

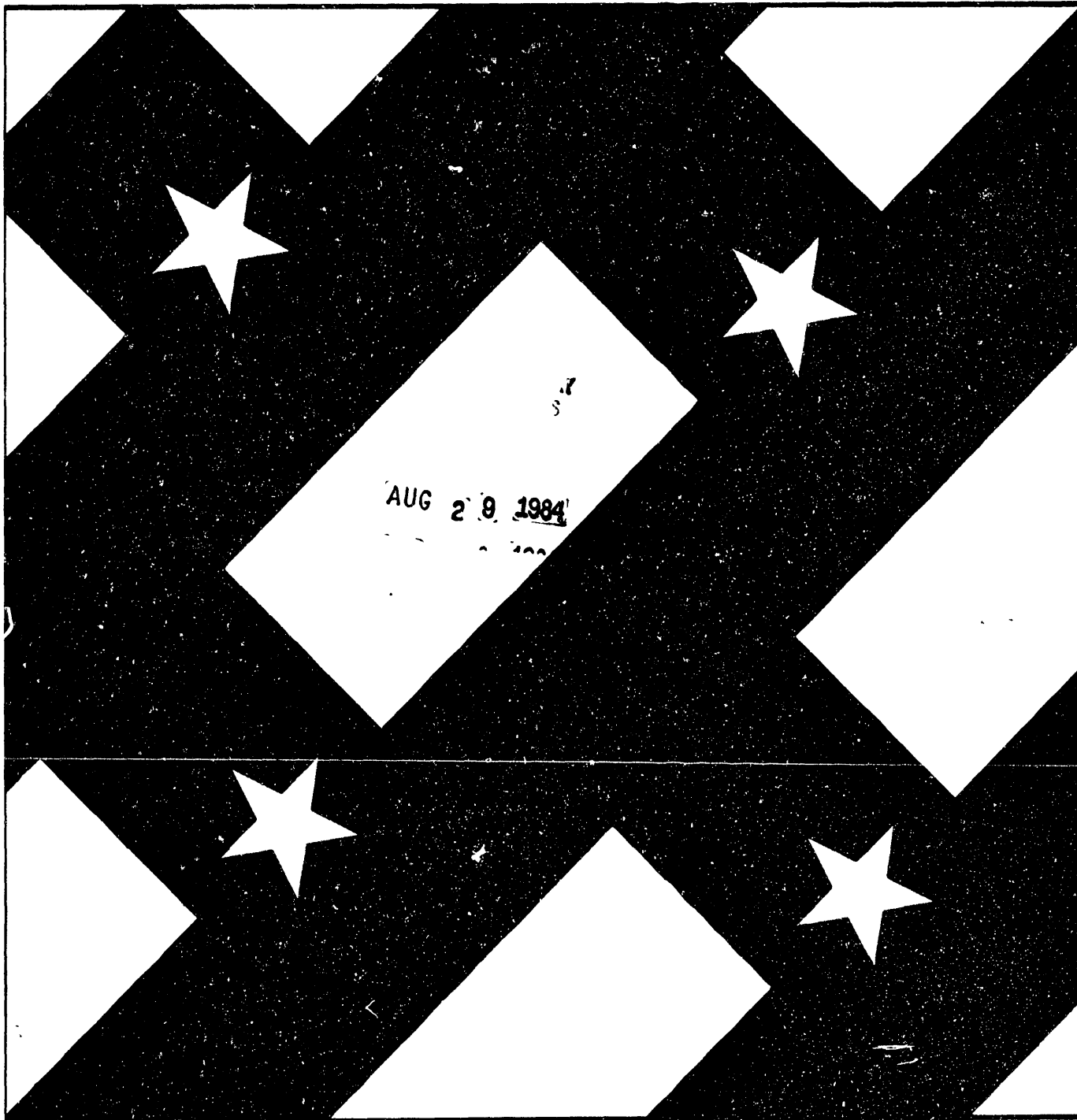
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Texas Register

Volume 9, Number 63, August 24 1984

Pages 4519 - 4610



Highlights

The Texas Education Agency adopts on an emergency basis amendments concerning general provisions for occupational education and technology
Effective date - August 17 page 4524
The Board of Pardons and Paroles proposes

amendments concerning terms and conditions of parole Earliest possible date of adoption - September 24 page 4557
The Texas Health Facilities Commission adopts new sections in a chapter concerning terms and phrases
Effective date - October 1 page 4562

**Office of
the Secretary
of State**

Texas Register

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- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
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- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
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- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

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27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1, 15 represents the individual rule within the chapter).



