facilities.

Mr. Bourdeau also has determined that for each year of the first five years these sections are in effect the public benefit anticipated as a result of enforcing and administering these sections will be improvement in the regulation of municipal and industrial waste treatment facilities, protection of the quality of the water resources of the state, and enforcement of the provisions of the Water Code and regulations of the Texas Water Commission.

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

§314.1. Toxic Pollutant Effluent Standards and Prohibitions. 40 Code of Federal Regulations Part 129, Subpart A, Toxic Pollutant Effluent Standards and Prohibitions, as in effect on the date of TPDES program authorization, as amended, is adopted by reference.

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 July 18, 1990.

TRD-9007247

Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: August 27, 1990

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

TITLE 34. PUBLIC FINANCE

Part VIII. Texas State Depository Board

Chapter 171. Collateral Transactions

• 34 TAC §171.1

The Texas State Depository Board proposes an amendment to §171.1, concerning depositing, exchanging, and withdrawing security collateral for state deposits. The purpose of the amendments is to remove the restriction against residential financing securities as acceptable collateral and to remove the requirement that bonds issued by political subdivisions must be tax exempt in order to be acceptable collateral.

John Bell, director of cash flow forecasting, 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. Bell 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 less restrictive requirements for acceptable security collateral for state deposits. 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 Anne L. Schwartz, General Counsel, Texas State Treasury Department, 111 East 17th Street, Austin, Texas 78711, (512) 463-5971.

The amendment is proposed under the Texas Government Code, §404.013, which provides the Texas State Depository Board with the authority to adopt and enforce rules governing the establishment and conduct of state depositories, the handling of funds in the depositories, and the investment of state funds that the public interest requires.

§171.1. Deposit of Acceptable Security Collateral.

(a) Acceptable Security Collateral. The state treasurer shall approve all acceptable securities offered as collateral for state funds. Acceptable securities shall include only those securities with fixed, stated rates that do not contain provisions for principal reductions. The following securities are hereby deemed acceptable by the State Depository Board as collateral for state funds:

(1) United States Treasury Obligations:

(2) Federal National Mortgage Association discount notes and primary debt instruments or debentures, but not [residential financing securities or] mortgage-backed securities;

(3) Federal Home Loan Bank system consolidated bonds and discount notes issued in book-entry form:

(4) Federal Farm Credit Banks Consolidated Systemwide Bonds and discount notes issued in book-entry form;

(5) new public housing authority bonds and preliminary loan notes issued under the Housing Act of 1937, §22, as amended if:

(A) the annual contribution contract has been entered into between the housing authority and the Federal Housing Administration; and

(B) the United States government has fully guaranteed the principal and interest of the annual contributions contract;

(6) State of Texas bonds issued by the various state agencies and four-year educational institutions of the State of Texas;

(7) [tax exempt] bonds issued by political subdivisions of the State of Texas. By way of illustration, and not limitation, the governmental entities include independent school districts, incorporated cities, certain road districts, certain municipal water and/or utility districts, hospital districts (excluding health facility bonds), and water and air pollution control districts, as well as junior college revenue bonds;

(8) industrial development bonds which carry the tax exempt status of a political sub-division of the State of Texas and have received a credit rating of not less than AA or its equivalent by a nationally recognized investment rating firm.

(b)-(e) (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 July 19, 1990.

TRD-9007288 Anne L. Schwartz
General Counsel
Texas State Treasury
Department

Earliest possible date of adoption: August 27, 1990

For further information, please call: (512) 463-5971

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 1. Organization and Administration

Personnel and Employment Policies

• **37 TAC §1.32, §1.34**

The Texas Department of Public Safety proposes amendments to §1.32 and §1.34,

concerning personnel and employment policies. Amendments to 1.32(b)(17) and §1.34(b)(2) delete syphilis as a medical condition for rejection in the basic requirements for employment as a Trooper and Police Communications Operator I. New paragraphs are added to these sections which requires a syphilis screening test to determine if the applicant is currently infectious. When it has been determined that the applicant is currently infectious, the applicant will be rejected. The remaining paragraphs of both sections are renumbered.

Melvin C. Peebles, assistant chief of fiscal affairs, 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.

Terry Greene, commander of personnel bureau, 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 applicants who have been successfully treated for the condition of syphilis will not automatically be rejected and will be eligible for further consideration for employment. 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 John C. West, Jr., Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, (512) 465-2000.

The amendments are proposed under the Texas Government Code, §411.007, which provides the Public Safety Commission with authority to establish grades and positions for the department and set standards of qualifications for each such grade and position so established. Rulemaking authority is granted in this section.

§1.32. Basic Requirements for Employment as Trooper.

(a) (No change.)

(b) Medical-physical standards. Applicants must conform to the following medical-physical standards:

(1)-(16) (No change.)

(17) Diabetes [or syphilis]. Applicants with a past medical history of diabetes [or syphilis] will be rejected.

(18) Syphilis. Applicants with a past medical history of syphilis will not be rejected until a syphilis screening test has been completed to determine if the applicant is infectious. When it is determined that an applicant is currently infectious, the applicant will be rejected.

(19)[(18)] Questions. In all instances where a question may arise as to whether an applicant meets the medical-physical standards, the director or his designee shall make the final determination as to whether an applicant is physically qualified for acceptance as a trooper.

§1.34. Basic Requirements for Police Communications Operator I.

(a) (No change.)

(b) Medical-physical standards.

(1) (No change.)

(2) Applicants with a past medical history of tuberculosis, rheumatic fever, epilepsy, [syphilis.] or coronary condition will be rejected.

(3) Applicants with a past medical history of syphilis will not be rejected until a syphilis screening test has been completed to determine if the applicant is infectious. When it is determined that an applicant is currently infectious, the applicant will be rejected.

(4)[(3)] Applicants who have a past medical history of diabetes will not be rejected until an individual evaluation is conducted. Applicants are required to submit a doctor's statement reflecting the stage and/or severity of the diabetes and the prescribed treatment.

(5)[(4)] Applicants with physical handicaps such as loss of a limb or disfigurement may be employed, provided, in the judgment of the regional commander, the applicant can perform the required duties satisfactorily and is able to get to and from his place of work without department assistance.

(6)[(5)] Normal hearing with each ear is required.

(7)[(6)] The mouth must be free from deformities or conditions that interfere with distinct speech, or that predispose to disease of the ear, nose, or throat.

(8)[(7)] Brain and nervous system must be free from defects.

(9)[(8)] Applicants must be mentally alert and sound of mind and must possess initiative, intelligence, good judgment, good address, and neatness of appearance.

(10)[(9)] In all instances in which a question may arise as to whether an applicant meets the above qualifications in this section, the director or his designee shall make the final determination.

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 July 5, 1990.

TRD-9007258 Joe E. Milner
Director
Texas Department of
Public Safety

Earliest possible date of adoption: August 27, 1990,

For further information, please call: (512) 465-2000

Chapter 15. Drivers License Rules

Driver Improvement

• 37 TAC §15.81

The Texas Department of Public Safety proposes an amendment to §15.81, concerning criteria for driver improvement action. Language is deleted in paragraph (b)(1) which defines a moving violation. Parking on pavement is deleted and will no longer be used in a driver license record as criteria for a habitual violator suspension.

Melvin C. Peeples, assistant chief of fiscal affairs, 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.

H. W. Stratemann, manager, driver improvement and control, 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 that parking on pavement violations will no longer be used as a moving violation in a person's driver's license record when evaluating criteria for habitual violator. 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 John C. West, Jr., Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, (512) 465-2000.

The amendment is proposed under Texas Civil Statutes, Article 6687b, §1A which provide the Texas Department of Public Safety with authority to adopt rules that it determines necessary to effectively administer this Act.

§15.81. Criteria for Driver Improvement Action.

(a) (No change.)

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

(1) Moving violation--Any act committed in connection with the operation of a motor vehicle on a public street or highway which constitutes a hazard to traf-

fic and is prohibited by state law or city ordinance. [Includes parking on pavement.] Does not include violations exempt by statute.

(2)-(4) (No change.)

(c)-(e) (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 July 16, 1990.

TRD-9007259

Joe E. Millner
Director
Texas Department of
Public Safety

Earliest possible date of adoption: August 27, 1990

For further information, please call: (512) 465-2000

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 72. Memoranda of Understanding with Other State Agencies

Memoranda of Understanding for Child Protective Services

• 40 TAC §72.902

The Texas Department of Human Services (DHS) proposes new §72.902, concerning service delivery to runaway children, in its Memoranda of Understanding chapter. The new section will adopt by reference the memorandum of understanding between the Texas Juvenile Probation Commission (TJPC) and DHS published as proposed new 37 TAC §341.21 in the May 18, 1990, issue of the *Texas Register* (15 TexReg 2796). This memorandum of understanding provides for TJPC and DHS coordination of services to runaway children at the community level.

Burton F. Raiford, chief financial officer, has determined that for the first five-year period the proposed 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. Raiford 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 improve local coordination of services to runaway children. 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.

Questions about the content of this proposal may be directed to Thomas Chapmond at (512) 450-3309 in DHS's Protective Services for Families and Children Department. Comments on the proposal may be submitted to Cathy Rossberg, Policy Communication Services-414, Texas Department of Human Services 454-W, P. O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The new section is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 71, which authorizes the department to enter into a memorandum of understanding with the TJPC regarding service delivery to runaway children.

§72.902. *Memorandum of Understanding on Service Delivery to Runaway Children.* The Texas Department of Human Services (DHS) adopts by reference 37 TAC §341.21 (relating to Memorandum of Understanding on Service Delivery to Runaways). This memorandum of understanding between the Texas Juvenile Probation Commission (TJPC) and DHS provides for TJPC and DHS coordination of services to runaway children at the community level.

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 July 23, 1990.

TRD-9007385

Cathy Rossberg
Agency liaison, Policy
Communication
Services
Texas Department of
Human Services

Proposed date of adoption: September 1, 1990

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



Name: Leann McCants
Grade: 11
School: Berkner High School, Richardson ISD

Adopted Sections

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

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

TITLE 1.

ADMINISTRATION

Part V. State Purchasing and General Services Commission

Chapter 113. Central Purchasing Division

Purchasing

- 1 TAC §§113.2-113.6, 113.9-113.12, 113.14

The State Purchasing and General Services Commission adopts amendments to §§113.2-113.6, 113.9-113.12, 113.14, 113.31, 113.73, 113.91, 11.93, 113.95, 113.99, and new sections 113.81, 113.83, 113.85, and 113.87, without changes to the proposed text as published in the June 5, 1990, issue to the *Texas Register* (15 TexReg 3121).

The amendments are necessary to delete or modify sections that are obsolete due to current legislation or business practice and to add a certified disadvantaged business enterprise preference to conform to §118, Article V, Senate Bill 222, 71st Legislature. Definitions are adopted to facilitate the use of electronic data interchange within the purchasing system. The new sections are necessary to provide for administration of the cooperative purchasing program in support of local governments in conformance with the purchasing, education, and local government codes.

The amendments are adopted to update and apprise the public and supported agencies of current administrative regulations by which provisions of Texas Civil Statutes, Article 3, Article 601b are implemented.

No comments were received regarding adoption of the amendments and new sections.

The amendments are adopted under Texas Civil Statutes, Article 601b, which provide the State Purchasing and General Services Commission with the authority to promulgate rules necessary for the administration and enforcement of the 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 July 19, 1990.

TRD-9007284 John R. Neel
General Counsel
State Purchasing and
General Services
Commission

Effective date: August 9, 1990

Proposal publication date: June 5, 1990

For further information, please call: (512) 463-3446

- 1 TAC §113.16

The State Purchasing and General Services Commission adopts the repeal of §113.16, without changes to the proposed text as published in the June 5, 1990, issue of the *Texas Register* (15 TexReg 3123).

Section 113.16 is repealed because it is obsolete, having no further effect after December 31, 1985.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 601b, which provides the State Purchasing and General Services Commission with the authority to promulgate rules necessary for the administration and enforcement of the 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 July 19, 1990.

TRD-9007282 John R. Neel
General Counsel
State Purchasing and
General Services
Commission

Effective date: August 9, 1990

Proposal publication date: June 5, 1990

For further information, please call: (512) 463-3446

Specification

- 1 TAC §113.31

The amendment is adopted under Texas Civil Statutes, Article 601b, which provide the State Purchasing and General Services Commission with the authority to promulgate rules necessary for the administration and enforcement of the 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 July 19, 1990.

TRD-9007285 John R. Neel
General Counsel
State Purchasing and
General Services
Commission

Effective date: August 9, 1990

Proposal publication date: June 5, 1990

For further information, please call: (512) 463-3446

Surplus Property Sales

- 1 TAC §113.73

The amendment is adopted under Texas Civil Statutes, Article 601b, which provides the State Purchasing and General Services Commission with the authority to promulgate rules necessary for the administration and enforcement of the 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 July 19, 1990.

TRD-9007283 John R. Neel
General Counsel
State Purchasing and
General Services
Commission

Effective date: August 9, 1990

Proposal publication date: June 5, 1990

For further information, please call: (512) 463-3446

Cooperative Purchasing Program

- 1 TAC §§113.81, 113.83, 113.85, 113.87

The new sections are adopted under Texas Civil Statutes, Article 601b, which provide the State Purchasing and General Services Commission with the authority to promulgate rules necessary for the administration and enforcement of the 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 July 19, 1990.

TRD-9007287 John R. Neel
General Counsel
State Purchasing and
General Services
Commission

Effective date: August 9, 1990

Proposal publication date: June 5, 1990

For further information, please call: (512) 463-3446

Competitive Cost Review

- 1 TAC §§113.91, 113.93, 113.95, 113.99

The amendment is adopted under Texas Civil Statutes, Article 601b, which provide the State Purchasing and General Services Commission with the authority to promulgate rules necessary for the administration and enforcement of the 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 July 19, 1990.

TRD-9007286 John R. Neel
General Counsel
State Purchasing and
General Services
Commission

Effective date: August 9, 1990

Proposal publication date: June 5, 1990

For further information, please call: (512) 463-3446

TITLE 10. COMMUNITY DEVELOPMENT

Part V. Texas Department of Commerce

Chapter 178. Texas Community Development Program

Subchapter A. Allocation of Program Funds

- 10 TAC §§178.10-178.12, 178.14, 178.16, 178.17

The Texas Department of Commerce (Commerce) adopts amendments to §§178.10-178.12, 178.14, 178.16, and 178.17, without changes to the proposed text as published in the May 29, 1990, issue of the *Texas Register* (15 TexReg 2957).

The amendments relate to the allocation of community development block grant (CDBG) nonentitlement area funds under the Texas Community Development Program. The amendments only concern the distribution of federal fiscal year 1990 Texas Community Development Program funds.

The amendments include application requirements and selection procedures and criteria.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Government Code, Chapter 481, Subchapter N, which provides commerce with the authority to allocate CDBG nonentitlement area funds to eligible counties and municipalities according to department rules.

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 July 20, 1990.

TRD-9007347 William D. Taylor
Executive Director
Texas Department of
Commerce

Effective date: August 10, 1990

Proposal publication date: May 29, 1990

For further information, please call: (512) 320-9666

- 10 TAC §178.18

The Texas Department of Commerce (Commerce) adopts new §178.18, without changes to the proposed text as published in the May 29, 1990, issue of the *Texas Register* (15 TexReg 2959).

The new section relates to the allocation of Community Development Block Grant (CDBG) nonentitlement area funds under the Texas Community Development Program. The new section establishes the standards and procedures by which Commerce will allocate housing development funds to eligible units of general local government beginning with the distribution of federal fiscal year 1990 Texas Community Development Program funds.

The new section includes the application requirements and selection procedures and criteria under the housing development fund.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Government Code, Chapter 481, Subchapter N, which provides Commerce with the authority to allocate CDBG nonentitlement area funds to eligible counties and municipalities according to department rules.

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 July 20, 1990.

TRD-9007346 William D. Taylor
Executive Director
Texas Department of
Commerce

Effective date: August 10, 1990

Proposal publication date: May 29, 1990

For further information, please call: (512) 320-9666

TITLE 16. ECONOMIC REGULATION

Part III. Texas Alcoholic Beverage Commission

Chapter 33. Licensing

- 16 TAC §33.12

The Texas Alcoholic Beverage Commission adopts new §33.12, with changes to the proposed text as published in the May 25, 1990, issue of the *Texas Register* (15 TexReg 2888).

The section is designed to review and keep track of functions which will be catered and to prevent the use of catering as a means to get around ongoing business licensing procedures.

A public hearing was held by the agency in Austin, on May 3, 1990, at which time oral comment was received. Written comment and legal briefs were received before and after the hearing. A transcript of the hearing and written comments are on file with the agency and available for inspection.

Organizations for the proposed section were: Mothers Against Drunk Driving, Texas Parents and Teachers Association, For the Love of Christi, Austin City Council of Parents and Teachers Associations, and the Office of Student Support Services for the Austin Independent School District.

Organizations against the proposed section were: The Texas Restaurant Association.

The principal objection to the proposal was the failure to provide for repetitive catering. The agency agrees that a simplified procedure for repetitive catering is desirable. Accordingly, subsections (e)-(h) have been added.

The new section is adopted under the Texas Alcoholic Beverage Code, §5.31, which provides the Texas Alcoholic Beverage Commission with the authority to promulgate rules regulating the sale of alcoholic beverages by licensed establishments and §31.03(b) which requires the Texas Alcoholic Beverage Commission to promulgate rules governing the application for and the issuance and use of caterer's permits.

§33.12. Use of Caterer's Permits.

(a) Authority and applicability. This rule is promulgated under the authority of Alcoholic Beverage Code (Code), §31.03(b) and, in the absence of specific statutory authority to the contrary, regulates the activities of holders of mixed beverage permits who also hold caterer's permits issued in conformity with the Code, Chapter 31.

(b) Designated areas. Except as provided for in subsection (e) of this section, the holder of a caterer's permit, or his designated representative, shall complete a form, provided by the commission, prior to the use of the permit. The forms shall include the following information:

- (1) the caterer's permit number;
- (2) the tradename of the mixed beverage permit associated with the caterer's permit;
- (3) the location of the function(s) to be catered;
- (4) the date(s) and time(s) of the function(s) to be catered; and
- (5) a brief description of the function to be catered. The form shall be signed by a representative of the commission and copy(s) shall be left with the commission at either a district office, an outpost office, or with a local agent or

employee authorized to issue such forms. The original of the form shall be placed in a conspicuous place at the location of the catered function during the time that the function is being catered.

(c) Use in connection with pending applications. Only under the following circumstances may the holder of a caterer's permit utilize that authority to provide service of alcoholic beverages at a location which has been designated as the licensed premises in a pending application for a permit or license allowing the sale of alcoholic beverages for on-premise consumption.

(1) There has been no protest filed by the commission, any local authorities, or groups of citizens against the granting of the pending application.

(2) The commission's district office must have determined that the license or permit application for the proposed location has been completed and that all fees and securities, if applicable, have been paid, and the district office clearance report must have been finalized and sent to the licensing division at the state headquarters.

(3) The caterer's permit may be used for no more than 10 days, counting the day of the first catered event, unless the administrator or his designated representative, on the basis of a case-by-case review of the specific situation, grants an extension of time.

(4) Regardless of the number of days on which the caterer's permit has been used, the right to use that permit terminates when the commission either issues an order denying the previously pending application or issues to the applicant the license or permit for which application had been made.

(d) Suspension. No holder of a caterer's permit shall utilize that authority to provide service of alcoholic beverages on the licensed premises of any person or entity whose permit or license for that location has been suspended by commission administrative action.

(e) Repetitive catering. Holders of a caterer's permit who have frequent, repetitive catering at a specific location or on a designated route may apply for repetitive catering certificates. An application for repetitive catering certificates shall be made on forms prescribed by the commission. Upon approval of the commission, a permit holder will be issued sequentially numbered certificates. Certificates will not be issued if barred under Subsections (c) and (d) of this section. To use a caterer's permit, the holder must complete a sequentially numbered certificate for each event held. The repetitive catering certificate must be completed prior to the function and be placed in a conspicuous place at the location of the function at all times during the function. At any time the administrator or designated representative may compel a permit holder

to return all certificates for a location to the commission.

(f) Repetitive catering certificate. The repetitive catering certificates must specify the location or route for which the certificates are issued, the permit number under which they are issued and the tradename of the mixed beverage permit associated with the caterer's permit. The holder of a caterer's permit shall complete the following information on the certificate prior to the event:

- (1) the date and time of the function;
- (2) the location of the function, and
- (3) a description of the event.

(g) Reporting. Holders of repetitive catering certificates shall deliver or mail copies of the repetitive catering certificates to the commission at the district office in which a catered event occurs with seven days of the conclusion of the event which is catered.

(h) Ground for denial. The administrator or his designated representative shall refuse to issue a catering certificate or repetitive catering certificates to anyone if there is reason to believe the issuance of a certificate is detrimental to the public.

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 July 20, 1990.