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As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments made and proclamations issued by the governor 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) 475-3021.

The Governor

Appointments Made August 14

Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

For terms to expire December 31, 1989:

Carl McGovern
Route 4, Box 714
Edinburg, Texas 78539

Mr. McGovern is being reappointed.

Richard C. Durbin
2708 Lakewood Drive
Rowlett, Texas 75088

Mr. Durbin is being reappointed.

Credit Union Commission

To represent the public for a term to expire February 15, 1985:

Dennis Morgan
411 West Jackson
El Campo, Texas 77437

Mr. Morgan is replacing Velma Brooks of Dallas, who resigned.

Texas Water Well Drillers Board

For terms to expire September 15, 1989:

Murray Don McKinley, Sr.
Box 797
Pearsall, Texas 78061

Mr. McKinley is being reappointed.

Gary Dean Grant
902 Velray Drive
Abernathy, Texas 79311

Mr. Grant is replacing Richard B. Hol on of Spearman, whose term expired.

Issued in Austin, Texas, on August 14, 1984.

TRD-848441 Mark White
Governor of Texas

Appointments Made August 16

Interstate Parole Compact

To be administrator for a term to continue at the pleasure of this governor:

Leslie Benitez
General Counsel
Office of the Governor
Sam Houston Building
201 East 14th Street
Austin, Texas 78701

Ms. Benitez is replacing Chris Neely of Austin, who no longer qualifies.

Job Injury Interagency Council

For a term to continue at the pleasure of this governor:

Margaret Maisel
Chairman
Industrial Accident Board
200 East Riverside Drive
Austin, Texas 78704

Ms. Maisel is being appointed pursuant to Executive Order MW-22.

351st Judicial District

To be judge of the 351st Judicial District, Harris County, until the next general election and until his successor shall be elected and duly qualified:

Jay W. Burnett
909 Marshall, #B
Houston, Texas 77006

Mr. Burnett is being appointed to a new district court effective September 1, 1984, created by House Bill 1473, 68th Legislature, 1983.

Issued in Austin, Texas, on August 16, 1984.

TRD-848575 Mark White
Governor of Texas

Emergency Rules

An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule 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.

An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The submission must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency adoption. Following each published emergency document is certification information containing the effective and expiration dates of the action and a telephone number from which further information may be obtained.

Synbology in amended rules. New language added to an existing rule is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a rule.

TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 78. Occupational Education and Technology Subchapter A. General Provisions

19 TAC §78.1, §78.5

The Texas Education Agency adopts on an emergency basis amendments to §78.1 and §78.5, concerning general provisions for occupational education and technology.

The amendments implement House Bill 72, 68th Legislature, Second Called Session, 1984. The amendments to §78.1 provide for State Board of Education approval of vocational programs, services, and activities for which districts may expend vocational education allotment funds under the Foundation School Program. The amendments also delete references to teacher units, which are not used in the new funding system, and refer instead to approved program units. New subsection (c) provides that the State Board of Education shall prepare and annually update a master plan for vocational education in Texas in accordance with the Texas Education Code, §21.113.

The amendment to §78.5 provides for the monitoring of vocational programs every three years rather than every five years.

The amendments are adopted on an emergency basis so that the rules for occupational education and technology programs will be consistent with the Texas Education Code, as amended by House Bill 72, which is effective for the 1984-1985 school year.

The amendments are adopted on an emergency basis under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, and the Texas Education Code, §16.155, as amended by House Bill 72, which

provides for allotments for the vocational education program.

§78.1. *State Board for Vocational Education.*

(a) The State Board of Education also serves as the State Board for Vocational Education and is the sole agency to enter into agreements with the federal government pertaining to the expenditure of funds for vocational and technical education. **The State Board of [Central] Education [Agency] shall approve vocational programs, services, and activities for which each district may expand vocational education allotment funds** [allocate vocational teacher units and other professional personnel to public school districts] under the Foundation School Program, provide certain ancillary or supportive services for occupational education and technology, and govern the allocation and financing of vocational education programs, services, and activities. Vocational education shall be offered to eligible students in accordance with applicable federal laws and regulations, state statute, the provisions of the current Texas state plan for vocational education, and the rules in this title.

(b) (No change.)

(c) **The State Board of Education shall prepare and annually update a master plan for vocational education in Texas in accordance with the Texas Education Code, §21.113.**

§78.5. *Vocational Monitoring.*

(a) (No change.)

(b) Every local education agency and public post-secondary institution offering vocational education shall be monitored by the Central Education Agency at least one time every **three** [five] years.

(c)-(d) (No change.)

Issued in Austin, Texas, on August 17, 1984.

TRD-848610

Raymon L. Bynum
Commissioner of Education

Effective date: August 17, 1984

Expiration date: December 15, 1984

For further information, please call (512) 475-7077.

**Subchapter B. Vocational Education by
Contract or Agreement****19 TAC §78.21**

The Texas Education Agency adopts on an emergency basis amendments to §78.21, concerning occupational education for public school students by contract. The amendments implement House Bill 72, 68th Legislature, Second Called Session, 1984. The amendments require districts which contract to ensure that the cost to the state for contract students not exceed the cost that would result if the classes were operated by the school district itself. Maximum per student allotments for occupational education by contract shall be determined in accordance with the Texas Education Code, §16.155. Subsection (g) is deleted, since the provisions no longer apply under the new funding system established by House Bill 72.

The amendments are adopted on an emergency basis so that the rules for occupational education and technology programs will be consistent with the Texas Education Code, as amended by House Bill 72, which is effective for the 1984-1985 school year.

The amendments are adopted on an emergency basis under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, and the Texas Education Code, §16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

§78.21. Occupational Education for Public School Students by Contract.

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

(f) Maximum per student allotments [allocations] for occupational education by contract shall be determined in accordance with the Texas Education Code, §16.155. Districts shall negotiate the actual per student contract amount and shall ensure that the cost to the state does not exceed the cost that would result if the classes were operated by the school district entering into the agreement [established by the Central Education Agency].

(g) Funding levels will be adjusted for increases or decreases in the number of students receiving instruction. Adjustments will be made after the 24th instructional day of the second semester.

[(1) For each student dropped in the first semester, after the 24th day of instruction, the allocation will be reduced by one-half of the amount approved per student.

[(2) No reduction in the allocation will be made for students dropped after the 24th day of instruction in the second semester.

[(3) Reimbursement for a semester will be made for students added who are present for 24 instructional days of the semester.]

Issued in Austin, Texas, on August 17, 1984.

TRD-848611 Raymon L. Bynum
Commissioner of Education

Effective date: August 17, 1984

Expiration date: December 15, 1984

For further information, please call (512) 475-7077.

**Subchapter D. Secondary School
Vocational Education
Vocational Program Approval
[Teacher Units]****19 TAC §§78.61-78.69**

The Texas Education Agency adopts on an emergency basis amendments to §§78.61-78.69, concerning secondary school vocational education. The amendments implement House Bill 72, 68th Legislature, Second Called Session, 1984.

House Bill 72 changed the funding system for vocational education from one based on the allocation of teacher units to one based on a per pupil allocation for eligible vocational students. The amendments implement this change by deleting all references to "teacher units." Under the new system, districts will be approved to operate vocational "program units" and may spend their allocated vocational funds for the support of such units.

The amendment to §78.61 replaces a definition of a "vocational program unit" for the previously used "vocational teacher unit." Similar changes in terminology occur throughout the sections.

In §78.62, subsection (c)(4), which linked vocational sunset review to the accreditation cycle, has been deleted, since the accreditation cycle is now based on three years rather than five years.

In §78.62, new subsection (j) provides for approval of fractional program units in districts with fewer than 1,600 students in average daily attendance. New subsection (k) requires each district to conduct a cost study in connection with any request for new or additional vocational program units to determine if it is more cost-effective to operate the program in the district than to offer it through a contractual agreement.