TRD-9007335 Joe Darnall
General Counsel
Texas Alcoholic Beverage
Commission

Effective date: August 10, 1990

Proposal publication date: May 25, 1990

For further information, please call: (512) 458-2500

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**Chapter 45. Marketing
Practices**

**Subchapter D. Advertising and
Promotion**

Mixed Beverages

• 16 TAC §45.105

The Texas Alcoholic Beverage Commission adopts new §45.105, with changes to the proposed text as published in the April 20, 1990, issue of the *Texas Register* (15 TexReg 2232).

This section is designed to curb abuses of happy hour promotions in on-premise establishments.

A public hearing was held by the agency in Austin, on May 3, 1990, at which time oral comment was received. Written comment and legal briefs were received before and

after the hearing. A transcript of the hearing and written comments are on file with the agency and available for inspection.

Organizations for the proposed section were: Mothers Against Drunk Driving, Texas Parents and Teachers Association, For the Love of Christ, Austin City Council of Parents and Teachers Associations, and the Office of Student Support Services for the Austin Independent School District.

Organizations against the proposed section were: Texas Restaurant Association, Texas Hotel and Motel Association, Bar Owners Association of Texas, Texas Mixed Beverage Association and Food and Beverage Association of Texas.

Organizations opposing the proposal contend that it is an unconstitutional restriction of the right of commercial speech. The agency believes that the adopted section is a permissible restriction upon form and location of the information communicated, not a restriction upon content.

Some opponents contended that display of a brand name is not harmful in relation to the intent of the proposal. The agency agrees, and that restriction was abandoned.

It was also pointed out that the proposal would prohibit such signs as small menu cards in the windows of restaurants. The intent of the agency is to prohibit price advertising which can be seen by motorists. Accordingly, the words "which may be seen from the street" were added.

It was also noted that large signs inside a building might be seen from the street. Accordingly, language was added to provide for signs inside as well as outside.

The new section is adopted under the Texas Alcoholic Beverage Code, §5.31, which provides the Texas Alcoholic Beverage Commission with the authority to promulgate rules regulating the sale and promotion of alcoholic beverages by licensed establishments, and §108.07 which provides the agency with the authority to promulgate rules regulating advertising by mixed beverage permittees.

§45.105. Outdoor Advertising by Mixed Beverage Establishments. The holder of any permit allowing the sale or service of mixed beverages may not advertise any prices which may be seen from the street on any sign, billboard, marquee, or any other display on or outside of the building or which may be seen from outside of the building.

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 July 20, 1990.

TRD-9007336 Joe Darnall
General Counsel
Texas Alcoholic Beverage
Commission

Effective date: August 10, 1990

Proposal publication date: April 20, 1990

For further information, please call: (512) 458-2500

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TITLE 19. EDUCATION
Part II. Texas Education
Agency
Chapter 33. State Board of
Education

Subchapter C. Investment of
the Permanent School Fund
• 19 TAC §33.54

The Texas Education Agency adopts an amendment to §33.54, without changes to the proposed text as published in the June 8, 1990, issue of the *Texas Register* (15 TexReg 3301). The amendment concerns the Investment Advisory Committee to the Permanent School Fund. The amendment expands the advisory committee from nine to 15 members.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §15.02, which authorizes the State Board of Education to make rules concerning the investment of the Permanent School Fund.

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 July 19, 1990.

TRD-9007326 W. N. Kirby
Commissioner of Education

Effective date: August 10, 1990

Proposal publication date: June 8, 1990

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

• 19 TAC §33.62

The Texas Education Agency adopts an amendment to §33.62, without changes to the proposed text as published in the June 8, 1990, issue of the *Texas Register* (15 TexReg 3302). The amendment concerns the guarantee program for school district bonds. The amendment assures that the bonds are guaranteed by the corpus of the Permanent School Fund, and not by the Available School Fund, and that school cannot use funds received from the Available School Fund to retire bonded indebtedness. The amendment is needed to ensure that the bond guarantee program is not subject to arbitrage restrictions by the United States Internal Revenue Service.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §20.913, which authorizes the State Board of Education to make rules concerning the administration of the bond guarantee program.

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 July 19, 1990.

TRD-9007333 W. N. Kirby
Commissioner of Education

Effective date: August 10, 1990

Proposal publication date: June 8, 1990

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

Chapter 41. State
Commissioner of Education

Subchapter D. Adoptions by
Reference

• 19 TAC §41.61

The Texas Education Agency adopts an amendment to §41.61, without changes to the proposed text as published in the June 22, 1990, issue of the *Texas Register* (15 TexReg 3615).

The section concerns the adoption by reference of Bulletin 742, School District Data Submission to the Texas Education Agency. This bulletin contains the forms required for data submissions to the agency. Some forms have been deleted, streamlined, or coordinated with the public education information management system, and two new federal evaluation forms have been added due to legislative mandates.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §11.52(d), which authorizes the commissioner of education to prescribe uniform systems of forms, reports, and records necessary to secure information from county school officers and local 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 July 9, 1990.

TRD-9007378 W. N. Kirby
Commissioner of Education

Effective date: August 13, 1990

Proposal publication date: June 22, 1990

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

Chapter 61. School Districts

Subchapter J. Military Reserva-
tion School Districts

• 19 TAC §61.251

The Texas Education Agency adopts new §61.251, with changes to the proposed text as published in the June 8, 1990, issue of the *Texas Register* (15 TexReg 3302). The new section concerns the nomination of trustees for military reservation school districts. Under the provisions of the Texas Education Code, §11.28(c), the State Board of Education is authorized to appoint board members for military reservation independent school districts. The new section establishes the procedures

to be followed in the nomination process.

Several changes has been made to the section since it was proposed. All of the changes made were minor editorial changes made to correct sentence structure or to clarify the intent of the proposed new section. No changes were made that affected the intent or substance of the proposed new section.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Education Code, §11.28, which authorizes the State Board of Education to appoint a board of trustees for each military reservation independent school district.

§61.251. *Nomination of Trustee for Military Reservation School Districts.*

(a) In nominating trustee candidates for military reservation school districts, the commanding officer of the military reservation shall:

(1) submit a list to the commissioner of education with at least three nominees for each vacancy. When two or more vacancies occur simultaneously, a list of three different nominees for each vacancy shall be submitted. In cases where the commanding officer wishes to reappoint existing board members, a list of three nominees for each vacancy must still be submitted. Nominees not selected for existing vacancies may be resubmitted as candidates for subsequent vacancies. The commanding officer may rank in the order of preference the nominees submitted for each vacancy;

(2) submit a statement that verifies that each of the nominees is qualified under the general school laws of Texas and lives or is employed on the military reservation;

(3) submit a copy of a current biographical vita (resume) for each of the nominees, with a signature by the nominee attesting to the truth of the contents of the biographical vita;

(4) submit a statement from each of the nominees which expresses the nominee's willingness to accept the appointment and to serve in such a capacity with full adherence to the state-established standards on the duties and responsibilities of school board members;

(5) submit a signed statement that expresses recognition of the powers of the board of trustees to govern and manage the operations of the military reservation school district;

(6) submit a signed statement regarding the governance and management operations of the district that expresses recognition that the role of the commanding officer of the military reservation is limited only to the duty defined by statute in the process of appointing board of trustees;

(7) submit a statement that the membership composition of the board of trustees is in full compliance with the provisions of the Texas Education Code, §11.28.

(b) A member of the board of trustees who, during the period of the term of office experiences a change of status disqualifying such member for appointment under the provisions of the Texas Education Code, §11.28, shall become ineligible to serve at the time of the change of status.

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 May 17, 1990.

TRD-9007330 W. N. Kirby
Commissioner of Education

Effective date: August 10, 1990

Proposal publication date: June 8, 1990

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

Chapter 75. Curriculum

Subchapter H. Promotion and Alternatives to Social Promotion

• 19 TAC §75.195

The Texas Education Agency adopts an amendment to §75.195, with changes to the proposed text as published in the June 8, 1990, issue of the *Texas Register* (15 TexReg 3303). In subsection (d)(4), language has been added to clarify the at-risk criteria for a student who is sexually, physically, or psychologically abused based on an investigation and confirmation of abuse by the Texas Department of Human Services staff. Confirmation of the person alleging the abuse is required according to Child Protective Services, Chapter 49.514, "Notification About Results". In subsection (1), language has been added to protect the at-risk students in the small-size districts by extending the requirements for writing a dropout reduction plan to districts with 100 or less dropouts when their annual dropout rate exceeds the state's annual dropout rate. In subsection (j) wording changes have been made on the advice of legal counsel to clarify that students who enter the school system at the age of six are entitled to enter into first grade regardless of their abilities. This section concerns alternatives to social promotion. The amendments include the addition of criteria for identifying at-risk students in prekindergarten through grade six, and the addition of new criteria for identifying nonhandicapped students who reside in a residential placement facility in a district in which the student's parent or legal guardian does not reside, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster family home. These amendments are consistent with recent statutory changes. Senate Bill 1668 of the 71st Legislature contained changes relating

to criteria for identifying at-risk students in prekindergarten through grade six and grades seven through 12. Senate Bill 152 of the 71st Legislature added additional requirements relating to the district's at-risk plan.

One individual submitted comments concerning retention of students in kindergarten and first grade. These concerns were addressed in changes made in subsection (j).

The amendment is adopted under the Texas Education Code, §21.101, which authorizes the State Board of Education to designate essential elements for subjects in grades prekindergarten through 12 and to require that districts provide instruction in these elements as specified by the board; and Texas Education Code, §21.721, which directs the board to make rules concerning alternatives to social promotion.

§75.195. Alternatives to Social Promotion.

(a)-(b) (No change.)

(c) Students in grades one-six who fail to meet the requirements for promotion in subsection (b) of this section shall be identified as at risk.

(d) The purpose of identifying students as at-risk is to signal school districts that specialized programs and services are to be provided to students in order to promote their academic success and prevent school failure. Children in early childhood education programs who are identified as at risk by statute benefit from developmentally appropriate programs. Students in prekindergarten through grade level six who meet one or more of the following conditions shall be identified as at risk:

(1) did not perform satisfactorily on a readiness test or assessment instrument administered at the beginning of the school year;

(2) have failed one or more of the reading, writing, or mathematics sections of the most recent TEAMS/TAAS test beginning with the third grade;

(3) is a student of limited English proficiency, as defined by the Texas Education Code, §21.452;

(4) is sexually, physically, or psychologically abused based on an investigation and confirmation of abuse by the Texas Department of Human Services staff. Confirmation to the person alleging the abuse is required according to Child Protective Services, Policies and Procedures, Rule 2374, "Notification About Results"; or

(5) engages in conduct described by the Texas Family Code, §51.03(a).

(e) Students in grades seven-12 who are below the age of 21 years and who meet one or more of the following conditions shall be identified as at risk:

(1) have not been promoted one or more times in grades one-six based on academic criteria established in subsections (a) and (b) of this section and continue to be unable to master the essential elements in the seventh or higher grade level;

(2) are two or more years below grade level in reading or mathematics;

(3) have failed at least two courses in one or more semesters and are not expected to graduate within four years of the time they entered the ninth grade; or

(4) have failed one or more of the reading, writing, or mathematics sections of the most recent TEAMS/TAAS test beginning with the seventh grade;

(5) in addition to criteria outlined in this subsection, the district may consider the environmental, familial, economic, social, developmental, and other psycho-social factors in determining services where such factor contributes to the student's inability to progress academically.

(f) Each nonhandicapped student in prekindergarten through grade level 12 shall be identified as at risk if the nonhandicapped student resides in a residential placement facility in a district in which the student's parent or legal guardian does not reside, including a detention facility, substance abuse treatment facility, emergency shelters, psychiatric hospital, halfway house, or foster family group home.

(g) Each homeless student, as defined by the Texas Education Agency's state plan for the education of homeless children and youth, shall be identified as at risk.

(h) At-risk students shall be provided academic options and services deemed appropriate by the district based upon its assessment of the student's needs. These options and services may include, but need not be limited to, alternative education program, retention, counseling, peer tutoring, and/or referral to other service providers. They shall be provided immediately to students identified as at risk. Districts are encouraged to provide parents with suggestions for helping students at home. For students identified as at risk, district procedures shall include the following components:

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

(3) notification to the parent or guardian of each student stating the primary conclusions of the assessment of such student's needs and the services or alternative program or programs in which such student is being placed. Such notification may be by registered letter with return receipt requested. Notification is waived for students identified at risk because of sexual, physical, or psychological abuse;

(4)-(6) (No change.)

(i) Students in grades one-eight who have been retained or placed in alternative programs and who still fall two years or more below grade level in reading or mathematics or both shall be placed in an alternative program providing intensive remediation designed for rapid progress in language arts, reading, and mathematics. Time and subject requirements for subjects other than language arts, reading, and mathematics as provided in §75.141 of this title (relating to Description of a Well-Balanced Elementary Curriculum) may be adjusted.

(j) No student shall be retained more than one time in grades one-four and more than one time in grades five-eight. Students in prekindergarten and kindergarten shall not be retained. In exceptional cases, with approval of a committee consisting of at least the student's teacher or teachers and two administrators, one of whom shall be assigned above the campus level, and the permission of the parent, a second retention within either grades one-four or grades five-eight may be allowed.

(k) The district at-risk coordinator shall prepare a dropout reduction plan each school year designed to retain students in a school setting in prekindergarten through grade level 12. The plan must be reviewed and approved by the district's board of trustees and shall be available to the public. The district plan:

(1) (No change.)

(2) shall identify the number of students in the district who dropped out in the preceding regular school term;

(3) shall identify the number of students in prekindergarten through grade level 12 who are at risk of dropping out;

(4) shall establish the district's dropout rate goal for that school year;

(5) shall include objectives designed to meet the identified needs of at-risk students and to retain those students in school in accordance with the State Board of Education's long range plan for Texas public school education;

(6) shall identify the dropout reduction programs, resources, and strategies to be used during the school year;

(7) shall be designed to use community resources that are available to serve at-risk youth;

(8) shall provide for parental involvement such as participation in development of student academic plans and training programs for parents;

(9) shall provide for the review of individual student data and the development of an individual profile of each at-risk student;

(10) may include alternatives as described in §75.164(c) of this title (relating to Experimental Courses, Magnet Programs, and Alternative School Programs);

(11) shall be the responsibility of the superintendent or his designated at-risk coordinator. The at-risk coordinator shall be appointed on or before September 1, 1987. The at-risk coordinator shall collect and disseminate data regarding dropouts, shall coordinate the program in the district for students who are at risk of dropping out of school, and shall prepare a dropout reduction plan annually;

(12) may provide for the referral of students who drop out to programs such as adult basic education, Job Training Partnership Act programs, or other options.

(l) Districts are not required to prepare a dropout reduction plan if fewer than 5.0% of their students are identified as being at risk of dropping out of school unless the district had 100 or more students drop out of school in the preceding school year. A plan also is required for districts with fewer than 100 dropouts when their annual dropout rate exceeds the state's annual rate.

(m) The principal of each campus shall be responsible for the implementation of state and district policies and the district plan with due consideration for the unique characteristics and circumstances of that campus.

(n) Youth who are not high school graduates, who are below the age of 21 years, and who are not currently enrolled in an educational program may be identified for recruitment into an alternative program.

(o) Students placed in alternative education programs as described in this section must meet eligibility requirements in §97.113(c) and (d) of this title (relating to Student Absences for Extracurricular or Other Activities) and §75.169(b) of this title (relating to Award of Credit, Grades Nine-12) in order to participate in extracurricular activities.

(p) Specific criteria for entry into high school courses in accordance with §75.170(c) of this title (relating to School District Policy on Grading, Promotion, Retention, Remediation, and Placement) shall be clearly defined for students in grades seven and eight.

(q) Students shall be placed in academically challenging courses.

(r) The district may consider the environmental, familial, economic, social, developmental, and other psycho-social factors in determining services where such factor contributes to the student's inability to graduate from high school.

(s) Districts are authorized to use state compensatory education funds to provide for services and alternative programs in accordance with §89.131 of this title (relating to Definition of Remedial and Compensatory Instruction). Two or more school districts may enter into cooperatives to provide academic options and services.

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 July 19, 1990.

TRD-9007376

W. N. Kirby
Commissioner of Education

Effective date: August 13, 1990

Proposal publication date: June 8, 1990

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

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Chapter 77. Comprehensive
Instruction

Subchapter V. Adoptions by
Reference

• 19 TAC §77.453

The Texas Education Agency adopts an amendment to §77.453, without changes to the proposed text as published in the June 12, 1990, issue of the *Texas Register* (15 TexReg 3403). The amendment concerns the adoption by reference of the State Plan for Federal Vocational Education Funding, Fiscal Years 1991-1992. This document is the general application required to be submitted by the state for funds to be received under the Carl D. Perkins Vocational Education Act, Public Law 98-524.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §11.02(c), which authorizes the Central Education Agency to enter into agreements with respect to educational undertakings with an agency of the federal government; §11.24(a), which designates the State Board of Education as the State Board of Vocational Education; and Public Law 98-524, which requires states receiving funds for vocational education to develop a three-year state plan and annual program plans for vocational education.

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

Issued in Austin, Texas, on July 19, 1990.

TRD-9007334

W. N. Kirby
Commissioner of Education

Effective date: August 10, 1990

Proposal publication date: June 12, 1990

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

Chapter 81. Instructional Resources

Subchapter D. State Textbook Program

Textbook Proclamation

• 19 TAC §§81.90-81.95

The Texas Education Agency adopts an amendment to §81.90, and new §§81.91-81.95, with changes to the proposed text as published in the June 12, 1990, issue of the *Texas Register* (15 TexReg 3403). The majority of the amendments track legislation requiring the appointment of State Textbook Proclamation Advisory Committees for each subject in the textbook proclamation and the issuance of each proclamation 32 months before the date scheduled for adoption. House Bill 884 of the 71st Legislature requires the State Board of Education to issue textbook proclamations 32 months before the date scheduled for adoption of the textbooks and to appoint textbook proclamation advisory committees to be used for the development of all proclamations issued by the board on or after January 1, 1991.

Section 81.94(a) was changed to strengthen the provisions of the no-contact periods by extending the no-contact periods from 30 days after the close of the last official meeting of the committee to the date the board issues the proclamation. These sections concern the state textbook program. The amendments concern the development and issuance of textbook proclamations.

No comments were received regarding adoption of the amendment and new sections.

The amendment and new sections are adopted under the Texas Education Code, §12.01, which provides that textbook adoptions shall be carried out in accordance with the Texas Education Code, Chapter 12; §12.11, which provides for the establishment of the State Textbook Subject Area Committees; and §12.24, which authorizes the State Board of Education to make rules for the adoption of textbooks for use in public schools.

§81.90. Proclamation, Public Notice, and Schedule for Adoption for Textbooks.

(a) In accordance with the Texas Education Code, §12.04(a) and §12.17, the State Board of Education shall issue a proclamation for new textbooks in those subjects in which contracts are not renewed. The proclamation shall serve as public notice to all Texas registered textbook publishers and to the public that bids to furnish textbooks to the state are being invited. The proclamation shall be issued 32 months in advance of the date specified in the adoption schedule for adoption of the textbooks by the State Board of Education.

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

§81.91. State Textbook Proclamation Advisory Committees: Appointments and Qualifications.

(a) The commissioner of education, annually at a meeting of the State Board of Education, shall recommend one person from each State Board of Education district in this state for appointment to a textbook proclamation advisory committee for each subject area for which textbook are to be adopted. In making these recommendations, the commissioner shall be exempt from the requirements of §161.3 of this title (relating to Appointment of Members) concerning consultation with members of the State Board of Education. The commissioner shall notify each board member of the names and shall furnish biographical information for each person being recommended from that member's state board district 30 days prior to the meeting at which the recommendations are presented to the board for review and approval.

(b) The commissioner of education shall ensure that all persons recommended by the commissioner for appointment to the proclamation advisory committees meet the statutory and State Board of Education rule requirements concerning qualifications for membership. All appointments to the textbook proclamation advisory committees shall be made in accordance with the Texas Education Code, §12.04. Each person appointed shall reside and/or teach in the State Board of Education district to be represented.

(c) At least a majority of the members of each textbook proclamation advisory committee shall be classroom teachers, and all members shall be appointed because of unusual background or training or recognized ability as teachers in the subject fields for which adoptions are to be made during the year of appointment. At least one member of each textbook proclamation advisory committee shall be knowledgeable in the field of special education. At least two members of each textbook proclamation advisory committee shall be persons who are not employed in the public schools, but who are recognized for their expertise in a subject area assigned to that committee.

(d) The State Board of Education shall approve or reject the nominations; and if any name is rejected, the commissioner of education shall nominate others until one person has been selected from each State Board of Education district in this state.

(e) The commissioner of education and the State Board of Education shall solicit and accept recommendations for possible appointees to the textbook proclamation advisory committees from any school district or educational organization in the state and shall also accept recommendations from any person in the state, but shall not accept nominations from any textbook publishers, authors, or depositories; agents for textbook publishers, authors, or depositories; or any other persons who have any official positions with any of such textbook publishers, authors, depositories, or agents.

(f) All textbook publishers, authors, or depositories; agents, for textbook publishers, authors, or depositories; or any other persons who have any official positions with any such textbook publishers, authors, depositories, or agents shall refrain from and shall avoid, either directly or indirectly, aiding, abetting, suggesting, recommending, or encouraging either that any other person seek to be nominated or appointed, or that any person nominate or appoint another person to a textbook proclamation advisory committee.

(g) Prior to employing an educator to review textbooks, sell textbooks, or otherwise represent a publishing company, the publisher shall notify the person that employment or receipt of any remuneration would negate the person's eligibility to serve on a textbook proclamation advisory committee for a two-year period following such employment or receipt of remuneration.

(h) Each person appointed to a textbook proclamation advisory committee shall file with the State Board of Education an affidavit verifying that the person does not have an interest that conflicts with Texas Education Code, §12.04(e) and (f).

§81.92. Duties of the State Textbook Proclamation Advisory Committees. The duties of each textbook proclamation advisory committee shall be to make recommendations to the State Board of Education regarding:

(1) content specifications in the proclamation for textbooks in each subject area assigned to that committee which are consistent with Texas Education Code, §21.101 and Title 19, Texas Administrative Code, Chapter 75;

(2) criteria to be used to evaluate textbooks submitted for consideration in each subject area assigned to that committee.

§81.93. State Textbook Proclamation Advisory Committees: Meetings and Expenses.

(a) Meetings.

(1) A schedule for meetings of the textbook proclamation advisory committees shall be established by the commissioner of education.

(2) Each State Textbook Proclamation Advisory Committee member shall make every effort to attend all scheduled meetings of the committee. A member who cannot attend a meeting shall not be permitted to send a substitute.

(b) Expenses.

(1) Members of each textbook proclamation advisory committee shall be reimbursed for expenses incurred in attending official meetings.

(2) Reimbursement for lodging, meals, and travel shall be in accordance with rules adopted by the State Board of Education for advisory committees.

(3) Expenses shall be paid for designated subject area proclamation advisory committee members to attend proclamation hearings before the State Board of Education and State Board of Education meetings at which proclamations are considered if attendance is requested by the board.

(c) Reimbursement for substitute teachers. If a textbook proclamation advisory committee member is required to attend a meeting of the State Textbook Proclamation Advisory Committee or a hearing or meeting of the State Board of Education at which proclamations are considered on a day when school is in session and a substitute teacher must be used by the local school district to assume the textbook proclamation advisory committee member's teaching responsibilities, the district shall be reimbursed for the cost of the substitute at the standard state rate. The cost of the substitute shall not be paid by the textbook proclamation advisory committee member. State Textbook Proclamation Advisory Committee members shall report the use of a substitute teacher at the time their expense claims are filed. Reimbursement for the substitute will be paid from state funds to the school district through the appropriate textbook proclamation advisory committee member.

§81.94. No-Contact Periods.

(a) Members of each State Textbook Proclamation Advisory Committee shall observe a no-contact period which shall begin with the initial communication regarding possible appointment to a textbook proclamation advisory committee and end on the date the board issues the proclamation. During this no-contact period, members shall have no contact either directly or indirectly with any textbook publishers, authors, or depositories; agents for textbook publishers, authors, or depositories; any other persons who have any official positions with any such textbook publishers, authors, depositories, or agents; or petitioners.

(b) State Textbook Proclamation Advisory Committee members shall report immediately to the commissioner of education any communication or attempted communication by any textbook publishers, authors, or depositories; agents for textbook publishers, authors, or depositories; any other persons who have any official positions with any such textbook publishers, authors, depositories, or agents; or petitioners.

§81.95. Committee Member Conduct. State Textbook Proclamation Advisory Committee members shall not ac-

cept meals, entertainment, gifts, or gratuities in any form from any textbook publishers, authors, or depositories; agents for textbook publishers, authors, or depositories; agents for textbook publishers, authors, or depositories; or any persons who have any official positions with any such textbook publishers, authors, depositories, or agents.

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 July 19, 1990.

TRD-9007328 W. N. Kirby
Commissioner of Education

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

Chapter 89. Adaptations for Special Populations

Subchapter C. Educational Programs for Gifted and Talented Students

• 19 TAC §§89.51-89.56

The Texas Education Agency adopts amendments to §§89.51-89.56, with changes to the proposed text as published in the May 1, 1990, issue of the *Texas Register* (15 TexReg 2480). Section 89.53 has been revised to specify the process for developing criteria for the identification of gifted and talented students; delete the requirement that students at the kindergarten level be identified and served at the start of the second semester of the school year; and remove the time requirements for gifted and talented programs contained in the proposed rule. Changes to §89.55(a)(4) and (5) remove provisions delaying the implementation of curriculum development for gifted students and provide for instruction that focuses on student strengths. A change to §89.56(c) has been made to clarify the use of the gifted and talented student allotment for indirect costs.

The amended rules are designed to assist school districts in meeting the state mandate for gifted education that goes into effect at the beginning of school year 1990. The amended rules strengthen the requirements of school districts to provide appropriate educational opportunities for gifted and talented students. In addition, the amended rules clarify that five days of staff development are required only for those teachers of the gifted who have not previously received training, and provide staff development for those teachers who have not previously received training in gifted education. The amendments are adopted pursuant to Senate Bill 607 passed by the 70th Texas Legislature.

Public testimony regarding revisions to the rules included in 19 TAC Chapter 89, Subchapter C, relating to the education of gifted/talented students, was heard by the Committee on Students of the State Board of Education on July 13, 1990. Testimony fo-

cused on three issues: early identification of gifted students; time requirements for the program; and staff development requirements.

The Texas Association for the Gifted/Talented stressed the need to maintain three provisions in the rules—those relating to kindergarten identification, the provision of 150 minutes of appropriately modified instruction; and the five days required staff development for new teachers of the gifted.

Testimony by other witnesses supported the early identification requirement as the best way to include students from low socioeconomic backgrounds in the program before skill gaps developed that might affect student performance. Further, research indicated that many children became underachievers because their needs were not met in the early grades. It was also noted that young students need a curriculum that is developmentally appropriate for them and that identifying and serving gifted students in the primary grades was the only way they would receive such instruction.

The provisions regarding the 150-minute requirement were supported by testimony that stated that requiring appropriately modified instruction for 7.0% of the school week was a minimal requirement and one that was easy to accommodate. Staff development requirements were supported because of the lack of training provided in colleges of education and the right of students to receive instruction from professionals trained to meet their specific needs.

The Urban Curriculum Council stated that young children should not be identified for special programs until the third grade. They also stated that young children should have an appropriately modified instruction and that labels should not be put on kindergarten and primary school youngsters. Concern was expressed not just for those students who were admitted to the program but to those would be left out.

Other witnesses objected to the 150 minutes of instruction as being artificial and inflexible.

The Texas Education Agency supports early identification of gifted students as part of its effort to reach and appropriately serve all students. Legislation (Texas Education Code, §21.652) requires that programs for gifted students be provided at each grade level. Because of the limited opportunities for formal training in gifted education at the undergraduate level, the agency, both through statewide efforts and through funding provided the regional education service centers, provides numerous opportunities for staff development that will assist districts in meeting the requirement of five days of training for new teachers.

The amendments are adopted under the Texas Education Code, §21.654, which authorizes the State Board of Education to adopt rules for the approval of programs for gifted and talented students.

§89.51. General Provisions.

(a) Local school districts shall ensure that gifted and talented students are provided with educational opportunities

commensurate with their abilities. School districts may adapt both school organization and curricula for gifted and talented students in accordance with Chapter 75 of this title (relating to Curriculum) and Chapter 97, Subchapter D of this title (relating to Principles, Standards, and Procedures for the Accreditation of School Districts).

(b) (No change.)

§89.52. Definition.

(a) Gifted and talented students are those who excel consistently or who have the potential to excel in any one or combination of the following areas: general intellectual ability, specific subject matter aptitude, creative and productive thinking, leadership ability, ability in the visual and performing arts, and psychomotor ability. These students require educational experiences beyond those normally provided by the regular school program.

(b) (No change.)

§89.53. Student Participants.

(a) School districts shall develop written policies on student identification that are approved by the local board of trustees. These policies shall include a definition of gifted students that is compatible with the state definition included in §89.52(a); provisions for ongoing screening and selection of nominated students based on a minimum of five equally weighted criteria that represent both objective and subjective assessments; provisions regarding the exiting of students from the program; provisions regarding the placement of transfer students; and provision for appeals of district decisions regarding program placement.

(b) Final selection of students shall be made by a committee of at least three local district educators who have received training in the area of gifted education.

(c) Data and procedures used during the identification process shall be designed to assure that the population of the program for gifted students reflects the population of the total district.

(d) Students at the kindergarten level through grade 12 must be identified and served. In kindergarten through grade two, talent pools of potentially gifted students may be identified to receive instruction designed to enhance talent and divergent thinking skills.

(e) Once identified for a gifted program, the student shall not be reidentified in order to remain in the program.

(f) Participation in any program or service offered for gifted/talented students is voluntary on the part of the students and requires written permission of their parents or legal guardians.

§89.55. Establishment and Approval of Programs.

(a) Districts funded for approved programs shall:

(1) develop and obtain local board of trustee approval for an identification procedure that complies with the Texas Administrative Code, §89.53;

(2) provide a minimum of five days of staff development for teachers of the gifted who have not previously received training in the area of gifted education. In school year 1990, training may take place during the school year; beginning in school year 1991, teachers must be trained prior to their assignment in the gifted program;

(3) provide ongoing training for district staff in gifted education based on periodic needs assessments;

(4) develop curriculum specifically designed for gifted and talented students that includes student objectives and a kindergarten-12 scope and sequence;

(5) provide identified students with appropriately modified instruction that is designed to focus on student strengths; and

(6) provide orientation and periodic updates for parents of students identified and served as gifted.

(b) To be eligible for approval for funding, districts must submit program information on forms developed and provided by the commissioner of education.

(c) To secure initial approval for funding, a district shall submit with its application a three-year plan of action for providing comprehensive services for gifted and talented students in grades kindergarten-12. The plan must have the approval of the local board of trustees.

(d) Districts shall maintain their eligibility for continuation of funding by submitting planning or evaluation reports to the Central Education Agency periodically as required by the commissioner of education.

(e) Districts with limited numbers of gifted and talented students are encouraged to establish cooperatives. Combinations of districts that apply for state funding shall select a fiscal agent to manage the program. Education service centers may act as fiscal/management agents for districts in their regions.

§89.56. Gifted and Talented Student Allotment.

(a) Funds for district programs shall be allocated to districts in accordance with the Texas Education Code, §§21.651-21.655, and 16.159.

(b) Districts that apply for funds shall count for funding only those students identified and served by a full-year program.

(c) A district may use up to 15% of these funds for indirect costs but may not exceed the program's actual share of indirect costs as calculated in accordance with generally accepted accounting procedures.

(d) After funds have been allocated to districts, the commissioner of education, with the approval of the State Board of Education, shall determine which special programs are to receive any funds for training of personnel and program services.

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

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W. N. Kirby
Commissioner of Education

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

Subchapter E. General Educational Development

• 19 TAC §89.112

The Texas Education Agency adopts an amendment to §89.112, without changes to the proposed text as published in the June 8, 1990, issue of the *Texas Register* (15 TexReg 3305). The amendment concerns official General Educational Development (GED) testing centers. The amendment to subsection (c) requires that chief examiners participate in annual training, and the proposed amendment to subsection (e) authorizes the agency to suspend testing based upon reports submitted by compliance monitors. The amendments will ensure that official testing centers provide services to applicants that are consistent with requirements of the State Board of Education and the General Educational Development Testing Service of the American Council on Education.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §11.35, which authorizes the State Board of Education to provide for the administration of high school equivalency examinations and to fix and require payment of a fee for issuance of a certificate.

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

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W. N. Kirby
Commissioner of Education

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• 19 TAC §89.118

The Texas Education Agency adopts an amendment to §89.118, without changes to the proposed text as published in the June 8, 1990, issue of the *Texas Register* (15 TexReg 3305). The amendment concerns the issuance of a high school equivalency certificate. The amendment increases the fee charged for issuance of initial certificates from \$5 to \$10 and discontinues the fee for reissuance and transcripts.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §11.35, which authorizes the State Board of Education to make rules concerning the administration of high school equivalency examinations and the issuing of high school equivalency certificates.

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

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TRD-9007331 W. N. Kirby
Commissioner of Education

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

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Chapter 109. Budgeting,
Accounting, and Auditing

Subchapter D. Adoptions by
Reference

• 19 TAC §109.61

The Texas Education Agency adopts an amendment to §109.61, without changes to the proposed text as published in the June 22, 1990, issue of the *Texas Register* (15 TexReg 3615).

The section concerns the adoption by reference of the Financial Accounting Manual, Bulletin 679. This manual is the uniform accounting system for all school districts. Amendments include additions to fund codes to account for programs funded by Chapter 34, additions of asset and liability accounts to program codes for bilingual and special education programs, examples of auditors' opinion letters in the annual audit report, inclusions of recent changes in federal regulations, and corrections of minor errors.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §11.72(a)(1) and (3), which directs the State Board of Education to adopt budgets for operation of the Foundation School Program and other programs, and to establish procedures for budgetary control, expending, auditing, and reporting on expenditures within budgets adopted.

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

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Commissioner of Education

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

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Chapter 137. Teacher
Education

Subchapter M. 1987 Program
Requirements for Preparation
of School Personnel for
Initial Certificates and
Endorsements

• 19 TAC §137.551, §137.559

The Texas Education Agency adopts amendments to §137.551 and §137.559, with changes to the proposed text as published in the June 12, 1990, issue of the *Texas Register* (15 TexReg 3405). The amendments concern the 1987 program requirements for preparation of school personnel for initial certificates and endorsements. The amendment to §137.551 recommends changes in the board's rule concerning general requirements in reading. The amendment to §137.559 adds several special education endorsements as additional options for this specialized certification but not as a replacement for the generic special education delivery system.

One change has been made to the rule since it was proposed. The change was due to inadvertently omitting the ExCET requirement for visually handicapped—a statutory requirement—from the original proposed text.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules for approval or disapproval of teacher education institutions and programs.

§137.551. Preparation Required in All Programs.

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

(d) The teacher education program shall include academic specializations and teaching fields in subjects approved to be taught in the public schools of Texas or delivery systems as authorized by the State Board of Education for use in the public schools of Texas.

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

(4) For the teacher certificate, each academic specialization, teaching field, and delivery system shall comply with one or more of the options in this paragraph. In accordance with the Texas Education Code, §13.036(b), additional semester hours in education are permissible for certification in bilingual education, En-

glish as a second language, early childhood education, and special education. For the teacher certificate-elementary, six semester hours of upper-division courses in reading must be included in each option unless reading is selected as an academic specialization. For all other certificates based on college-approved teacher education programs, reading must be included in the approved program. Reading instruction will be developmental and corrective and shall include study relating to the phonetic structure of the English language; knowledge of reading instruction such as language-based, phonics-based, and meaning-based; demonstration and application of reading theories; and identification, teaching strategies and resources for dyslexia and other reading disorders. Reading courses which fulfill these requirements may be offered beyond the 18 semester hours of professional development courses.

§137.559. Endorsements.

(a) Endorsements to Texas teacher certificates shall be classified into delivery system areas and special service areas.

(b) Requirements for endorsements shall include the following unless otherwise specified:

(1) bachelor's degree from an accredited institution;

(2) valid, designated Texas teacher certificate; and

(3) completion of approved program requirements for the endorsement sought.

(c) Program requirements for endorsement in delivery system areas.

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

(3) Early childhood-handicapped.

(A) Certificate requirements. The early childhood-handicapped endorsement may be added to a valid Texas elementary certificate, teacher of young children certificate, special education certificate, all-level certificate, vocational home economics certificate which requires a bachelor's degree, early childhood education, or kindergarten endorsement.

(B) Professional development. The professional development sequence for the early childhood-handicapped endorsement shall consist of:

(i) nine semester hours including, but not limited to, studies of:

(I) infant/child development including both normal and exceptional development;

(II) communication skills emphasizing oral language development and literacy;

(III) cultural diversity of learners and families;

(IV) organization of the classroom and management of the learning environment;

(V) behavior management;

(VI) organization of the curriculum and implementation of the essential elements at the appropriate level;

(VII) diagnosis and evaluation of learning needs, affective, cognitive, and motor; and

(VIII) parental involvement;

(ii) nine semester hours directly related to teaching students (ages 0-8) with handicaps, including, but not limited to:

(I) general orientation to special education;

(II) medical aspects of serving young children with handicaps;

(III) methods and technology;

(IV) transition from infant to early childhood programs; and

(V) inter-agency coordination;

(iii) three semester hours of student teaching with handicapped children ages 0-8; or one year of successful teaching experience on a permit in an early childhood for the handicapped classroom in a school accredited or recognized by the central education agency.

(C) ExCET requirement; Early Childhood (14).

(4) Generic special education.

(A) Certificate requirements. The generic special education endorsement may be added to any valid Texas elementary, secondary, all-level, special education, or vocational education certificate based on a bachelor's degree.

(B) Professional development. The professional development sequence for the generic special education endorsement shall consist of:

(i) 18 semester hours directly related to teaching students with handicaps, including, but not limited to:

(I) infant/child and adolescent development;

(II) task analysis;

(III) motor development/adaptive physical education;

(IV) parent training;

(V) oral language development;

(VI) adaptation; modification of instructional methods and materials;

(VII) behavior management;

(VIII) classroom management;

(IX) survey of special education;

(X) assessment, diagnosis, and remediation;

(XI) vocational, transition, and related secondary issues, such as inter-agency coordination;

(XII) concepts of integration and least restrictive environment;

(XIII) consultation techniques; and

(XIV) classroom observation.

(ii) three semester hours of student teaching with special education students; or one year of successful experience on a permit working with special education students.

(C) ExCET requirement; Generic Special Education (37).

(5) Seriously emotionally disturbed and autistic.

(A) Certificate requirements. The seriously emotionally disturbed and au-

tistic endorsement may be added to any valid Texas elementary, secondary, all-level, special education, or vocational education certificate based on a bachelor's degree.

(B) Professional development. The professional development sequence for the severely emotionally disturbed and autistic endorsement shall consist of:

(i) nine semester hours, including, but not limited to, studies of:

(I) infant/child and adolescent development;

(II) diagnosis and classroom assessment;

(III) behavior management;

(IV) parent training;

(V) consultation procedures;

(VI) communication/language development;

(VII) classroom management;

(VIII) survey of special education;

(IX) task analysis;

(X) motor development and adaptive physical education;

(XI) vocational, transition, and related secondary issues; and

(XII) crisis intervention and management of violent behavior. Note: Personnel having a generic special education endorsement or delivery system are exempt from the nine semester hours described in this clause.

(ii) nine semester hours directly related to teaching the seriously emotionally disturbed and autistic, including, but not limited to:

(I) medical aspects;

(II) interdisciplinary coordination;

development; (III) curriculum
 instruction; and (IV) systematic
 observation; (V) classroom
 (iii) three semester hours of student teaching with the seriously emotionally disturbed or autistic; or one year of successful experience on a permit teaching the seriously emotionally disturbed or autistic.

(C) ExCET requirement: Severely Emotionally Disturbed and Autistic (38).

(6) Severely and profoundly handicapped.

(A) Certificate requirements. The severely and profoundly handicapped endorsement may be added to any valid Texas elementary, secondary, all-level, special education, or vocational education certificate based on a bachelor's degree.

(B) Professional development. The professional development sequence for the severely and profoundly handicapped endorsement shall consist of:

(i) nine semester hours, including, but not limited to, studies of:

- (I) infant/child and adolescent development;
- (II) task analysis;
- (III) parent training;
- (IV) motor development/adaptive physical education;
- (V) oral language development;
- (VI) behavior management;
- (VII) classroom management;
- (VIII) assessment/diagnosis;

(IX) secondary issues including vocation preparation and transition, including collaboration with other agencies;

(X) crisis intervention and management of violent behavior;

(XI) consultation techniques;

(XII) concepts of integration and least restrictive environment; and

(XIII) use of adaptive/assistance devices. Note: personnel having a generic special education endorsement or delivery system are exempt from the nine semester hours described in this clause.

(ii) nine semester hours directly related to teaching the severely and profoundly handicapped, including, but not limited to:

- (I) medical aspects;
- (II) interdisciplinary coordination;
- (III) curriculum development;
- (IV) systematic instruction; and
- (V) classroom observation.

(iii) three semester hours of student teaching in an accredited or approved school, agency, or institution; or one year of successful experience on a permit teaching the severely and profoundly handicapped, including, but not limited to, deaf/blind children, in a central education agency accredited or approved school, agency, or institution.

(C) ExCET requirement: Severely and Profoundly Handicapped (37).

(7) Visually handicapped.

(A)-(B) (No change.)