In §78.69, the new vocational program unit funding system is set out. The rule includes directions for determining student contact hours and a provision making all allotments subject to the availability of funds. Subsections (a)-(g) and (j), including the tables, all implemented the previous funding system and have been deleted from the rule. New subsection (j) includes special funding provisions for students in vocational education for the handicapped (VEH).

The title of the undesignated heading has been changed to "Vocational Program Approval" from "Teacher Units."

These amendments are adopted on an emergency basis so that the rules for occupational education and technology programs will be consistent with the Texas Education Code, as amended by House Bill 72, which is effective for the 1984-1985 school year.

The amendments are adopted on an emergency basis under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, and the Texas Education Code, §16.155, as amended by House Bill 72, which

provides for allotments for the vocational educational program.

§78.61. Vocational Program [Teacher] Units. A vocational program unit is a single instructional unit, to which a full-time or part-time vocational teacher is assigned, composed of courses designed to provide instruction in either a single occupational objective or in a related cluster of occupational objectives.

[(a) Full unit. A full vocational teacher unit shall be one vocational teacher receiving a full-time annual salary paid under the Foundation School Program, local funds, or through a contract with the Central Education Agency for teaching and other activities directly related to vocational education, in accordance with the sections of this subchapter.

[(b) Fractional unit. A fractional vocational teacher unit shall be a portion of a full unit.]

§78.62. General Provisions.

(a) Annual school district applications. Requests for approval of vocational programs units [or fractions thereof] shall be a part of the annual program plan for vocational education of the school district. Applications shall be considered in the light of:

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

(b) Approved programs [courses]. Programs composed of courses to prepare students for occupations, as identified in the certified list of courses published annually by the Central Education Agency, shall be eligible for approval when justified. When programs composed of courses to prepare students for other occupations are contemplated, prior approval must be given by the Central Education Agency. Each application must be sub-

mitted by the superintendent of schools for review. After completion of the review, the applying school will be notified as to acceptability of the proposal in relation to program accreditation and approval.

(c) Sunset provisions.

(1) Each approved [allocated] vocational program [instructional] unit shall be reviewed at least every five years to reestablish approval status. To justify continued approval, the following items will be considered:

(A)-(I) (No change.)

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

(3) When the review process indicates that a vocational program [teacher] unit is to be discontinued, the local education agency shall have the option to request that the program unit be redirected to [or reallocated as] an approved vocational program [teacher] unit with [in] a different occupational objective.

[(4) The vocational sunset reviews will be conducted in conjunction with the accreditation cycle specified in §97.72(b) of this title (relating to Comprehension).]

§78.63. Requirements for New, Additional, and Continuing Vocational Program [Teacher] Units.

(a) The minimum requirements for the approval of new and additional vocational program units [by programs and by type of class] are set forth in the following table:

REQUIREMENTS FOR NEW, ADDITIONAL, AND CONTINUING VOCATIONAL				PROGRAM UNITS (TEACHER UNITS)
	NUMBER OF PROGRAM UNITS	MINIMUM NUMBER OF STUDENTS FOR PRO- GRAM UNIT APPROVAL	NUMBER OF MONTHS SEE (g)	OTHER REQUIREMENTS AND LIMITATIONS
<u>AGRICULTURE</u>				
Production	1/2	10	10, 11, or 12	
	3/4	15	10, 11, or 12	
	1	20	10, 11, or 12	
	2 (Must be in the same course on the same campus)	80	10, 11, or 12	
	3 or more (must be in the same course on the same campus)	52 each PROGRAM unit	10, 11, or 12	Requests for approval of production agriculture PROGRAM units in excess of two per campus will be considered provided a sunset review of the existing units supports the need for an additional unit.
<u>COMBINATION COURSES</u>				
Production and Cooperative (one class each minimum)				Maximum of one specific combination per campus
and				
Production and Pre-Employment Laboratory (one class each minimum)	1	20	10, 11, or 12	
<u>EXPLORATORY INDUS- TRIAL ARTS AND OCCU- PATIONAL EXPLORATION</u>				
	1/2	30	10	
	3/4	40	10	
	1	50	10	
	2	140	10	
	3 or more	210	10	
<u>OCCUPATIONAL INVESTIGATION</u>				
	1/4	20	10	A 1/4 PROGRAM unit shall be APPROVED [allocated] only in instances where it will be combined with an existing fractional vocational teacher unit.
	1/2	40	10	
	3/4	60	10	
	1	80	10	
	2 or more	100 each PROGRAM unit	10	