(C) ExCET Requirement: Visually Handicapped.

(8) Gifted and talented.

(A) Certificate requirement. The all-level gifted and talented endorsement may be added to a valid initial teacher certificate which requires a college degree effective September 1, 1991.

(B) Professional development. The professional development sequence for the gifted and talented endorsement shall consist of:

(i) 12 semester hours to include, but not limited to, the following areas:

(I) nature and needs of the gifted and talented;

(II) identification and assessment of gifted and talented students;

(III) methods, materials, and curriculum for gifted and talented students;

(IV) counseling and guidance and gifted and talented students; and

(V) creativity; theories, models, and applications.

(ii) Three semester hours of practicum experience or two years of successful classroom teaching experience in a program for gifted and talented students.

(d) (No change.)

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

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 Chapter 141. Teacher Certification

Subchapter T. Requirements for Provisional Certificates and Specialized Assignments or Programs

• 19 TAC §141.454

The Texas Education Agency adopts an amendment to §141.454, with changes to the proposed text as published in the June 8, 1990, issue of the *Texas Register* (15 TexReg 3305). The amendment concerns the eligibility requirements for specialized assignments or programs. The amended section adds several special education endorsements as additional options for the generic special education delivery system.

One change has been made to the amendment since it was proposed. In subsection (d)(1)(B)(ii)(II), the words "formal and informal approaches" have been added at the beginning of the item. This change is a formatting change only and does not affect the intent of the rule as originally proposed.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §13.032, which directs the State Board of Education to make rules concerning the issuance of teacher certificates.

§141.454. Eligibility Requirements for Specialized Assignments or Programs.

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

(d) Requirements for eligibility to teach in specialized assignments or programs shall be as follows:

(1) vocational adjustment class;

(A) valid Texas teacher certificate with special education endorsement, a special education certificate, or a special education generic special education delivery system;

(B) 60 clock hours of in-service training resulting in either advanced academic training (AAT) credit or a certificate of completion and attendance from the in-service provider. The 60 clock hours of in-service training will include, but may not be limited to, the following:

(i) job development and job analysis:

(I) job development-this session will include methods for screening the community job market, contacting employers, developing agreements with employers, developing training and employment sites for on campus work experience and community-based employment (full and part-time), and information pertaining to current employment laws;

(II) job analysis this session will include the methods for conducting a detailed analysis of the requirements for a specific job. The analysis will include interviewing the employer and co-workers, observing someone performing the job, and possibly performing the task/duties of the job;

(ii) student assessment and job match:

(I) student assessment-this session will include the introduction, selection, and appropriate use of available test instruments;

(II) formal and informal approaches interpretation of comprehensive vocational assessment data and alternative methods of evaluation, both formal and informal, will be presented;

(III) job match-this session will include the techniques of matching a potential employee to the

appropriate job. The use of vocational assessment data, related student information, student behavior, employer expectations, and job requirements (job analysis) will be included. Related issues such as location of the job site, training and transportation will be addressed.

(iii) job placement and job site training:

(I) job placement-this session will include the preparation of the student and the employer/co-workers for introductions, interviews, and work place orientation. Related issues such as services from other agencies, employer benefits, and tax credits will be addressed;

(II) job site training this session will include the techniques of indirect and direct instruction provided to a student placed on the job. Methods will include working with the employer during the training period, performing as or supervising a job coach, task analyzing the requirements of the job, development of a job site training plan, and behavior management techniques;

(iv) maintaining/retaining employment-this session will include the skills and behaviors necessary for sustaining employment, methods of reducing direct instruction by school personnel, and the transfer of training responsibilities to an adult service provided for extended services. Special attention will be given to the generic work-related behaviors critical to getting and keeping a job;

(v) follow-along and transition:

(I) follow-along-this session will include the methods for ongoing evaluation of student progress, problem solving and intervention strategies, planning for graduation, follow-up of students that no longer receive direct instruction, and the identification of effective procedures for long-term follow-up of program graduates for the purpose of evaluating the effectiveness of the program;

(II) transition-this session will include the process of assisting a student in making a smooth transition (movement) from school to adult life. Individual transition plans (ITP), parental involvement, and information about the services and responsibilities of other agencies that provide services to persons with handicaps will be included;

(C) teachers assigned to this instructional arrangement prior to September 1, 1990-will not be required to satisfy the new criteria;

(D) teachers assigned to this instructional arrangement after September 1, 1990-will have three years from the date of assignment to complete the new criteria.

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

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 July 19, 1990.

TRD-9007325,

W. N. Kirby
Commissioner of Education

Effective date: August 10, 1990

Proposal publication date: June 8, 1990

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

◆ ◆ ◆
**Subchapter U. Alternative
Teacher Certification**

• **19 TAC §141.481**

The Texas Education Agency adopts an amendment to §141.481, with changes to the proposed text as published in the June 8, 1990, issue of the *Texas Register* (15 TexReg 3307).

The section concerns requirements for the alternative certification of teachers. The amendment deletes those portions of the section that restrict the eligibility of a candidate who has been certified previously and also the provision that requires an approved program to be based on actual or projected needs. Other amendments pinpoint recurring concerns and problems of alternative certification programs.

Subsection (c)(4)(E), the semester hour requirement for generic special education, has been changed from nine to six semester hours prior to assignments. Several minor editorial changes have also been made in subsections (b)(5)(E) and (c)(4) and (5) to clarify the intent of the proposed amendment. These changes do not affect the original intent of the proposed section.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §13.035, which directs the State Board of Education to provide by rule for the certification of persons who are not graduates of teacher education programs.

§141.481. Requirements for the Alternative Certification of Teachers.

(a) General provisions. Approval of alternative certification of teachers by the State Board of Education shall be based on the following requirements:

(1) (No change.)

(2) that an individual may be recommended to the commissioner of education for teacher certification based upon at least satisfactory completion of specified requirements of the approved program by the program administrator and/or the district superintendent as provided in the approved program;

(3) that the certificates which may be earned through an alternative certification program include any certification or endorsement for a teacher that may be earned through the completion of an approved teacher education program for which a bachelor's degree is required as well as certificate areas unique to alternative certification: grades pre-kindergarten-six, pre-kindergarten-six bilingual/English as a second language (ESL), the pre-kindergarten-12 English as a second language, and pre-kindergarten-12 generic special education; and

(4) that an individual admitted into an alternative teacher certification program that has been approved in accordance with the requirements of this section shall be issued a probationary certificate that is valid for one calendar year and may be extended for one additional year only in accordance with provisions set forth in the Texas Education Code, §13.306.

(b) Requirements for an approved plan. Local education agencies or cooperatives as described in subsection (a)(1) of this section which choose to staff positions via the alternative certification process shall be required to submit a collaboratively developed plan to be approved by the State Board of Education prior to implementation. The plan must include, but not be limited to, evidence of the following:

(1) (No change.)

(2) commitment to the program through adequate funding, as indicated by the existence of an approved program budget;

(3) clearly designated program administration with adequate, qualified staff to assure appropriate screening; training, as indicated by vitae of personnel delivering this component; and supervision, as indicated in a ratio of supervisors to interns;

(4) a calendar of program activities for the duration of each school year for which the program is approved to include a timeline for accepting candidates into a cycle to assure adequate time for preassignment screening and training, scheduled training for interns, and orientation and training for supervising teachers;

(5) the alternative certification plan must include, but need not be limited to, training for the intern in:

(A) teaching methods and classroom management;

(B) instructional methods and strategies that emphasize practical applications of the teaching learning process;

(C) curriculum organization, planning, and evaluation which focus upon the curriculum to be taught, especially the essential elements to be included;

(D) legal and ethical aspects of teaching, including special responsibilities in recognizing and responding to signs of abuse and neglect in students and to dyslexia and related disorders;

(E) knowledge and skills concerning the unique needs of all students, including emphasis upon special learners, such as the impact of cultural, ethnic, language, and social differences upon the instructional processes as well as the characteristics, assessment, least restrictive alternatives, and admission, review, and dismissal, processes for special students requiring individualized or specialized education programs characteristics and needs of gifted and talented students, especially at-risk gifted and talented learners, and growth and development of learners; and

(F) utilization of technology in the management and delivery of instruction.

(6) an internship of at least one calendar year under the supervision of a teacher or teachers in the subject area or areas and/or at the level for which the intern is to be certified; provisions shall be made for each intern to have scheduled time provided during the internship to observe the teaching of the supervising teacher and/or other teachers and to confer with the supervising teacher;

(7) the supervising teacher shall be identified on the career ladder as level two or higher and shall have scheduled time provided periodically to observe and evaluate the actual teaching of the intern;

(8) pre-assignment training and a minimum of 20 clock hours of student contact experiences in a classroom setting supervised by the program staff prior to assignment as a teacher of record;

(9) pre-assignment screening, including initiation of a criminal record review, for interns;

(10) procedure for program monitoring, review, and evaluation;

(11) ongoing counseling, guidance, and remedial preparation as needed; and

(12) maintenance of follow-up data which attest to program and intern effectiveness.

(c) Admission, assignment, and certification. Each applicant shall meet the following minimum requirements for admission as an intern to the alternative teacher certification program:

(1) a bachelor's degree from an institution of higher education which was accredited or otherwise approved at the time the degree was conferred by a state department of education, a recognized governmental entity, or a recognized regional accrediting organization, with a grade point average of no less than 2.5 on a four-point system on all semester hours attempted and on semester hours required for the certificate as specified in paragraph (3)(A)-(F) of this subsection;

(2) (No change.)

(3) appropriate semester hours in a subject or combination of subjects to be taught and related to the certificate to be earned:

(A)-(B) (No change.)

(C) grades pre-kindergarten-six bilingual/English as a second language (ESL): evidence of oral and written proficiency in the language of the target population for bilingual education assignments and 24 semester hours in a combination of subjects taught in the elementary school which must include English, mathematics, a natural science, and a subject in the social studies;

(D) (No change.)

(E) grades pre-kindergarten-12 generic special education: 24 semester hours in a combination of subjects taught in the elementary school which must include English, mathematics, a natural science, and a subject in the social studies; and

(F) courses which focus on topics closely related to the semester hour requirements listed in subparagraphs (A)-(E) of this paragraph may be accepted for admission to the alternative certification program; however, such substitutions shall not exceed six hours for the six-12 certificate or three semester hours for all other certificates.

(4) Completion of requirements for the certificate to be earned prior to assignment as a teacher of record: these requirements may be delivered through the following semester hours of coursework or through a combination of semester hours and equivalent contact hours:

(A) grades six-12: six semester hours including, but not limited to, reading in the content areas, and classroom discipline and management;

(B) grades pre-kindergarten-6: six semester hours including, but not limited to, reading, early childhood-elementary curriculum and methods;

(C) grades pre-kindergarten-6 bilingual/ESL: six semester hours including, but not limited to, foundations of bilingual education, culture (concepts, patterns, contributions) of the target population, language acquisition and development in childhood, bilingual teaching methods (dual language instruction of language arts and reading, mathematics, science, and social studies), methods of teaching English as a second language;

(D) grades pre-kindergarten-12 English as a second language: six semester hours including, but not limited to, awareness of cultural diversity and its effect on the teaching-learning process, language acquisition and development, methods of teaching English as a second language, applied linguistics; and

(E) grades pre-kindergarten-12 generic special education: six semester hours inclusive of the concepts of the child-centered process, infant/child development, task analysis, parental involvement, language development, survey of special education, classroom management and organization, behavior management, and development reading.

(5) Completion of requirements for the certificate to be earned prior to certification: these requirements may be delivered through the following semester hours of coursework or through a combination of semester hours and equivalent contact hours:

(A) grades six-12: six additional hours including, but not limited to, the teaching-learning process and secondary teaching methods;

(B) grades pre-kindergarten-six: six additional semester hours including, but not limited to, reading and early childhood-elementary curriculum and methods;

(C) grades pre-kindergarten-six bilingual/ESL: six additional semester hours inclusive of topics in paragraph (4)(C) of this subsection;

(D) grades pre-kindergarten-12 English as a second language: six additional semester hours inclusive of topics in paragraph (4)(D) of this subsection;

(E) grades pre-kindergarten-12 generic special education: six additional semester hours emphasizing child/adolescent psychology, the teaching-learning process, measurement and evaluation, least restrictive alternative, vocational assessment, adaptive devices and adaptive physical education, transition, grading, curriculum adaptations to meet the

unique needs of special learners, reading across the curriculum;

(F) possession of acceptable scores on appropriate state-adopted examination(s) of content knowledge in the teaching field(s) or delivery systems related to the certificate sought and the level of assignment; and

(G) full appraisal requirements of the state and the local district in accordance with §149.41 of this title (relating to Appraisal of Certified Personnel).

(d) Procedures for approval, review, and reapproval of alternative certification of programs.

(1) School districts choosing to staff positions by means of the alternative certification process shall direct the program administrator to submit to the commissioner of education, prior to implementing a program, a collaboratively developed plan that specifies its means of fulfilling requirements for school district plans in accordance with subsections (b) and (c) of this section.

(2) As of the effective date of this section, the commissioner of education may approve plans for alternative teacher certification. Initial approval of alternative teacher certification plans shall not extend more than one year. In subsequent years, after evaluation of the program by the State Board of Education, plans may be approved for a period not to exceed three years and shall be reviewed annually.

(3) The administrator of an approved alternative teacher certification program shall submit to the commissioner of education an annual report that includes the names of candidates in the program and other information that may be required, including results of internal monitoring, review, and evaluation of the program.

(4) (No change.)

(5) Requests for reapproval of alternative teacher certification programs must include the percentage of interns receiving acceptable scores by test on the state-mandated tests for content specialization(s) and at least meets expectations on performance appraisals. The State Board of Education shall consider these program results when granting reapproval requests.

(e) Options available to alternative certification programs and interns.

(1) (No change.)

(2) In the event that an intern fails to complete all program requirements within the internship year, or wishes to add other areas of certification, the superintendent or a designee may apply to retain the intern in the alternative certification program for an additional year.

(3) (No change.)

(4) In the event that local conditions prevent the assignment of an intern as a teacher of record as provided in the approved program, the commissioner of education may recognize an alternative teaching assignment, at the level and in the area appropriate for the certificate sought, which will fulfill internship requirements, so long as all requirements for supervision and appraisals are met.

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 July 19, 1990.

TRD-9007329

W. N. Kirby
Commissioner of Education

Effective date: August 10, 1990

Proposal publication date: June 8, 1990

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

Chapter 149. Education Personnel Development

Subchapter D. Teacher Career Ladder

• 19 TAC §149.71

The Texas Education Agency adopts amendments to §149.71, with changes to the proposed text as published in the May 4, 1990, issue of the *Texas Register* (15 TexReg 2555). The Texas Supreme Court earlier this year held House Bill 2566 of the 71st Texas Legislature unconstitutional. However, the State Board of Education had already adopted changes to §149.71 to implement that legislation. The amendments proposed at this time would return the section to its status prior to implementation of House Bill 2566, except for the deletion of obsolete language, the maintenance of a provision regarding interruption in service, and clarification of the deadline date for career ladder payments.

Two changes have been made since the proposed text was published. The first restores an interruption of service provision identical to the provision contained in the previous rule. The second change merely clarifies that August 31 is the deadline for all career ladder payments.

Public testimony was submitted by the Association of Texas Professional Educators requesting that the interruption of service provision be restored to the proposed rule. These concerns were addressed in changes made in subsection (c)(1)(A)-(C).

The amendment is adopted under the Texas Education Code, §16.057, which provides for career ladder salary supplements; §§13.301-13.322, which establish the teacher career ladder; and §16.005, which authorizes the State Board of Education to make rules for implementation of the Foundation School Program.

§149.71. Assignment to the Teacher Career Ladder.

(a) (No change.)

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

(1)-(5) (No change.)

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

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

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

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

(J) (No change.)

(c) The selection process.

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

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

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

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

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

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

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

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

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

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

(4) Current school year performance evaluations shall be used for purposes of placing or maintaining teachers on advanced levels of the teacher career ladder in the following circumstances:

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

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

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

(d) (No change.)

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

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

(2) (No change.)

(f) Criteria for selection. All teachers shall be assigned to the teacher career ladder except for positions listed in subsection (b)(7) of this section. An individual being considered for career ladder level assignment or advancement shall satisfy the following requirements for the respective level.

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

(A) possess a provisional or professional teaching certificate as defined in §141.2(a) of this title (relating to Classes of Certificates) or a level one certificate or its equivalent as determined by the State Board of Education; and

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

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

(A) possess a provisional or professional teaching certificate as defined in §141.2(a) of this title (relating to Classes of Certificates) or a level two certificate or its equivalent as determined by the State Board of Education;

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

(C) (No change.)

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

(A) possess an appropriate teaching certificate as defined in §141.2(a) of this title (relating to Classes of Certificates) or a level three certificate or its equivalent as approved by the State Board of Education;

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

(i) Option I:

(I)-(II) (No change.)

(III) performance

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

(ii) Option II:

(I)-(II) (No change.)

(III) performance

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

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

(A) (No change.)

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

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

(i) Option I:

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

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

(III) receive performance evaluations during two of the three years immediately preceding consideration for placement at level four indicating clearly outstanding performance

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

(ii) Option II:

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

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

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

(g) Maintenance or reassignment of career ladder levels.

(1) A teacher shall remain at career ladder level one until full eligibility requirements for a level two, level three, or master teacher certificate as described in Chapter 141 of this title (relating to Teacher Certification) have been met and the teacher has been assigned to career ladder level two. A district may not renew the contract of a teacher who fails to achieve at least meets expectations performance during either of the first two years of experience at level one.

(2) A teacher shall remain at career ladder level two until full eligibility requirements for a level three or master teacher certificate as described in Chapter 141 of this title (relating to Teacher Certification) and level three entry requirements have been met. A teacher shall be reassigned from career ladder level two to career ladder level one if the teacher's performance is below expectations during the preceding year, or fails to achieve performance evaluations as specified by the local district in accordance with subsection (e) of this section.

(3) A teacher shall remain at career ladder level three until full eligibility requirements for a master teacher certificate as described in Chapter 141 of this title (relating to Teacher Certification) and level four entry requirements have been met.

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

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

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

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

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

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

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

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

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

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

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

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

(3) Upon satisfactory achievement of certification requirements, the district may recommend certification at the appropriate level as established in Chapter 141 of this title (relating to Teacher Certification).

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

(i) -(j) (No change.)

(k) Property right of teacher.

(1) A teacher who has earned a level one, level two, level three, or master teacher certificate in accordance with Chapter 141 of this title (relating to Teacher Certification) has a right to retain that certificate until it has expired or is duly suspended, revoked, or otherwise removed in accordance with law.

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

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

(1)-(7) (No change.)

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 July 19, 1990.

TRD-9007375 W. N. Kirby
Commissioner of Education

Effective date: August 13, 1990

Proposal publication date: May 4, 1990

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

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 15. Surplus Lines Insurance

Subchapter A. General Regulation of Surplus Lines Insurance

• 28 TAC §15.25

The State Board of Insurance adopts an amendment to §15.25, without changes to the proposed text as published in the January 23, 1990, issue of the *Texas Register* (15 TexReg 319).

Section 15.25 concerns surplus lines insurance premium tax trust funds. The amendment to §15.25 is necessary to harmonize subsection (d) with other amendments to the section, which were adopted to facilitate implementation of recommendations of the state auditor concerning the manner in which surplus lines trust accounts are established and maintained by surplus lines agents.

The amendment to §15.25 provides direction to agents in establishing accounts with regard to how the account is to be titled and the sequence in which owners' names are to appear on the account. The amendment requires that the State Board of Insurance be shown as the first-named owner, since the tax identification number for such accounts, for income-reporting purposes, is that of the State Board of Insurance. It also requires that the name of the agent or agency be shown as the legal owner, in trust, of the account. The amendment is intended to provide for uniform identification for all accounts consonant with changes recommended by the state auditor.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Insurance Code, Articles 1.04, 1.14-2, and 21.54. Article 1.04 authorizes the State Board of Insurance to determine rules in accordance with the laws of this state. Article 1.14-2, §3A, provides that the State Board of Insurance may promulgate rules to enforce Article 1.14-2, and provides that the State Board of Insurance shall monitor the activities of surplus lines agents to the extent necessary to protect the public interest. Article 1.24-2, §12(b), provides that all surplus lines premium receipt taxes collected are trust funds in the hands of the surplus lines agent and the property of the state, and shall be maintained in a separate account. Article 21.54, §15, authorizes the board to adopt rules relating to purchasing groups that are necessary to carry out the article.

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 July 20, 1990.

TRD-9007337 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: August 10, 1990

Proposal publication date: January 23, 1990

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

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. State Sales and Use Tax

• 34 TAC §3.293

The Comptroller of Public Accounts adopts an amendment to §3.293, without changes to the proposed text as published in the June 15, 1990, issue of the *Texas Register* (15 TexReg 3474).

Legislative changes amended §151.314 and added §151.305 to the Tax Code, which exempts food, gum, candy, and toys for children when sold for \$.25 or less from a bulk vending machine.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Tax Code, §111.002, which provides the Comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

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 July 20, 1990.

TRD-9007323 Bob Bullock
Comptroller of Public
Accounts

Effective date: August 10, 1990

Proposal publication date: June 15, 1990

For further information, please call: (512) 463-4004

• 34 TAC §3.336

The Comptroller of Public Accounts adopts an amendment to §3.336, without changes to the proposed text as published in the June 15, 1990, issue of the *Texas Register* (15 TexReg 3475).

Legislative changes added to the Tax Code, §151.336 exempting from sales tax the sale of gold, silver, or numismatic coins or of platinum, gold, or silver bullion when purchased in a single transaction totaling \$1,000 or more.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Tax Code, §111.002, which provides the Comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

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 July 20, 1990.

TRD-9007324 Bob Bullock
 Comptroller of Public
 Accounts

Effective date: August 10, 1990

Proposal publication date: June 15, 1990

For further information, please call: (512)
463-4004



Part VII. State Property Tax Board

Chapter 155. Tax Record Requirement

• 34 TAC §155.60

The State Property Tax Board adopts new §155.60, without changes to the proposed

text as published in the June 15, 1990, issue of the *Texas Register* (15 TexReg 3476).

The Property Tax Code, §11.251, provides a property tax exemption for freeport property. The Property Tax Code, §11.43, requires persons applying for the exemption to file an exemption application.

The new section requires county appraisal districts to prepare forms and make them available. The new section also sets out required contents for the forms and adopts a model form by reference. The board adopted the new section on an emergency basis at its January 10, 1990, meeting.

No comments were received regarding adoption of the new section.

The new section is adopted under the Property Tax Code, §5.07, which provides the State Property Tax Board with the authority to prescribe all forms necessary for use in the property tax system.

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 July 18, 1990.

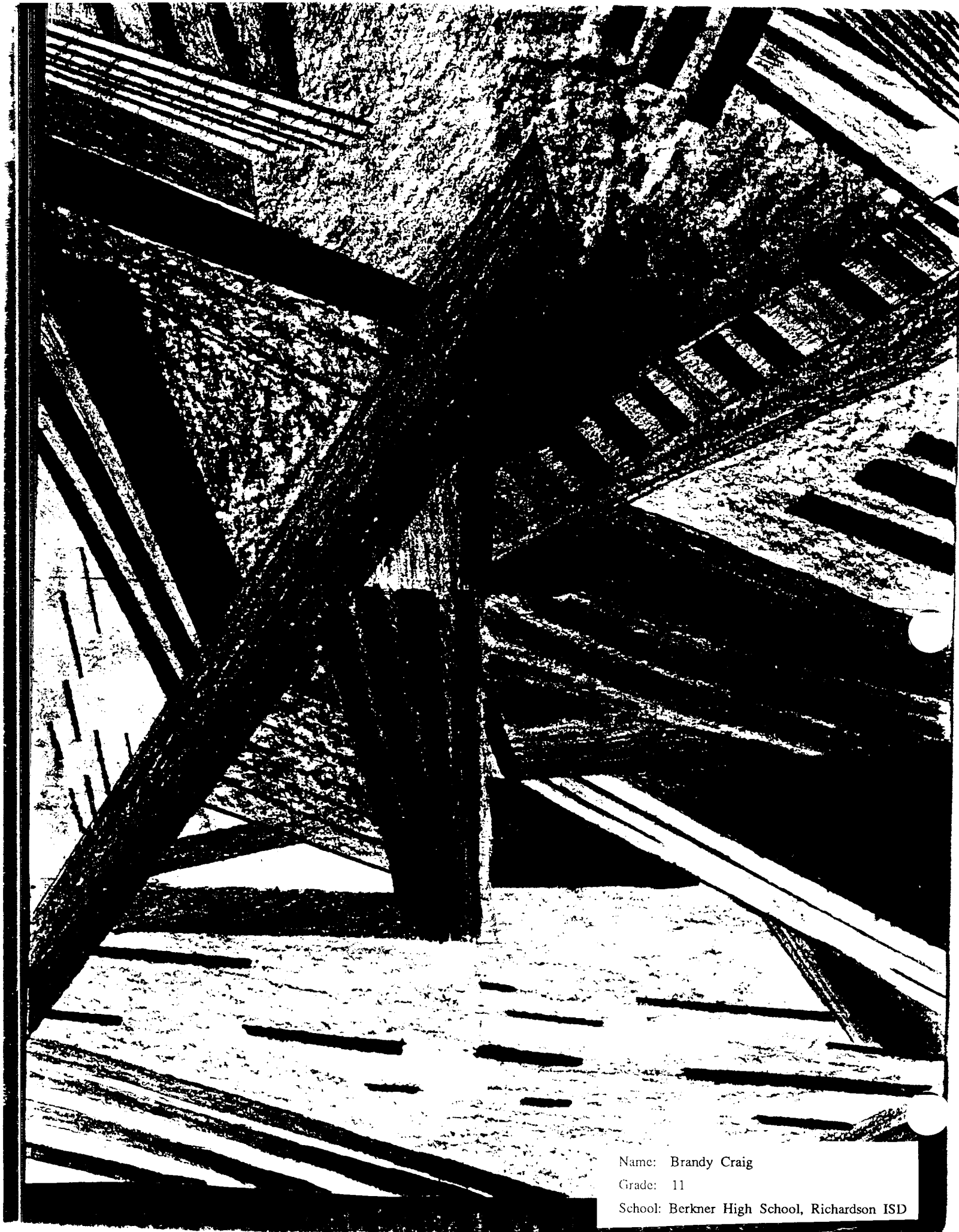
TRD-9007275 Sands L. Stiefer
 General Counsel
 State Property Tax Board

Effective date: August 8, 1990

Proposal publication date: June 15, 1990

For further information, please call: (5512)
329-7802





Name: Brandy Craig

Grade: 11

School: Berkner High School, Richardson 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*.

State Bar of Texas

Friday and Saturday, July 27-28, 1990, 9 a.m. The Executive Committee of the State Bar of Texas will meet at the Galley Pub, 121 Austin Street, Jefferson. According to the agenda summary, the committee will hear reports of chairman, president, president-elect, TYLA president, executive director, general counsel, immediate past president, immediate past chairman, and supreme court liaison, and task force on disciplinary procedures.

Contact: Paula Welch, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1451.

Filed: July 19, 1990, 4:03 p.m.

TRD-9007295

Texas Board of Criminal Justice

Wednesday, August 1, 1990, 9:30 a.m. The Subcommittee on Prison Names of the Texas Department of Criminal Justice will meet at the First City Centre, 816 Congress Avenue, Suite 500, Austin. According to the complete agenda, the subcommittee will discuss prison name recommendations to be presented to the full Texas Board of Criminal Justice on August 7, 1990.

Contact: Susan Power, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: July 24, 1990, 10:00 a.m.

TRD-9007430

Texas Commission for the Deaf

Saturday, August 4, 1990, 9 a.m. The Board of Commissioners of the Texas Commission for the Deaf will meet at 510 South Congress Avenue, Board Room, Austin. According to the complete agenda, the commissioners will hear public comment; approve minutes; subcommittee reports: fiscal affairs; and fiscal affairs; BEI; discuss rules and regulations; direct

services; chairperson's report; executive director's report; old business; new business; and announcements.

Contact: Larry D. Evans, 510 South Congress Avenue, #300, Austin, Texas 78704, (512) 469-9891.

Filed: July 23, 1990, 2:14 p.m.

TRD-9007398

East Texas State University

Thursday, July 26, 1990, 9 a.m. The Board of Regents, Executive Committee of East Texas State University met at 2600 North Robison Road, Aiken Center, Texarkana. According to the complete agenda, the committee discussed the athletic hall of fame nominations; FY91 holiday schedule for ETSU commerce and Texarkana; dates and locations of FY91 board meetings; drug-free workplace and campus policy; biennial budget requests; distinguished alumnus award; affirmative action report; executive session to discuss pending litigation and personnel.

Contact: Charles Turner, East Texas State University, Commerce, Texas 75429, (214) 886-5030.

Filed: July 19, 1990, 3:34 p.m.

TRD-9007294

Thursday, July 26, 1990, 9:45 a.m. The Board of Regents of East Texas State University met at 2600 North Robison Road, Aiken Center, Texarkana. According to the agenda summary the board approved minutes of the May 4, 1990 meeting; heard a report from the president; and considered the following items: policy for English proficiency of faculty, curriculum changes-ETSU at Texarkana, adjustments to the FY90 operating budget for ETSU Commerce and Texarkana, voluntary modification of employment policy, adjustments and authorization for construction bids, renovation projects, award contract for roof repairs, preliminary plans and specifications of renovation of the art building and education north buildings, received motions and reports from the executive committee

and met in executive session to discuss pending litigation and personnel matters.

Contact: Charles Turner, East Texas State University, Commerce, Texas 75429, (214) 886-5030.

Filed: July 19, 1990, 3:34 p.m.

TRD-9007293

Texas Education Agency

Monday-Tuesday, August 6-7, 1990, 8:30 a.m. The Information Processing Technologies Item Validation and Standard Setting Conference of the Texas Education Agency will meet at National Evaluation Systems, Inc., 2621 Ridgepoint Drive, Suite 240, Austin. According to the complete agenda, the committee will hear opening remarks*; item review on Monday; and item review on Tuesday. *Note: following this session, all other portions of the meeting on August 6 and 7 at which actual test questions and items will be reviewed will be closed in accordance with Texas Attorney General Opinions H-484 (1974) and H-780 (1976).

Contact: Pamela Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: July 20, 1990, 12:33 p.m.

TRD-9007319

Tuesday-Wednesday, August 7-8, 1990, 6 p.m. and 8:30 a.m. respectively. The Texas Master Teacher Examination (TMTE) Item Validation and Standard Setting Conference will meet at the National Evaluation Systems, Inc., 2621 Ridgepoint Drive, Suite 240, Austin. According to the complete agenda, the conference will hold registration; orientation*; training; and item review on Monday; and item review on Tuesday. *Note: Following this session, all other portions of the meeting on August 7 and 8, at which actual test questions and items will be reviewed will be closed in accordance with Texas Attorney General Opinions H-484 (1974) and H-780 (1976).

Contact: Pamela Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: July 20, 1990, 12:33 p.m.

TRD-9007318

◆ ◆ ◆
Texas Employment Commission

Tuesday, July 31, 1990, 8:30 a.m. The Texas Employment Commission will meet at the Texas Employment Commission Building, 101 East 15th Street, Room 644, Austin. According to the agenda summary, the commission will discuss prior meeting notes; consider memorandum of understanding with the Texas Education Agency; consideration and approval of renovation of the Beaumont agency-owned buildings; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 31; and set date of next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: July 23, 1990, 4:15 p.m.

TRD-9007404

◆ ◆ ◆
Governor's Division of Emergency Management (DPS)

Thursday, August 9, 1990, 9 a.m. The Governor's Division of Emergency Management and the Governor's Oil Spill Advisory Committee of the Texas Department of Public Safety will meet at the Texas Water Commission, Stephen F. Austin Building, Room 119, 1700 North Congress Avenue, Austin. According to the complete agenda, the committee will review and discuss update on recommendations from the status report issued October 1989; presentation from the General Land Office on legislative actions initiated in the State of Florida concerning spill response activities; and presentation from the Texas Water Commission on the Mega Borg incident.

Contact: Robert A. Lansford, 5805 North Lamar, Austin, Texas 78773, (512) 465-2138.

Filed: July 24, 1990, 9:50 a.m.

TRD-9007429

◆ ◆ ◆
Texas Department of Health

Saturday, July 21, 1990, 8 a.m. The Texas Board of Health of the Texas Department of Health met at the Four Seasons Hotel, Waterloo Room, 98 San Jacinto Boulevard, Austin. According to the emergency revised agenda summary, the board considered possible management study of department by outside consultants. The emergency was necessary due to unforeseeable

circumstances.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: July 20, 1990, 2:04 p.m.

TRD-9007341

Wednesday, July 25, 1990, 2 p.m. The Advisory Board of Athletic Trainers of the Texas Department of Health met at the Sheraton Centre Park Hotel, Masters Board Room, Arlington. According to the emergency revised agenda summary, the board considered and took action concerning order relating to John Mize. The emergency was necessary due to unforeseeable circumstances.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756-3183, (512) 458-7546.

Filed: July 20, 1990, 2:04 p.m.

TRD-9007342

Friday, July 27, 1990, 9 a.m. The Municipal Solid Waste Management and Resource Recovery Advisory Council of the Texas Department of Health will meet at the Texas Department of Health, Room T-607, 1100 West 49th Street, Austin. According to the agenda summary, the council will hear announcements; approve minutes of previous meeting; consider staffing; fees; permit application status; public awareness (newspaper; speaking engagements); recycling programs; other legislative mandates from 71st Legislature, 1989; steel can recycling institute; newspaper recycling outlook; storm water runoff rules; regional planning grants; and tire rules.

Contact: Glendon Eppler, 1100 West 49th Street, Austin, Texas 78756, (512) 458-6617.

Filed: July 24, 1990, 9:48 a.m.

TRD-9007427

◆ ◆ ◆
Friday, August 10, 1990, 10 a.m. The Hospital Patient Transfer Advisory Committee of the Texas Department of Health will meet at the Texas Department of Health, Room T-607, 1100 West 49th Street, Austin. According to the agenda summary, the committee will approve minutes of previous meeting; consider public comments received on proposed rules concerning hospital patient transfers; approve final rules on hospital patient transfers and agreements for submission to Board of Health.

Contact: Maurice B. Shaw, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7538.

Filed: July 20, 1990, 2:04 p.m.

TRD-9007343

Thursday, August 16, 1990, 1:30 p.m.

The Waterworks Advisory Certification Committee of the Texas Department of Health will meet at the Texas Department of Health, Room T-604, 1100 West 49th Street, Austin. According to the agenda summary, the committee will introduce new members; approve minutes of previous meeting; and adopt final revisions to rules concerning certification of waterworks personnel.

Contact: Charles E. McEntire, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7536.

Filed: July 20, 1990, 2:05 p.m.

TRD-9007340

◆ ◆ ◆
State Department of Highways and Public Transportation

Tuesday, July 31, 1990, 9:30 a.m. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet at the Dewitt C. Greer State Highway Building, 11th and Brazos Streets, Room 101 and Room 101-A, First Floor, Austin. According to the agenda summary, the commission will conduct public hearings on highway matters in Jeff Davis, Nueces, Jim Wells, Duval, Webb and Chambers Counties; approve minutes; execute contract awards; routine minute orders/resolutions; authorize construction, bridge and rehabilitation projects/programs; right-of-way lease; project overruns; public transit education program; beautification funding; new public transportation corporation; and 1991 highway safety plan. Discuss Beltway 8 and IH-30 public hearing matters; consider acquisition/disposal of State Department of Highway Public Transportation real property facilities; receive/discuss staff reports, including Bryan district programs; receive/acknowledge special awards; executive session to receive advice from legal counsel on litigation and attorney client matters; real property transaction negotiations; and for staff conference to receive information.

Contact: Robert E. Shaddock, Dewitt C. Greer Highway Building, Room 203, Austin, Texas 78711, (512) 463-8616.

Filed: July 23, 1990, 1:52 p.m.

TRD-9007397

◆ ◆ ◆
Texas Historical Commission

Friday, July 27, 1990, 9 a.m. The Publications/Outreach Committee of the Texas Historical Commission will meet in an emergency meeting at the Stephen F. Austin Building, 1701 Congress Avenue, Room 118, Austin. According to the complete agenda, the committee will review the

T. R. Fehrenbach Book Award; and public outreach. The emergency was necessary due to revised meeting time and location.

Contact: Roni Morales, P.O. Box 12276, Texas 78711, (512) 463-6100.

Filed: July 20, 1990, 10:49 a.m.

TRD-9007315

State Board of Insurance

Tuesday, July 31, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 414, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against James Robert Truitt, Dallas, who holds a local recording agent's license. Docket Number 10860.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 23, 1990, 4:13 p.m.

TRD-9007412

Thursday, August 2, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 414, Austin. The section will conduct a public hearing to consider the petition for review of staff's refusal to renew Surplus Lines Agent's license of Allied General Agency, Number SL 954. Docket Number 10901.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 23, 1990, 4:12 p.m.

TRD-9007420

Friday, August 3, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. The section will conduct a public hearing to consider whether disciplinary action should be taken against Guadalupe Mercado DeLeon, Austin, who holds a Group I, Legal Reserve Life Insurance Agent's license. Docket Number 10907.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 23, 1990, 4:13 p.m.

TRD-9007416

Friday, August 3, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 414, Austin. The section will conduct a public hearing to consider whether disciplinary action should be taken against Vickie Ann Drott, Austin, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Local Re-

ording Agent's license. Docket Number 10899.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 23, 1990, 4:13 p.m.

TRD-9007415

Friday August 3, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. The section will conduct a public hearing to consider whether disciplinary action should be taken against Ralph Patrick Fern, Dallas, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Group II, Insurance Agent's license. Docket Number 10893.

Contact: Wendy L. Ingham, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 23, 1990, 4:13 p.m.

TRD-9007414

Friday, August 3, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. The section will conduct a public hearing to consider whether disciplinary action should be taken against Fred Earl Gardenour D/B/A Dal-Tex Insurance Agency D/B/A Security American Insurance D/B/A Essex Surplus Lines, Dallas/Garland, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Local Recording Agent's license. Docket Number 10883.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 23, 1990, 4:13 p.m.

TRD-9007413

Monday, August 6, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. The section will conduct a public hearing to consider the application of Robert Jon Hosmer, Austin, for a Group I, Legal Reserve Life Insurance Agent's license. Docket Number 10904.

Contact: O.A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 23, 1990, 4:13 p.m.

TRD-9007417

Monday, August 6, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 414, Austin. The section will conduct a public hearing to consider the Legal Security Life Insurance Company application for a waiver from the Commissioner of Insurance pursuant to Texas Insurance Code, Article, 3.33 §6, of

certain limitations on investments established by Texas Insurance Code Article 3.33 §4(k). Docket Number 10915.

Contact: Wendy L. Ingham, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 23, 1990, 4:12 p.m.

TRD-9007419

Monday, August 6, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Insurance Board will meet at 1110 San Jacinto Street, Room 353, Austin. The section will conduct a public hearing to consider the application of Bobby Ray Beal, Jr., Dalhart, for an Insurance Adjuster's license. Docket Number 10909.

Contact: Lisa Lyons, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: July 23, 1990, 4:13 p.m.

TRD-9007418

Texas Commission on Jail Standards

Wednesday, July 25, 1990, 1 p.m. The Texas Commission on Jail Standards met at 611 South Congress Avenue, Suite 201, Austin. According to the emergency revised agenda summary, the commission met to discuss old business: Anthony-progress on private facility; Newton-progress on private facility; and new business: Dallas-classification of class "C" offenders.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: July 20, 1990, 10:56 a.m.

TRD-9007316

Texas Juvenile Probation Commission

Tuesday, July 31, 1990, 6 p.m. The Evaluation Committee of the Texas Juvenile Probation Commission will meet at 2015 South IH-35, Austin. According to the complete agenda, the committee will discuss and adopt standards to evaluate the performance of the executive director and determine how the standards are to be met. The committee will discuss this item in executive session under authority of Texas Revised Statutes Annotated Article 6252-17, §2(g)(Vernon 1990).

Contact: Judy Briscoe, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: July 23, 1990, 4:51 p.m.

TRD-9007424

Legislative Reference Library

Friday, August 24, 1990, 9 a.m. The Legislative Library Board of the Legislative Reference Library will meet at the Capitol Building, Old Supreme Court Room, Austin. According to the complete agenda, the board will approve the operating budget, 1990-1991; update of imaging system and online card catalog; and any other business.

Contact: Sally Reynolds, P.O. Box 12488, Austin, Texas 78711, (512) 463-1252.

Filed: July 20, 1990, 10:57 a.m.

TRD-9007314

Texas State Board of Public Accountancy

Friday, July 27, 1990, 9 a.m. The Texas State Board of Public Accountancy will meet in an emergency meeting at 1033 La Posada, Suite 340, Austin. According to the complete agenda, the board will conduct a hearing on complaint number 84-04-15L. The emergency meeting was necessary as this was the only time hearings officer and complainant can meet.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: July 23, 1990, 2:24 p.m.

TRD-9007400

Public Utility Commission of Texas

Tuesday, July 31, 1990, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the complete agenda, the division will conduct a prehearing conference for Docket Number 9657, application of GTE Southwest, Inc. to revise the facilities for state access tariff; to modify the ancillary services section for billing and collection services.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 20, 1990, 3:21 p.m.