REQUIREMENTS FOR NEW, ADDITIONAL, AND CONTINUING VOCATIONAL				PROGRAM UNITS (TEACHER UNITS)
NUMBER OF PROGRAM UNITS	MINIMUM NUMBER OF STUDENTS FOR PRO- GRAM UNIT APPROVAL	NUMBER OF MONTHS See (g)	OTHER REQUIREMENTS AND LIMITATIONS	
<u>VEH OCCUPATIONAL INVESTIGATION</u>				
1/2	15	10		
1	30	10		
<u>CONSUMER AND HOME-MAKING EDUCATION</u>				
1/2	10	10 or 11	Existing PROGRAM units approved for 12 months may continue (to be re-allocated) on that basis if justified by a summer program.	
3/4	15	10 or 11		
1	20	10 or 11		
2	80	10 or 11		
3 or more	52 each PROGRAM unit	10 or 11		
<u>COMBINATION COURSES</u>				
Consumer and Homemaking and Cooperative and Consumer and Homemaking and Pre-Employment Laboratory				
1	20	10 or 11		
<u>PRE-EMPLOYMENT LABORATORY AND TECHNICAL EDUCATION</u> (one-, two-, and three-hour classes)				
Agriculture, Marketing and Distributive, Home Economics, Industrial, Office, Health Occupations, Coordinated Vocational-Academic Education	1/2 1 2 3 or more	10 20 64 (CVAE 52) 36 each PROGRAM Unit (CVAE 26 each PROGRAM unit)	10 or 11 10 or 11 10 or 11 10 or 11	One-hour classes may be offered in coordinated vocational-academic education (grades 7 and 8 only), marketing and distributive, office, and health occupations. Ornamental horticulture PROGRAM units may be APPROVED [allocated] for 10, 11, or 12 months.
<u>VOCATIONAL EDUCATION FOR THE HANDICAPPED</u> (one-, two-, and three-hour classes)				
	1/2	6	10 or 11	One-hour classes may be offered in grades 7 and 8 only.
	1	12	10 or 11	

REQUIREMENTS FOR NEW, ADDITIONAL, AND CONTINUING VOCATIONAL [TEACHER UNITS]				PROGRAM UNITS
NUMBER OF PROGRAM UNITS	MINIMUM NUMBER OF STUDENTS FOR PROGRAM APPROVAL	NUMBER OF MONTHS	OTHER REQUIREMENTS AND LIMITATIONS	
COOPERATIVE TRAINING				
Agriculture, Marketing and Distributive, Home Economics, Industrial, Office, Health Occupations, Coordinated Vocational-Academic Education, Multi-Occupational	1/2 1 2 (must be in the same course on the same campus)	10 20 64 (CVAE 52)	10 or 11 10 or 11	PROGRAM units justified and approved for 11 months shall be operated for 202 days beginning 19 working days in advance of the the date all 10-month teachers report for duty prior to the beginning of the school term for the district and ending not later than the last day all 10-month teachers in the district are on duty for the school year
	3 or more (must be in the same course on the same campus)	36 each PROGRAM unit (CVAE 26 each PROGRAM unit)	10 or 11	
COMBINATION COOPERATIVE AND PRE-EMPLOYMENT LABORATORY (minimum one class each)				
	1	20	10 or 11	PROGRAM units justified and approved for 11 months shall be operated for 202 days beginning 19 working days in advance of the date all 10-month teachers report for duty prior to the beginning of the school term for the district and ending not later than the
COMBINATION COOPERATIVE AND PRE-EMPLOYMENT LABORATORY (CONT.)				
				last day all 10-month teachers in the district are on duty for the school year
PRE-TECHNICAL	1	50	10	*

(b) Priority shall be given to requests for **program [teacher]** units specifically identified on the priority occupations list approved by the State Board of Education.

(c) Consistent with need, priority shall be given to districts requesting new vocational **program [teacher]** units [in one or more vocational programs] before consideration is given to schools requesting additional **program** units with [in] the same **occupational objective [vocational fields]**

(d) Where the need for a unit can be demonstrated, special consideration shall be given to approval of new **vocational program [teacher]** units to be started in the second semester.