TRD-9007345

Texas Racing Commission

Monday, July 23, 1990, 10:30 a.m. The Greyhound Racing Section of the Texas Racing Commission met at the Wyndham Hotel, 900 North Shoreline Drive, Ballroom A, Corpus Christi. According to the emergency revised agenda summary, the commission considered and voted on motions and appeals by Lone Star Greyhound

Park, Inc., Gulf Greyhound Partners, Ltd., Bay Greyhound Racing Associates, Limited Partnership and/or Galveston Bay Greyhound Racing Association, Limited. The emergency revision was necessary to ensure that appeals from the examiner are handled in accordance with commission rules.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78711, (512) 476-7223.

Filed: July 20, 1990, 4:54 p.m.

TRD-9007354

Railroad Commission of Texas

Monday, July 30, 1990, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow:

The commission will consider and act on the office of the Executive Director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. Consider reorganization of various commission divisions; consolidation of positions; and appointment, reassignment and/or termination of various positions; and appointment, reassignment and/or termination of various positions, including division directors. Consideration of reorganization of the well plugging program. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Cril Payne, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-7274.

Filed: July 20, 1990, 11:02 a.m.

TRD-9007313

The commission will consider category determinations under sections 102 (c)(1) (B), 102 (c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1078.

Contact: Margie Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755

Filed: July 20, 1990, 11:03 a.m.

TRD-9007312

The commission will consider and act on the Automatic Data Processing Division Director's report on division administration, budget, procedures, equipment acquisitions and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

Filed: July 20, 1990, 11:04 a.m.

TRD-9007311

The commission will consider and act on

the Investigation Division Director's Report on division administration, investigations, budget, and personnel matters.

Contact: Mary Ann Wiley, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6828.

Filed: July 20, 1990, 11:04 a.m.

TRD-9007310

The commission will consider and act on the Administrative Services Division Director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-7257

Filed: July 20, 1990, 11:04 a.m.

TRD-9007309

The commission will consider and act on the OIS Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78704, (512) 463-6710.

Filed: July 20, 1990, 11:05 a.m.

TRD-9007308

The commission will consider and act on the Personnel Division Director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Drawer 12967, Austin, Texas 78711 463-6981.

Filed: July 20, 1990, 11:05 a.m.

TRD-9007307

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 action, including but not limited to scheduling an item in its entirety for particular action at a future time or date. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The commission will meet in executive session to receive legal advice regarding pending and/or contemplated litigation.

Contact: Cue D. Boykin, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: July 20, 1990, 11:08 a.m.

TRD-9007306

Center for Rural Health Initiatives

Wednesday, August 1, 1990, 9:30 a.m. The Executive Committee of the Center of Rural Health Initiatives will meet at the Texas Department of Health, Room T-607, 1100 West 49th Street, Austin. According to the agenda summary, the center will approve minutes of previous meeting; adopt executive committee rules and procedures; discuss rural economic development commission; mental health crisis in rural Texas; proposed rules on incineration of medical waste; approve workplan and budget for center; consider swing bed rules status; disproportionate share reimbursement; and agency activities.

Contact: Bryan Sperry, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7776.

Filed: July 20, 1990, 2:03 p.m.

TRD-9007344

Texas Savings and Loan Department

Monday, July 30, 1990, 9 a.m. The Texas Savings and Loan Department will meet at 2601 North Lamar Boulevard, Third Floor Hearing Room, Austin. According to the agenda summary, the department will conduct a hearing for the purpose of accumulating a record of evidence in regard to the application of TCF Banc Savings Association, Houston, Harris County, Texas to merge with TCF Bank Savings fsb, with TCF Bank Savings fsb being the survivor, from which record the commissioner will determine whether to grant or deny the application.

Contact: Laura M. Hale, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

Filed: July 20, 1990, 12:11 p.m.

TRD-9007317

Texas State Soil and Water Conservation Board

Thursday, August 2, 1990, 8 a.m. The Texas State Soil and Water Conservation Board will meet at 311 North 5th Street, Conference Room, Temple. According to the complete agenda, the board will review and take appropriate action on the following: minutes of the May 16, 1990 board meeting, district director appointments; allocation of state grant funds; division of Upper Pecos Soil and Water Conservation District #213; report on 1990 budget versus actual expenditures; status report on 1992-1993 biennium budget request and consider necessary amendments; uniform statewide accounting

system status report; 1990 annual state meeting of soil and water conservation district directors, Austin, Texas, October 22-24, 1990; nonpoint source management program; Erath County groundwater study; agricultural chemicals and agents in groundwater management plan; USDA water quality projects; public law 83-566 program; proposals for recommendations to the 72nd legislature; update on federal conservation legislation; reports from agencies and guests; Gulf of Mexico program; Galveston Bay estuary program; nonpoint source conference, Dallas, Texas, August 15-16, 1990; watershed study; public information/education report; board member travel; financial statements of employees authorized to sign contracts; next board meeting, September 19, 1990.

Contact: Robert G. Buckley, P.O. Box 658, Temple, Texas 765003, (817) 773-2250.

Filed: July 19, 1990, 2:11 p.m.

TRD-9007292

The Texas A&M University System

Thursday, July 26, 1990, 11 a.m. The Presidential Selection Committee for Corpus Christi State University of the Texas A&M University System met at Texas A&M University, Board of Regents Meeting Room, College Station. According to the complete agenda, the committee received a report from the selection advisory committee.

Contact: Vickie Running, College Station, Texas 77843-1122, (409) 845-9603.

Filed: July 20, 1990, 9:50 a.m.

TRD-9007303

Thursday, July 26, 1990, 1 p.m. The Planning and Building Committee of the Texas A&M University System met at the Texas A&M University, Board of Regents Meeting Room, College Station. According to the agenda summary, the committee took action on bids for state headquarters; old engineering building remodeling; education building renovation; dormitory asbestos abatement; appropriations for designs; appropriation for campus master plan; presentation of fuel and electrical distribution study; initiation of major construction projects; report of contract actions by the chancellor and presidents; report of construction project appropriations/authorizations by the chancellor; and selection of architects/engineers.

Contact: Vickie Running, College Station, Texas 77843-1122, (409) 845-9603.

Filed: July 20, 1990, 9:50 a.m.

TRD-9007302

Thursday-Friday, July 26-27, 1990, 2:45 p.m. and 9:45 a.m. respectively. The Executive Committee of the Texas A&M Uni-

versity System will meet at Texas A&M University, Board of Regents Meeting Room, College Station. According to the agenda summary, the committee will adopt resolution; authorization to establish revolving funds; authorization to use interest income and forfeitures from general property deposit; appropriations from available university fund; systemwide revenue financing program noteholder consent to EMAP resolution amendment; budget and fiscal transfers; salary increases; new positions; confirmation of tenure, appointment and promotions; terminations; acceptance of gifts, grants, loans and bequests; appointment of deans; and authorization for sale of oil, gas, and sulphur lease in Brazos County.

Contact: Vickie Running, College Station, Texas 77843-1122, (409) 845-9603.

Filed: July 20, 1990, 9:50 a.m.

TRD-9007300

Friday, July 27, 1990, 8:30 a.m. The Committee for Service Units of the Texas A&M University System will meet at Texas A&M University, Board of Regents Meeting Room, College Station. According to the complete agenda, the committee will convene to receive a report on agriculture/engineering interface at the Institute for Biosciences and Biotechnology, and a report on TechCom.

Filed: Vickie Running, College Station, Texas 77843-1122, (409) 845-9603.

Filed: July 20, 1990, 9:50 a.m.

TRD-9007304

Friday, July 27, 1990, 9 a.m. The Committee for Academic Campuses of the Texas A&M University System will meet at Texas A&M University, Board of Regents Meeting Room, College Station. According to the agenda summary, the committee review and discuss granting of emeritus titles; authorization to offer masters degrees; establishment of centers and institutes; to obtain health science center status; to execute license agreements; for fees; renew food contracts; establishment of a program for faculty members whose primary language is not English.

Contact: Vickie Running, College Station, Texas 77843-1122, (409) 845-9603.

Filed: July 20, 1990, 9:50 a.m.

TRD-9007305

Friday, July 27, 1990, 2:30 p.m. The Board of Regents of the Texas A&M University System will meet at Texas A&M University, Board of Regents Meeting Room, College Station. According to the agenda summary, the board will discuss granting of emeritus titles; authorization to offer masters degrees; establishment of centers, institutes; authorization to execute license agreements; for fees; to renew food contracts; establishment of program for faculty whose primary language is not english;

resolutions; establishment of revolving funds; authorization to use interest income from general property deposits; appropriation from AUF; system-wide revenue financing program noteholder consent to EMAP resolution amendment; budget and fiscal transfers; salary increases; new positions; confirmation of tenure, appointments and promotions, terminations; acceptance of gifts, grants, loans and bequests; authorization for sale of oil, gas, and sulphur lease in Brazos County; construction matters for the system parts; and consideration of pending or proposed real estate acquisitions, disposals, leases or other matters to real estate negotiation.

Contact: Vickie Running, College Station, Texas 77843-1122, (409) 845-9603.

Filed: July 20, 1990, 9:50 a.m.

TRD-9007301

Friday, July 27, 1990, 2:30 p.m. The Board of Regents of the Texas A&M University System will meet at Texas A&M University, Board of Regents Meeting Room, College Station. According to the complete emergency revised agenda, the board will add the following item: Appointment of Associate Provost and Dean of Faculties at Texas A&M University. The emergency revision was necessary as acceptance from candidate was received July 20, and the effective date of the appointment is September 1, therefore action must be taken before the next regular scheduled board meeting which is September 28, 1990.

Contact: Vickie Running, College Station, Texas 77843-1122, (409) 845-9603.

Filed: July 23, 1990, 4:27 p.m.

TRD-9007421

◆ ◆ ◆
Texas State University System

Friday-Saturday, July 27-28, 1990, 12:30 p.m. and 8 a.m. respectively. The Selection Advisory Committee of the Texas State University System will meet in an emergency meeting at Sul Ross State University, Second Floor Conference Room, Administration Building, Alpine. According to the complete agenda, the committee will discuss any and all matters relating to the employment of a president for Sul Ross State University.

Contact: Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 463-1808.

Filed: July 23, 1990, 4:39 p.m.

TRD-9007422

◆ ◆ ◆
Texas Water Commission

Wednesday, August 8, 1990, 9 a.m. The

Texas Water Commission will meet at Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, 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: Gloria Barrera, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 23, 1990, 4:14 p.m.

TRD-9007411

Monday, August 13, 1990, 10 a.m. The Texas Water Commission will meet at Room 1028A, Stephen F. Austin Office Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct an hearing on an application to amend water certificate of convenience and necessity number 10092, docket number 8380-C.

Contact: Deborah Parker, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 19, 1990, 4:04 p.m.

TRD-9007297

Monday, August 13, 1990, 10 a.m. The Texas Water Commission will meet at Room 1028A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a public hearing on rate increase of Oakridge Water Company, Inc. doing business as Pine Springs Utilities, docket number 8386-A and docket number 8387-A.

Contact: Angela Demerle, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 19, 1990, 4:04 p.m.

TRD-9007296

Wednesday, August 15, 1990, 3 p.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider a temporary order for the city of Trinidad to authorize irrigation of effluent on an additional 16.6-acre field from its extended aeration package wastewater treatment plant located west of Cedar Creek Reservoir approximately 9.5 miles north-northwest of the intersection of state highways 31 and 247 in Henderson County.

Contact: Laura Ray Culbertson, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: July 20, 1990, 4:21 p.m.

TRD-9007352

Tuesday, September 11, 1990, 10 a.m. The Texas Water Commission will meet at

the City of Texarkana's Southwest Center-Study Room, 3222 West 7th (Highway 67), Texarkana. According to the agenda summary, the commission will discuss application for amendment to Compliance Plan CP-50076 by Kerr-McGee Chemical Corporation, 155 Buchanan Road, Texarkana, Bowie County, Texas. The purpose of the hearing will be to receive evidence on the conditions, if any, under which the amendment may be issued. The facility is in drainage area of Segment 304 of the Sulfur River Basin. This notice is being reissued to reschedule the hearing date from August 21 to September 11, 1990.

Contact: James Murphy, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

Filed: July 19, 1990, 4:03 p.m.

TRD-9007298

Wednesday, September 12, 1990, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Erath County Courthouse, Courtroom, On the Square, Stephenville. According to the agenda summary, the examiner will consider an application by Guy Viss for proposed permit number 03210 authorizing disposal of waste and wastewater from a dairy which will be constructed in phases. The dairy is approximately 4,500 feet southeast of the intersection of U.S. Highway 67 and Farm-to-Market road 2481 in Erath County.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 20, 1990, 4:21 p.m.

TRD-9007351

Wednesday, September 12, 1990, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Erath County Courthouse, Courtroom, On the Square, Stephenville. According to the agenda summary, the examiner will consider an application by Gary Watson for proposed permit number 03182 authorizing disposal of waste and wastewater from a dairy which consists of a maximum of 210 milking head in phase I and a maximum of 400 milking head in the final phase. The dairy is to be approximately seven miles northwest of Stephenville on Farm-to-Market 3025 and 0.25 mile west of the intersection of Farm-to-Market 3025 and Farm-to-Market 108 in Erath County.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 20, 1990, 4:22 p.m.

TRD-9007350

Wednesday, September 12, 1990, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Erath County Courthouse, Courtroom, On the Square, Stephenville. According to the agenda summary, the examiner will consider an application by Gerard VanKooten for proposed permit number 03179 autho-

rizing disposal of waste and wastewater from a dairy which consists of 600 cows in confinement. The dairy is approximately seven miles west of Comanche on Farm-to-Market Road 1689 in Comanche County.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 20, 1990, 4:22 p.m.

TRD-9007349

Wednesday, September 12, 1990, 3 p.m.

The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on the adoption of standby fees for Fayette County Water Control and Improvement District, Monument Hill.

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 20, 1990, 4:22 p.m.

TRD-9007348

Texas Wheat Producers Board

Tuesday-Wednesday, August 7-8, 1990, 1:30 p.m. and 8 a.m. respectively. The Texas Department of Agriculture of the Texas Wheat Producers Board will meet at the Kingston Inn Hotel, I-40 at Lakeside, Amarillo. According to the complete agenda, the board will review and discuss procedures for seed wheat release; board activities and travel; and financial reports.

Contact: Bill Nelson, Suite 803, Texas Commerce Bank, 2201 Civic Circle, Amarillo, Texas 79109, (806) 352-2191.

Filed: July 23, 1990, 10:37 a.m.

TRD-9007394

Regional Meetings

Meetings Filed July 19, 1990

The Dallas Area Rapid Transit Business Development Ad Hoc Committee met at 601 Pacific Avenue, Conference 7A, Dallas, July 24, 1990, at 1:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit Minority Affairs Committee met at 601 Pacific Avenue, Board Room, Dallas, July 24, 1990, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Leon County Central Appraisal District Board of Directors met at the Leon County Central Appraisal District Office,

Centerville, July 23, 1990, at 7:30 p.m. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75883, (214) 536-2252.

The Pecan Valley Mental Health Mental Retardation Region Board of Trustees met at the Pecan Valley MHMR Region, July 25, 1990, at 8 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The West Texas Council of Governments Executive Committee met at 1025 East North 10th Street, Abilene, July 25, 1990, at 12:45 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-9007280

Meetings Filed July 20, 1990

The Austin-Travis County Mental Health Mental Retardation Finance and Control Committee met at 1430 Collier Street, Austin, July 25, 1990, at 7:30 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Austin-Travis County Mental Health Mental Retardation Board of Trustees met at the Oak Springs Program, 3000 Oak Spring Drive, Austin, July 26, 1990, at 7 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Bosque Central Appraisal District Appraisal Review Board will meet at the Bosque Central Appraisal District Office, 104 West Morgan Street, Meridian, July 27, 1990, at 9 a.m. Information may be obtained from Billye L. McGehee, P.O. Box 393, 103 West Morgan Street, Meridian, Texas 76665, (817) 435-2304.

The Brazos Valley Solid Waste Management Agency met at the City of College Station Law Library, 1101 Texas Avenue, College Station, July 24, 1990, at 2 p.m. Information may be obtained from Cathy Locke, P.O. Box 9960, College Station, Texas 77842, (409) 764-3515.

The Dallas Area Rapid Transit Governmental Relations Committee met at 601 Pacific Avenue, Board Conference Room, Dallas, July 24, 1990, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit Board of Director's met at 601 Pacific Avenue, Board Room, Dallas, July 24, 1990, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Gonzales County Appraisal District Appraisal Review Board met at 928 St. Paul Street, Gonzales, July 25, 1990, at 1 p.m.

Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Gonzales County Appraisal District Appraisal Review Board will meet at 928 St. Paul Street, Gonzales, July 27, 1990, at 11 a.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Heart of Texas Council of Governments Executive Committee met at the Heart of Texas Council of Governments Conference Room, 300 Franklin Avenue, Waco, July 26, 1990, at 10 a.m. Information may be obtained from Mary McDow, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822.

The Henderson County Appraisal District Board of Directors met in an emergency meeting at 1751 Enterprise Street, Athens, July 24, 1990, at 9 a.m. The emergency was necessary to hire chief appraiser. Information may be obtained from Helen Marchbanks, 1751 Enterprise Street, Athens, Texas 75751, (214) 675-9296.

The Hunt County Appraisal District Board of Directors met at the Hunt County Appraisal District, Board Room, 4801 King Street, Greenville, July 26, 1990, at 6 p.m. Information may be obtained from Joe P. Davis or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Jack County Appraisal District Board of Directors met at the Los Creek Office Building, 216-D South Main Street, Jacksboro, July 24, 1990, at 7 p.m. Information may be obtained from Gary L. Zeitler or Donna Hartzell, 216-D South Main Street, Jacksboro, Texas 76056, (817) 567-6301.

The Lee County Appraisal District Board of Directors met at 218 East Richmond Street, Giddings, July 25, 1990, at 7 p.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Lower Rio Grande Valley Development Council Board of Directors met at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, July 26, 1990, at 1:30 p.m. Information may be obtained from Kenneth N. Jones, Jr. 4900 North 23rd Street, McAllen, Texas 78504, (512) 682-3481.

The Mental Health Mental Retardation Authority of Brazos Valley Board of Trustees met at the Brazos Center, 3232 Briarcrest Drive, Room 108, Bryan, July 26, 1990, at 1:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467.

The North Central Texas Council of Governments Executive Board met at Centerpoint Two, 616 Six Flags Drive, Second Floor, Arlington, July 26, 1990, at

12:45 p.m. Information may be obtained from Edwina J. Shires, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

The Parmer County Appraisal District Board of Directors will meet at 305 Third Street, Bovina, August 9, 1990, at 7:30 p.m. Information may be obtained from Ron Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.

The Permian Basin Regional Planning Commission General Membership met at the Big Spring Country Club, Big Spring, July 25, 1990, at noon. Information may be obtained from Terri Moore, 2514 Pliska Drive, Midland Regional Air Terminal, Midland, Texas 79711, (915) 563-1061.

The Permian Basin Regional Planning Commission Board of Directors met at the Big Spring Country Club, Big Spring, July 25, 1990, at 2 p.m. Information may be obtained from Terri Moore, 2514 Pliska Drive, Midland Regional Air Terminal, Midland, Texas 79711, (915) 563-1061.

TRD-9007299

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Meetings Filed July 23, 1990

The Central Texas Mental Health Mental Retardation Center Board of Trustees will meet at 408 Mulberry Street, Brownwood, July 30, 1990, at 5 p.m. Information may be obtained from Danny Armstrong, P.O. Box 250, Brownwood, Texas 76804, (914) 646-9574, extension 102.

The Education Service Center, Region XVI Board of Directors will meet at the Education Service Center, Region XVI,

1601 South Cleveland Street, Amarillo, July 31, 1990, at 1 p.m. Information may be obtained from Dr. Kenneth M. Laycock, 1601 South Cleveland Street, Amarillo, Texas 79102, (806) 376-5521.

The Ellis County Appraisal District Board of Directors met at 406 Sycamore Street, Waxahachie, July 26, 1990, at 7 p.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Gulf Bend Mental Health Mental Retardation Board of Trustees met at the Gulf Bend Mental Health Mental Retardation Center, 1404 Village Drive, July 26, 1990, at noon. Information may be obtained from Bill Dillard, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611.

The Hamilton County Appraisal District will meet at the Hamilton County Appraisal District Board Room, 119 East Henry Street, Hamilton, August 7, 1990, at noon. Information may be obtained from Doyle Roberts, 119 East Henry Street, Hamilton, Texas 76531, (817) 386-8945/8946.

The Hunt County Tax Appraisal District Appraisal Review Board met in an emergency meeting at the Hunt County Tax Appraisal District Board Room, 4801 King Street, Greenville, July 25, 1990, at 9 a.m. The emergency status was necessary in order to be certified by the 25th. Information may be obtained from Joe P. Davis or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Jack County Appraisal District Board of Directors met in an emergency meeting at the Los Creek Office Building, 216-D South Main, Jacksboro, July 24,

1990, at 7 p.m. The emergency status was necessary in order to have new ARB members certified in the 1990 roll. Information may be obtained from Gary L. Zeitler or Donna E. Hartzell, 216-D South Main, Jacksboro, Texas 76056, (817) 567-6301.

The Kendall County Appraisal District Board of Directors will meet at the Kendall Appraisal Office, 207 East San Antonio Street, Boerne, July 30, 1990, at 7:30 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

TRD-9007355

The TWCA Risk Management Fund Full Board of Trustees met at the Sheraton South Padre Island Hotel, Stephen F. Austin Ballroom IV, 310 South Padre Boulevard, South Padre Island, July 26, 1990, at noon. Information may be obtained from Leroy Goodson, 206 San Jacinto Boulevard, Austin, Texas 78701, (512) 472-7216.

TRD-9007355

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Meetings Filed July 24, 1990

The Hunt County Appraisal District Board of Directors met in an emergency revised agenda at the Hunt County Appraisal District Board Room, 4801 King Street, Greenville, July 26, 1990, at 6 p.m. The emergency revision was necessary due to section of executive session corrected. Information may be obtained from Joe P. Davis or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

TRD-9007426

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 Contested Case Hearing Number 271

An examiner of the Texas Air Control Board (TACB) will conduct a contested case hearing to consider whether or not Emergency Order Number 90-09 issued by the executive director of the TACB on July 18, 1990, pursuant to TACB §116.13 should be affirmed, modified, or set aside. Emergency Order Number 90-09 authorized Starco, Inc., (the applicant) to reconstruct a fiberglass tank coating facility located at 149 Highway 81, Rhome, Wise County.

Time and Place of Hearing. The examiner has set the hearing to begin at 1:30 p.m., on September 11, 1990, at the TACB Central Office, Room 332, 6330 Highway 290 East, Austin, Texas 78723.

What the Applicant Must Prove. This hearing is a contested case hearing under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §13. It is generally conducted like a trial in district court. Starco, Inc. must demonstrate, by a preponderance of the evidence, that the proposed construction with associated emissions will meet the requirements of the Texas Clean Air Act, Chapter 382, Texas Civil Statutes (the Act), §382.063, and TACB §116.13.

Deadline For Requesting to be a Party. At the hearing, only those persons admitted as parties and their witnesses will be allowed to participate. Presently, the only prospective parties are the Applicant and the TACB Staff. Any person who may be affected by emissions from the proposed construction who wants to be made a party must send a specific written request for party status to Hearings Examiner Cindy Hurd and make sure that this request is actually received at the TACB Central Office, 6330 Highway 290 East, Austin, Texas 78723, by 5 p.m. on August 3, 1990. The examiner cannot grant party status after that deadline, unless there is good cause for the request arriving late. Hearing requests comments, or other correspondence sent to the TACB before publication of this notice will not be considered as a request for party status.

Prehearing Conference. The examiner has scheduled a prehearing conference at 1:30 p.m., on August 14, 1990, at the TACB Central Office, Room 332, 6330 Highway 290 East, Austin, Texas 78723. At this conference, the examiner will consider any motions of the parties, but may

grant contested motions for continuance only upon proof of good cause. The examiner will also establish a specific date prior to the hearing on the merits for the exchange of written and documentary evidence.

Public Attendance and Testimony. Members of the general public may attend the hearing. Those who plan to attend are encouraged to telephone the TACB Central Office in Austin, at (512) 451-5711, extension 230, a day or two prior to the hearing date in order to confirm the setting, since continuances are sometimes granted. Any person who wants to give testimony at the hearing, but who does not want to be a party, may call the TACB Legal Division at (512) 451-5711, extension 230, to find out the names and addresses of all admitted parties who may be contacted about the possibility of presenting testimony.

Information About the Order and TACB Rules. Information about the order and copies of the TACB's Rules and Regulations are available at the TACB Regional Office located at 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, the TACB Central Office located at 6330 Highway 290 East, Austin, Texas 78723, and at the office of the Rhome City Secretary, located at 202 West Main Street, Rhome, Texas 76078.

Legal Authority. This hearing is called and will be conducted under the authority of the Act, §§382.029, 382.030, 382.031, and 382.063, and TACB Procedural Rules 103.11(55), 103.31, 103.41, and TACB Rule 116.13(c).

Issued in Austin, Texas, on July 18, 1990.

TRD-9007320 Steve Spaw, P.E.
Executive Director
Texas Air Control Board

Filed: July 20, 1990

For further information, please call: (512) 451-5711, ext. 433

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Comptroller of Public Accounts Local Sales Tax Changes Effective October 1, 1990

The following 33 cities will increase their city sales tax by 1/2% effective October 1, 1990. The additional 1/2% is for property tax relief.

Amarillo
 *Athens
 *Big Spring
 Boerne
 *Borger
 Boyd
 *Brownwood
 Bryan
 *Coleman
 College Station
 Corsicana

*Early
 Edinburg
 Edna
 Goliad
 *Harlingen
 *La Marque
 McAllen
 *Mercedes
 Mission
 Pharr
 Pleasanton

Ralls
 Riverside
 Stephenville
 *Sweetwater
 *Teague
 Temple
 *Terrell
 Texarkana
 Weatherford
 *Weslaco
 Wharton

*These cities are also imposing an additional 1/2% tax for economic and industrial development effective October 1, 1990.

The following 22 cities will increase their city sales tax by 1/2% effective October 1, 1990. The additional 1/2% is for economic and industrial development.

*Athens
 *Big Spring
 *Borger
 Breckenridge
 *Brownwood
 *Coleman
 Copperas Cove
 *Early
 *Harlingen
 Kilgore
 La Feria

*La Marque
 *Mercedes
 Olney
 Overton
 Palmview
 Rotan
 Stamford
 *Sweetwater
 *Teague
 *Terrell
 *Weslaco

*These cities are also imposing an additional 1/2% tax for property tax relief effective October 1, 1990.

The 1.0% city sales tax becomes effective October 1, 1990, in the two cities listed below.

<u>City Name</u>	<u>City Code</u>	<u>County(s)</u>	<u>Zip Code</u>
Vil of Bayou Vista	2084205	Galveston	77563
Wixon Valley	2021032	Brazos	77862

The 1/2% county sales tax becomes effective October 1, 1990, in the following five counties.

<u>County Name</u>	<u>County Code</u>
Houston	4113004
McCulloch	4160006
San Jacinto	4204004
Victoria	4235007
Wise	4249001

Issued in Austin, Texas, on July 17, 1990.

TRD-9007260

Bob Bullock
 Comptroller of Public Accounts

Filed: July 18, 1990

For further information, please call: (512) 463-4004

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Credit Union Department

Notice of Hearing

The Credit Union Department will conduct a consolidated hearing to determine whether the applications for amendment to the bylaws for expansions of fields of membership by the following credit unions should be approved or disapproved: Community Credit Union, Plano; Dallas Teachers Credit Union, Dallas.

The hearing will involve only the portion of the Community Credit Union Application that was severed from

Applicants -

Credit Union Department -

Other Admitted Parties -

Cause Number 89-001 and described as follows: persons who work or reside in that area of the city of Dallas having these boundaries: Loop 635 on the north, Central Expressway on the east, Northwest Highway on the south, and the city limits on the west, but excluding those persons eligible for primary membership in any occupation- or association-based credit union that has an office in Rockwall, Collin, Denton, Tarrant, or Dallas County at the time such membership is sought.

Time and Place of Hearing. The hearing will be held on September 10, 1990, at 10 a.m. at the Texas Credit Union Department, 914 East Anderson Lane, Austin.

Authority. Texas Civil Statutes, Articles 6252-13a, 2461-2.06(b), and 2461-12.01 (Vernon Supplement 1990); 7 Texas Administrative Code §93.221.

Names and Addresses of Parties.

S. E. Hale, President
Dallas Teachers Credit Union
P. O. Box 64728
Dallas, Texas 75206

Represented by:

Jerry Nugent
Rinehart & Nugent
1000 MBank Tower
Austin, Texas 78701

Garold (Gary) Base, President
Community Credit Union
P. O. Box 867119
Plano, Texas 75086

Represented by:

Duncan C. Norton
Winstead McGuire Sechrest & Minick
100 Congress Avenue, Suite 800
Austin, Texas 78701

Robert W. Rogers
Deputy Commissioner
914 East Anderson Lane
Austin, Texas 78752

Represented by:

Everette Jobe
Assistant Attorney General
P. O. Box 12548, Capitol Station
Austin, Texas 78711-2548

Pamela L. Stephens
Chief Executive Officer
Security One Federal Credit Union
Box 5583
Arlington, Texas 76011

Harry G. Hall, President
Denton Area Teachers Credit Union
P. O. Box 827
Denton, Texas 76202

Sherry L. O'Bryant, President
Garland Credit Union
626 Austin
Garland, Texas 75040

Larry R. Cole,
Chief Executive Officer
Garland Federal Credit Union
703 W. Avenue D
Garland, Texas 75040-7001

Jo Johnston, Chairman
Las Colinas Federal Credit Union
P. O. Box 152072
Irving, Texas 75015

Leo Edwards, Chairman
Employees Federal Credit Union
7800 Stemmons, Suite 100
Dallas, Texas 75247

Charles B. Campbell, Jr., Chairman
Fort Worth City Credit Union
P. O. Box 100099
Fort Worth, Texas 76185-0099

Nature of Hearing. This hearing is a contested case under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a. Each applicant must demonstrate: the exact geographic boundaries expressed by city, county, or radius from the credit union's principal or branch office; whether its proposed expansion overlaps the field of membership of another credit union; the nature and degree of the overlap; whether the new group proposed to be served by the expansion has requested the expansion; whether any efforts have been taken to resolve the overlap, if any; the applicant's ability to adequately serve the proposed expanded field of membership. Each applicant shall also be required to provide the information requested in the application to amend article of incorporation or bylaws filed with the Credit Union Department. The hearing officer shall consider this and other information necessary to comply with the provisions of Texas Civil Statutes, Articles 2461-1.05, and 2.06(b). The Credit Union Commission may decide not to hold an additional hearing on the application.

Deadline for Requesting to be a party. At the hearing, only those persons admitted as parties by October 9, 1989, and their witnesses will be allowed to participate. The commissioner made a determination on party status at the prehearing conference held on October 16, 1989. The listing of parties is presented herein. Witnesses for the parties were designated prior to November 3,

1989. The hearing officer cannot grant additional party status unless there is good cause for the request arriving late.

Hearing Officer. Nancy Ricketts (2003 Cypress Point East, Austin, Texas 78746) was appointed on November 7, 1989, to serve as the hearing officer.

Public Attendance and Testimony. Members of the general public may attend any conference or hearing. Those who plan to attend are encouraged to telephone the Credit Union Department Office in Austin at (512) 837-9236, a day or two prior to the hearing date in order to confirm the setting, since continuances are sometimes granted.

Any person who wants to give testimony at the hearing, but who does not want to be a party, may call the Credit Union Department Office at (512) 837-9236, to find out the names and addresses of all admitted parties who may be contacted about the possibility of presenting testimony.

Information About the Application. Information about the applications is available at the Credit Union Department Office located at 914 East Anderson Lane, Austin, Texas 78752, or from Hearing Officer Nancy Ricketts, (512) 327-3360.

Issued in Austin, Texas, on July 17, 1990.

TRD-9007291

Nancy Ricketts
Hearing Officer
Credit Union Department

Filed: July 19, 1990

For further information, please call: (512) 837-9236

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Governor's Energy Division
Consultant Proposal Request

This request for professional services is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

Notice of Invitation. The Governor's Energy Management Center (GEMC) invites proposals from qualified agencies, institutions of higher education, associations, firms, and individuals to provide program management, training, technical assistance, and energy audits to county jail operators in the Energy Efficient County Jails Program.

Services to be performed. The contractor or contractors will be selected to perform the following services: publicize the program to county jail operators; conduct energy audits of county jail facilities to identify energy efficient features currently in place and to recommend additional cost-effective energy retrofit measures; assist county officials with grant applications to GEMC for funding of retrofit projects; follow-up, on behalf of GEMC, to confirm installation of retrofit projects; calculate energy savings by using monthly energy bills as least one year prior to the installation of energy conservation measures; provide energy training and technical assistance, as necessary, to county jail operators; provide reports of program results, including a final report, as directed by GEMC; and perform other duties as assigned by GEMC.

Contact Person. To obtain more detailed information concerning this project, contact Ernie Moore, Governor's Energy Management Center, P.O. Box 12428, Austin, Texas 78711, (512) 463-1931.

Closing Date. Six copies of the proposals should be sent to: Blanche Saldivar, Governor's Energy Management Center, P.O. Box 12428, Austin, Texas 78711.

The Governor's Energy Management Center is located in room 620 of the Sam Houston State Office Building, 201 East 14th Street, Austin, Texas 78701. Proposals should be sent by certified mail or by courier and must be received no later than 3 p.m. on September 10, 1990. Proposals received after that time and proposals submitted by fax machine will not be considered.

Selection Criteria. Proposals should be short, concise, clearly written, and should describe the proposer's capabilities and resources for delivering the requested services. Proposals to deliver the requested services will be evaluated according to the following criteria: proposer's demonstrated knowledge of and experience in county jail facilities and operations; proposer's demonstrated experience in conducting energy audits in county jails or similar facilities; proposer's experience in providing technical assistance and training to local government personnel; proposer's knowledge and understanding of state and federal jail standards; proposer's demonstrated ability to organize and manage a promotional program to solicit participation in this program; and reasonableness of proposed budget in relation to the services performed.

Award will not necessarily be made to the bidder offering the lowest price; selection will be based on the proposer's ability to satisfy the preceding criteria. The Governor's Office reserves the right to negotiate both budget and

scope of work with the finalist. The Governor's Office reserves the right to reject any or all proposals and is under no legal requirement to execute a contract on the basis of this request for proposals.

Final selection of the contractor will be based on the recommendations of a review panel. If two or more proposals are ranked so closely that a decision cannot be made, the review panel may request finalists to provide additional information or meet with GEMC staff in Austin prior to final selection of the contractor. No respondent will be reimbursed for any cost incurred in the preparation, submission, or clarification of a proposal.

Issued in Austin, Texas, on July 17, 1990.

TRD-9007278 Auburn L. Mitchell
Director
Governor's Energy Division

Filed: July 19, 1990

For further information, please call: (512) 463-1931

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Texas Department of Health
**Revocation of a Certificate of
Registration**

The Texas Department of Health, having duly filed a complaint pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following certificate of registration: Hubert S. Freeman, D.D.S., RO6074, Dallas, June 22, 1990.

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 July 17, 1990.

TRD-9007261 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: July 18, 1990

For further information, please call: (512) 835-7000

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Texas Department of Human Services
Invitations to Bid

Texas Department of Human Services (TDHS) announces an invitation to bid (ITB) for purchased food stamp issuance services. TDHS uses a competitive procurement process to ensure and document that services are of the highest quality, lowest price, and best meet the needs of the clients served.

Description of Services: Over-the-counter food stamp issuance is the exchange of food coupon booklets for authorization to participate (ATP) forms. ATP forms will specify client name, case number, ID and issuance numbers, total benefit amount, number of each denomination booklets to be issued, and month valid. Food stamp clients will present issuance agent with ATPs and ID cards. Issuance agent will check to see that the ID card serial number matches the corresponding number on the ATP form. If they match and the ATP is valid for the current month, the client will sign the ATP form, in the presence of the issuance agent, who will then exchange the indicated number of each denomination of booklets for the signed ATP form. The issuance agent will write the issuance verification code (from the ID card) on the ATP

form, date stamp the ATP form and later batch it for daily delivery to TDHS. To contract with TDHS the contractor must comply with: All insurance requirements specified in the ITB, including providing an all-risk insurance policy naming TDHS as the guaranteed loss payee. TDHS will procure over-the-counter food stamp issuance services in Wichita County.

Terms of Contract: The contract will be for one 12-month period. TDHS has the option to renew the contract on a non-competitive basis for a limited number of additional periods. The contractor will be paid on a fee per transaction basis for each eligible ATP form processed.

Procedures For Awarding Contract: Only bids meeting the requirements of the procurement will be considered for contract award. A contract will be awarded to the lowest bidder whose bid meets the specified requirements.

Contact Person: To request an ITB package or additional information, contact Margarette Kaylor at (512) 450-3467. Sealed Bids must be received by Margarette Kaylor no later than 3 p.m., October 10, 1990, at: Client Self-support Services Administrative Management (785-W), Texas Department of Human Services, 701 West 51st Street, P.O. Box 149030, Austin, Texas 78714-9030.

Issued in Austin, Texas, on July 23, 1990.

TRD-9007380 Cathy Rossberg
Agency liaison, Policy Communication
Services
Texas Department of Human Services

Filed: July 23, 1990

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

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The Texas Department of Human Services (TDHS) announces an invitation to bid (ITB) for purchased food stamp issuance services. TDHS uses a competitive procurement process to ensure and document that services are of the highest quality, lowest price, and best meet the needs of the clients served.

Description of Services: Over-the-counter food stamp issuance is the exchange of food coupon booklets for authorization to participate (ATP) forms. ATP forms will specify client name, case number, ID and issuance numbers, total benefit amount, number of each denomination booklet to be issued, and month valid. Food stamp clients will present issuance agent with ATPs and ID cards. Issuance agent will check to see that the ID card serial number matches the corresponding number on the ATP form. If they match and the ATP is valid for the current month, the client will sign the ATP form in the presence of the issuance agent, who will then exchange the indicated number of each denomination of booklets for the signed ATP form. The issuance agent will write the issuance verification code (from the ID card) on the ATP form, date stamp the ATP form, and later batch it for daily delivery to TDHS. To contract with TDHS the contractor must comply with: all insurance requirements specified in the ITB, including providing an all-risk insurance policy naming TDHS as the guaranteed loss payee. TDHS will procure over-the-counter food stamp issuance services in McLennan County.

Terms of Contract: The contract will be for one 12-month period. TDHS has the option to renew the contract on a non-competitive basis for a limited number of additional periods. The contractor will be paid on a fee per transaction basis for each eligible ATP form processed.

Procedures For Awarding Contract: Only bids meeting the requirements of the procurement will be considered for contract award. A contract will be awarded to the lowest bidder whose bid meets the specified requirements.

Contact Person: To request an ITB package or additional information, contact Margarette Kaylor at (512) 450-3467. Sealed Bids must be received by Margarette Kaylor no later than 3 p.m., October 10, 1990, at: Client Self-support Services Administrative Management (785-W), Texas Department of Human Services, 701 West 51st Street, P.O. Box 149030, Austin, Texas 78714-9030.

Issued in Austin, Texas, on July 23, 1990.

TRD-9007381 Cathy Rossberg
Agency liaison, Policy Communication
Services
Texas Department of Human Services

Filed: July 23, 1990

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

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Public Notices

The Texas Department of Human Services (DHS) has received approval from the Health Care Financing Administration (HCFA) to amend the Title XIX Medical Assistance Plan by Transmittal Number 90-10, Amendment Number 262. The amendment extends the ICF-MR case mix pilot and eliminates phase two of the previously approved pilot description. If additional information is needed, contact Barbara Stegall, (512) 450-3111.

Issued in Austin, Texas on July 23, 1990.

TRD-9007383 Cathy Rossberg
Agency liaison, Policy Communication
Services
Texas Department of Human Services

Filed: July 23, 1990

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

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The Texas Department of Human Services (DHS) has received approval from the Health Care Financing Administration (HCFA) to amend the Title XIX Medical Assistance Plan by Transmittal Number 90-14, Amendment Number 266. The amendment establishes an experimental reimbursement class for nursing facilities serving pediatric patients. If additional information is needed, contact Trey Berndt, (512) 450-3169.

Issued in Austin, Texas on July 23, 1990.

TRD-9007384 Cathy Rossberg
Agency liaison, Policy Communication
Services
Texas Department of Human Services

Filed: July 23, 1990

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

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Public Notice Open Solicitation

Pursuant to 40 TAC §16.1513, as amended in the September 29, 1989, issue of the *Texas Register* (14 TexReg. 5099), and the Human Resources Code, Title 2, Chapters 22 and 32, the Texas Department of Human Services (TDHS) is announcing an open solicitation period of 30 days (starting the date of this public notice) for the construction of a 90-bed nursing facility in the county

identified in the June 12, 1990, issue of the *Texas Register* (15 TexReg 3444). That county is also listed in this public notice. Potential contractors desiring to construct a 90-bed nursing facility in the county identified in this public notice must submit a written reply (as described in 40 TAC §16.1513) to TDHS, Gary L. Allen, Provider Services Division, Mail Code 646-E, P. O. Box 149030, Austin, Texas 78714-9030. The written reply must be received by TDHS by 5 p.m., August 27, 1990, the last day of the open solicitation period. Potential contractors will be allowed 90 days to qualify and qualified potential contractors will be placed on a secondary-selection waiting list in the order that their applications are received. To qualify, potential contractors must demonstrate an intent and ability to begin construction of a facility and to complete contracting within specified time frames. They must submit a letter of application to TDHS with the following documentation: First, there must be acceptable written documentation showing the ownership of or an option to buy the land on which the proposed facility is or will be located. Second, documentation must include a letter of finance from a financial institution. Third, documentation must include a signed agreement stating that, if selected, the potential contractor will pay liquidated

damages if the 180-day and/or 18-month deadline(s) described in 40 TAC §16.1513(q) are not met. The signed agreement must also require the potential contractor to provide, within 10 working days after the date of selection, a surety bond or other financial guarantee acceptable to DHS ensuring payment in the event of default. If the 180-day deadline is not met, liquidated damages are 5.0% of the estimated total cost of the proposed or completed facility. If the 18-month deadline is not met, liquidated damages are 10% of the estimated total cost of the proposed or completed facility. Fourth, there must be acceptable written documentation that the preliminary architectural plans for the proposed or completed facility have been submitted to the Texas Department of Health (TDH). Each application must be complete at the time of its receipt. DHS accepts the first qualified potential contractor on the secondary-selection waiting list. If no potential contractors submit replies during this open solicitation period, DHS will place another public notice in the *Texas Register* announcing the reopening of the open solicitation period until a potential contractor replies. Occupancy rates for identified threshold counties are listed below:

County Number	County Name	Number of Months Over	Nov	Dec	Jan	Feb	Mar	Apr
130	Kendall	5	88.7	90.6	90.6	90.3	90.6	90.6

Issued in Austin, Texas on July 23, 1990.

TRD-9007382 Cathy Rossberg
Agency liaison, Policy Communication
Services
Texas Department of Human Services

Filed: July 23, 1990

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

Issued in Austin, Texas, on July 16, 1990.

TRD-9007266 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: July 18, 1990

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

State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration.

1. Application for incorporation in Texas of Texas Benefit Services, a domestic third party administrator. The home office is in San Antonio.
2. Application for incorporation in Texas of Management Administration Systems, Incorporated, a domestic third party administrator. The home office is in Richardson.
3. Application for admission to do business in Texas of Benefits General Systems, Inc., a foreign third party administrator. The home office is in Denver, Colorado.
4. Application for admission to do business in Texas of First Benefits Agency, Inc., a foreign third party administrator. The home office is in Akron Ohio.
5. Application for incorporation in Texas of Ted L. Parker and Associates, Inc., a domestic third party administrator. The home office is in Lubbock.

The following applications have been filed with the State Board of Insurance and are under consideration.

1. Application for admission to do business in Texas of United Independent Life Insurance Company, a foreign life insurance company. The home office is in Western Springs, Illinois.
 2. Application for admission to do business in Texas of Capital Investors Life Insurance Company, a foreign life insurance company. The home office is in Tampa, Florida.
 3. Application for incorporation in Texas by Scott and White Group Hospital Service Corporation, a domestic group hospital service corporation. The home office is in Temple.
 4. Application for incorporation in Texas by Allied Indemnity Insurance Company, a domestic casualty company. The home office is in The Woodlands.
 5. Application for admission to do business in Texas of Druggists Mutual Insurance Company, a foreign casualty insurance company. The home office is in Algona, Iowa.
- Issued in Austin, Texas, on July 20, 1990.

TRD-9007392 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: July 23, 1990

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

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The following applications have been filed with the State Board of Insurance and are under consideration.

1. Application for incorporation in Texas of F.F.G. Insurance Company, a domestic casualty insurance company. The home office is in Dallas.
2. Application for incorporation in Texas of The Hartford Steam Boiler Inspection and Insurance Company of Texas, a domestic casualty insurance company. The home office is in Houston.
3. Application for admission to do business in Texas of American Administrative Group, Inc., a foreign third party administrator. The home office is in Hoffman Estates, Illinois.
4. Application for incorporation in Texas of Entrust, Inc., a domestic third party administrator. The home office is in Houston.
5. Application for incorporation in Texas of Prearranged Funeral Services Insurance Company, a domestic life insurance company. The home office is in Houston.
6. Application for name change by American Group Insurance Company of Florida, a foreign life insurance company. The home office is in Jacksonville, Florida. The proposed new name is Anthem Life Insurance Company of Florida.

Issued in Austin, Texas, on July 19, 1990.

TRD-9007393 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: July 23, 1990

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

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Legislative Budget Office
Joint Budget Hearing Schedule

Low Level Radioactive Waste Disposal Authority, July 30-9:30 a.m., Room 107, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Air Control Board, July 31-2 p.m., Room 107, John H. Reagan Building, 15th and North Congress Avenue, Austin.

Texas A&M University System, Texas A&M University (including Medical Education Program), Texas A&M University at Galveston, August 1-8 a.m., Rudder Tower, Fourth Floor, Texas A&M University, College Station.

Prairie View A&M University, Texas Engineering Experiment Station, Texas Transportation Institute, Texas Engineering Extension Service, August 1-1 p.m., Rudder Tower, Fourth Floor, Texas A&M University, College Station.

Corpus Christi State University, Laredo State University, Texas A&I University, August 2-8:30 p.m., Rudder Tower, Fourth Floor, Texas A&M University, College Station.

Texas Agriculture Experiment Station, Texas Agricultural Extension Service, Animal Damage Control Service,

Texas Forest Service, Texas Veterinary Medical Diagnostic Laboratory, August 2-1:30 p.m., Rudder Tower, Fourth Floor, Texas A&M University, College Station.

West Texas State University (including Panhandle-Plains Historical Museum) Tarleton State University, August 3-8:30 a.m., Rudder Tower, Fourth Floor, Texas A&M University, College Station.

****Note:** Please confirm above dates, times and locations in the event you plan to attend a hearing, since experience has shown that some rescheduling always occurs. Hearings schedule may be checked on PROFS.

Issued in Austin, Texas, on July 18, 1990.

TRD-9007281 Larry Kopp
Assistant Director for Budgets
Legislative Budget Office

Filed: July 19, 1990

For further information, please call: (512) 463-1200

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Texas Parks and Wildlife Department
Correction of Error

The Texas Parks and Wildlife Department submitted adopted sections concerning the Statewide Hunting and Fishing proclamation which contained errors as published in the June 15, 1990, issue of the *Texas Register* (15 TexReg 3496).

Because text was omitted from §65.72, subsections (a) and (b) are reprinted here in entirety.

§65.72. Fish.

(a) General rules.

(1) It is unlawful to take or attempt to take, or possess fish within a protected length limit, in greater numbers, by other means, or at any time or place, other than as permitted under these rules.

(2) It is unlawful for any person to use game fish or any part thereof as bait.

(3) It is unlawful for any person to possess a finfish of any species, except broadbill swordfish, shark, or king mackerel, taken from public water that has the head or tail removed until such person has reached his final destination.

(4) Under these rules there are no public waters closed to taking or retaining of fish, except that: at the Toledo Bend Reservoir Dam in Newton County, the area within 500 feet of the power plant water intake is closed to fishing from July 1 through September 30 of each year.

(b) Bag, possession, and length limits.

(1) It is unlawful for any person while fishing on public waters to have in his possession fish in excess of the daily bag limit or fish within a protected length limit as established for those waters.

(2) The possession limit does not apply to fish stored or in the possession of:

(A) a person who has an invoice or sales ticket showing the name and address of the seller, number of fish by species, date of the sale, and other information required on a sales ticket or an invoice;

(B) a cold storage plant if the fish or container holding the fish are tagged with the owner's name, address, numbers of fish by species, and the date placed in storage (Texas Parks and Wildlife Code, §62.029); or

(C) fish stored at a person's permanent residence for personal consumption.

(3) It is unlawful for the captain and/or crew of a vessel that is licensed or required to be licensed as a commercial fish boat to possess on board or land billfish, except swordfish.

(4) There are no bag, possession, or length limits on game or non-game fish, except as provided in these rules.

(A) Statewide daily bag, possession, and length limits shall be as follows:

Species	Daily Bag	Possession	Minimum Length (Inches)	Maximum Length (Inches)
Bass: largemouth, smallmouth, spotted, and Guadalupe bass, their hybrids, and subspecies.	5 (in aggregate)	10 (in aggregate)	14	No Limit
Bass, striped, its hybrids, and subspecies.	5 (in aggregate)	15 (in aggregate)	18	No limit
Bass, white and yellow bass.	25 (in aggregate)	50 (in aggregate)	10	No limit
Catfish: channel and blue catfish, their hybrids, and subspecies.	25 (in aggregate)	50 (in aggregate)	9	No limit
Catfish, flathead.	5	10	9	No limit
Catfish, gafftopsail.	No limit	No limit	14	No limit
Cobia.	No limit	No limit	37	No limit
Crappie: white and black crappie, their hybrids, and subspecies.	25 (in aggregate)	50 (in aggregate)	10	No limit
Drum, black.	5	10	14	30
Drum, red.	3	6	20	28
Flounder: all species, their hybrids, and subspecies.	20	40	12	No limit
Mackerel, king.	2	2	14	No limit
Mackerel, Spanish.	3	3	14	No limit
Marlin, blue.	No limit	No limit	114	No limit
Marlin, white.	No limit	No limit	81	No limit
Pompano, Florida.	No limit	No limit	9	No limit
Sailfish.	No limit	No limit	76	No limit
Seatrout, spotted.	10	20	15	No limit

Species	Daily Bag	Possession	Minimum Length (Inches)	Maximum Length (Inches)
Spotted seatrout minimum length limit increases from 14 to 15 inches, effective June 27, 1990.				
Shark: all species, their hybrids, and subspecies.	5 (in aggregate)	5 (in aggregate)	No limit	No limit
Sheepshead.	5	10	12	No limit
Snapper, red.	No limit	No limit	13	No limit
Snook.	3	6	20	28
Tarpon.	1	1	48	No limit
Trout: rainbow and brown trout, their hybrids, and subspecies.	5 (in aggregate)	10 (in aggregate)	No limit	No limit
Walleye.	5	10	16	No limit

(B) Exceptions to Statewide daily bag, possession, and length limits shall be as follows:

(i) For licensed chartered vessels the bag and possession limit is two king mackerel per person per trip for all persons on board, or three king mackerel per angler per trip exclusive of captain and crew, whichever is greater;

(ii)

Location (County)	Daily Bag	Minimum Length (Inches)	Special Regulation
Bass: largemouth, smallmouth, spotted and Guadalupe bass, their hybrids, and subspecies.			
Lakes Toledo Bend (Newton, Sabine and Shelby) and Caddo (Marion and Harrison).	10 (in aggregate)	12	

Location (County)	Daily Bag	Minimum Length (Inches)	Special Regulation
Lakes Fairfield (Freestone), Pinkston (Shelby), Joe Pool (Dallas, Ellis, and Tarrant), Bastrop (Bastrop), San Augustine City (San Augustine), Ray Roberts (Denton, Cooke, and Grayson), Calaveras (Bexar), O.H. Ivie (Coleman, Concho, and Runnels), and Raven (Walker).	3 (in aggregate)	18	
Lake Braunig (Bexar).	2 (in aggregate)	21	
Purtis Creek State Park Lake (Henderson and Van Zandt), Calliham State Park Lake (McMullen), and in all waters in the Lost Maples State Natural Area (Bandera).	0 (in aggregate)	No Limit	Catch and release only.
Lakes Fayette County (Fayette), Houston County (Houston), Nacogdoches (Nacogdoches), Fork (Wood, Rains and Hopkins), Monticello (Titus), and Gibbons Creek (Grimes).	3 (in aggregate)	14-21 Inch Slot Limit	It is unlawful to retain black bass between 14 and 21 inches in length. Black bass less than 14 inches or greater than 21 inches in length may be retained.
Bass: striped, its hybrids, and subspecies.			
Lake Toledo Bend (Newton, Sabine and Shelby).	5 (in aggregate)	No Limit	No more than 2 over 30 inches in length may be retained each day.

Location (County)	Daily Bag	Minimum Length (Inches)	Special Regulation
Lake Texoma (Cooke and Grayson).	15 (in aggregate)	No Limit	No more than 1 over 20 inches in length may be retained each day. Striped bass caught and placed on a stringer, in a live well or any other holding device become part of the daily bag limit and may not be released.
Catfish: channel and blue catfish, their hybrids, and subspecies.			
Lake Bastrop (Bastrop) and in reservoirs lying totally within the boundaries of a state park.	5 (In aggregate)	14	
Lake Livingston (Polk, San Jacinto, Trinity, and Walker).	50 (in aggregate)	9	The holder of a commercial fishing license may not retain channel or blue cat fish less than 14 inches in length.
Catfish, flathead.			
Lake Texoma (Cooke and Grayson) and Lake Bastrop (Bastrop).	5	24	
Crappie: black and white crappie, their hybrids and subspecies.			
Caddo Lake (Marion and Harrison) and Lake Toledo Bend (Newton, Sabine, and Shelby).	50	No Limit	
In Lake Toledo Bend and Caddo Lake the minimum size limit of 10 inches and 25 crappie per day are contingent upon the state of Louisiana adopting identical minimum size and daily bag limits for crappie.			

Location (County)	Daily Bag	Minimum Length (Inches)	Special Regulation
Drum, red.			
Lakes Braunig and Calaveras (Bexar), Colorado City (Mitchell), Fairfield (Freestone), Nasworthy (Tom Green), and Trading-house Creek (McClennan).	3	20	No maximum size limit

(iii) Bag and possession limits for black drum, sheepshead, and flounder do not apply to the holder of a valid Commercial Finfish Fisherman's License.

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Public Utility Commission of Texas
Notice of Application to Amend
Certificate of Convenience and
Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on May 25, 1990, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

Docket Title and Number. Application of GTE Southwest, Inc. to extend service into uncertificated area adjacent to the Blackwell Exchange, Docket Number 9646 before the Public Utility Commission of Texas.

The Application. In Docket Number 9646, GTE Southwest, Inc. requests approval of its application to provide service to a residential customer in Coke County.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas as 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

Issued in Austin, Texas, on July 19, 1990.

TRD-9007353 Mary Ross McDonald
 Secretary of the Commission
 Public Utility Commission of Texas

Filed: July 20, 1990

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

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Texas Racing Commission
Notice of Public Hearing and Deadline
for Motions to Intervene

Pursuant to Texas Civil Statutes, Article 179e, §18.02, a hearing examiner for the Texas Racing Commission, Greyhound Racing Section, will conduct an administrative

hearing on TxRC Cause Number 89-R1-001, the applications for the pari-mutuel greyhound racetrack license in Galveston County. The hearing will be held in Austin, beginning at 9 a.m., Monday, September 17, 1990.

The four applicants that have applied for the license are: Bay Greyhound Racing Associates Limited Partnership; Galveston Bay Greyhound Racing Association, Limited; Gulf Greyhound Partners, Limited; Lone Star Greyhound Park, Inc.

The proposed racetrack location for Bay Greyhound Racing Associates Limited Partnership is in the City of Galveston. The proposed racetrack location for the other three applicants is in the City of La Marque.

The hearing will be conducted in accordance with the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a. Pursuant to the act and the rules of the Texas Racing Commission, any person desiring to testify or present evidence at the hearing on behalf of or in opposition to any applicant is required to file a motion to intervene or a motion for nonparty participant status. The deadline for filing such a motion is 5 p.m., Friday, August 3, 1990. The motion must be filed with Dudley D. McCalla, Hearing Examiner, Number 89-R1-001, Texas Racing Commission, 400 West 15th Street, Suite 625, Austin, Texas 78701. The failure to file a motion to intervene or a motion for nonparty participant status by the deadline could result in the movant not being permitted to testify at the hearing.

If any objections are filed to motions to intervene or for nonparty participant status, the hearing examiner will hold a prehearing conference to hear argument and rule on the motions.

Questions regarding this matter should be directed to Paula Cochran Carter, General Counsel, Texas Racing Commission 400 West 15th Street, Suite 625, Austin, Texas 78701, (512) 476-7223.

Issued in Austin, Texas, on July 18, 1990.

TRD-9007264 Paula Cochran Carter
 General Counsel
 Texas Racing Commission

Filed: July 18, 1990

For further information, please call: (512) 476-7223

Texas Water Commission Public Hearing Notice

The Texas Water Commission will conduct a public hearing beginning at 10 a.m. , August 29, 1990, Room 1149 A and B, Stephen F. Austin State Office Building, 1700 North Congress Avenue, Austin.

The hearing will consider proposed fiscal year 1990 revisions to the State of Texas water quality management plan. These revisions, pertaining to entities on the following fact sheet, will provide a more current assessment of municipal wastewater facility needs, population projections, and management agency designation. This report utilizes more recent facility-specific information than that available in previous water quality management plans. The proposed revisions to the water quality management plan have been prepared subject to the requirements of the continuing planning process that are identified in Title 40, Code of Federal Regulations, Part 35, Subpart G. These plans are developed and revised pursuant to the Texas Water Code, Chapter 26, and the Federal Clean Water Act, §208 and §205(j). The hearing is being conducted pursuant to the Texas Water Code, §§5.102, 5.112, and 26.012.

Interested persons are encouraged to attend the hearing and to present relevant and material comments concerning the proposed 1990, revisions to the State of Texas water quality management plan. Written testimony which is submitted prior to or during the scheduled public hearing will be included in the record. The commission would appreciate receiving a copy of all written testimony at least five days before the scheduled hearing. Copies of written testimony or questions concerning the public hearing should be addressed to Linda Brookins, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, or call (512) 463-8443.

Copies of the draft 1990 revisions to the water quality management plan are available for public inspection in Room B20 (Library) of the Stephen F. Austin Building at 1700 North Congress Avenue, Austin. Requests for copies of the draft should be addressed to Linda Brookins, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, or call (512) 463-8443. When requesting a copy or sending a query by mail, please include a complete return address and telephone number. Copies of the draft revisions have been provided to all entities shown on the attached fact sheet.

FACT SHEET

FY 90 REVISIONS TO THE STATE OF TEXAS WATER QUALITY MANAGEMENT PLAN

The following table represents a listing of those areas addressed in the proposed Fiscal Year 1990 Revisions to the State of Texas Water Quality Management Plan (WQMP). The table represents the best data available at the time of publication of this fact sheet and is subject to revision prior to the final submission of the proposed FY 1990 WQMP to the U.S. Environmental Protection Agency. The following information is arranged according to two topics, as presented in the WQMP Update: A. Wastewater Facility Updates, and B. Waste Load Evaluation Updates.

A. WASTEWATER FACILITY UPDATES

Entity (County)

Alvarado (Johnson)
Bartlett (Bell & Williamson)
Beach City (Chambers)
Bridgeport (Wise)
Bullard (Cherokee & Smith)
Conroe (Montgomery)
Del Rio - Silver Lake (Val Verde)
Eagle Pass (Maverick)
Emory (Rains)
Georgetown (Williamson)
Glen Rose (Somervell)
Greater Texoma Utility Authority - Whitewright
(Grayson)
Keene (Johnson)

LaCoste (Medina)
Llano (Llano)
Lovelady (Houston)
Lower Colorado River Authority - Camp Swift (Bastrop)
Lubbock (Lubbock)
Mineral Wells (Palo Pinto & Parker)
Palacios (Matagorda)
Pharr (Hidalgo)
Riviera WCID (Kleberg)
San Angelo (Tom Green)
Snyder (Scurry)
Southmayd (Grayson)
The Colony (Denton)
Upper Leon River Municipal Water District (Comanche)
Wells (Cherokee)
Woodbranch Village (Montgomery)
Woodloch (Montgomery)

B. WASTE LOAD EVALUATION UPDATES

Entity (County)

Bryan - Westwood Estate (Brazos)
Easton (Gregg & Rusk)
Harris County MUD No. 8 (Harris)
Houston - 69th Street (Harris)
Military Highway Water Supply Corp. (Hidalgo)
Port Lavaca (Calhoun)
Rio Hondo (Cameron)
Rosenberg - Plant 2 (Fort Bend)
Southlake - Southlake Bank Place (Tarrant)
Trinity River Authority - Red Oak Creek Reg. (Ellis)
Wichita Falls - River Road (Wichita)
Woodloch (Montgomery)
Wylie (Collin)

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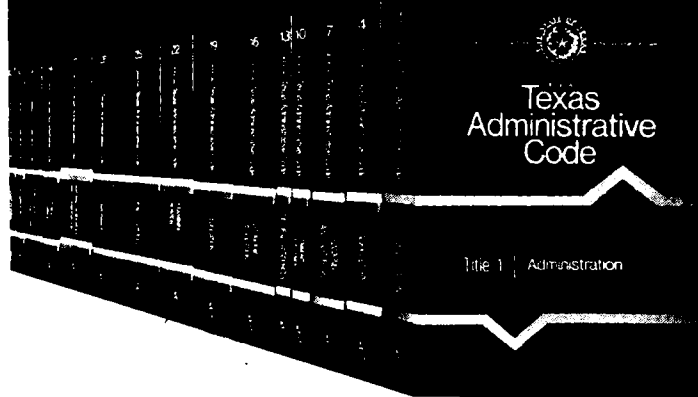
Jim Haley
Director, Legal Division
Texas Water Commission

Filed: July 23, 1990

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