(e) All new, additional, and continuing vocational **program [teacher]** units shall offer competency-based instruction. Instruction shall be based on the Central Education Agency-approved essential elements. A competency profile shall be maintained on each student enrolled.

(f) All new and additional vocational **program [teacher]** unit requests shall include a plan for articulation between the proposed vocational **program** unit and existing post-secondary programs in the area offering instruction in the same occupation. The request must also include evidence that an articulation agreement will be implemented between the applying district and the post-secondary institution involved.

(g) Vocational **program [teacher]** units are **approved [allocated]** for 10 months. Upon special request from the superintendent, **program** units may be **approved [allocated]** for 11 or 12 months, in accordance with the table in subsection (a) of this section, if justified by an approvable summer plan. Districts **approved to operate vocational programs [allocated vocational teacher units]** for employment periods in excess of 10 months shall submit a summer plan, on a form prescribed by the Central Education Agency, prior to April 1 each year. Teachers

assigned to these program units shall use the extended employment period in accordance with the standards in this subchapter. The extended employment period may include the participation in Central Education Agency-approved inservice workshops. Failure to submit a summer plan or submission of an unapprovable summer plan will result in an appropriate reduction in the number of months for which the program unit was approved [allocated].

(h) (No change.)

(i) Additional assignments may be given teachers assigned to vocational program [in full or fractional vocational teacher] units, provided the full scope of the program is being conducted in accordance with this subchapter. These additional assignments may be:

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

(3) nonvocational assignments including, but not limited to, study hall and nonvocational teaching assignments. In accordance with the Texas Education Code, §21.112(i) [§16.102(l)], funding for vocational teachers assigned nonvocational activities will be reduced by an amount equal to the portion of the school day that the teacher is involved in nonvocational activities. The local education agency shall notify the Central Education Agency when vocational teachers are assigned nonvocational activities specified in this paragraph [that require a reduction in vocational teacher unit funding].

(j) Consideration shall be given to the approval of fractional program units in districts having not more than 1,600 students in average daily attendance.

(k) All new and additional vocational program unit requests shall include evidence that the district has conducted a cost study to determine if it is more cost-effective to operate its own program than to offer the program through a contractual agreement.

§78.64. Allocations of Vocational Program Units to Budget Balance Districts. Vocational program units conducted in budget balance school districts shall operate in accordance with the applicable rules in this chapter. Any violation of or failure to comply with applicable rules will be cited as a violation of accreditation standards and shall result in appropriate sanctions.

§78.65. Shared Vocational Program Units.

(a) Approval [Allocation] of a one-half vocational program [teacher] unit to each of two school districts wishing to share a single program [teacher] unit may be made provided that the minimum eligible student membership required for a one-half unit is assured by each school.

(b) When two school districts desire to share one vocational program [teacher] unit, each school shall apply for a one-half unit in the desired vocational program. Adequate facilities and instructional materials for conducting the program must be available.

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

(c) Special consideration may be given to requests for shared vocational administrator and vocational counselor units. Shared vocational administrator and vocational counselor units must be approved by the Central Education Agency.]

§78.66. Unusual Circumstances. Special consideration may be given to approving vocational program [teacher]

units, or fractional units, when unusual circumstances prevent a public school from conforming to all the requirements for the approval of a program unit. Approval of a vocational program [Allocation or reallocation of a] unit by special consideration shall be [approved] for one year only.

§78.67. Approval [Allocation] of Vocational Program [Teacher] Units for [to] the Texas Department of Corrections.

(a) Within funds available, vocational program [teacher] units may [shall] be approved for [allocated to] the Texas Department of Corrections, provided adequate facilities are available and the students enrolled have the ability to benefit from the instruction.

(b) To establish eligibility for a vocational unit, or fractional part of a unit, the applying school shall agree to meet the requirements in this chapter and requirements in §105.49 of this title (relating to Allocation of Personnel Units to the Department of Corrections.)

(b)(c) Vocational program [teacher] units approved for [allocated] to the Texas Department of Corrections shall operate in accordance with the requirements in this chapter.

(c)(d) In instances where unique situations prevent the Texas Department of Corrections from conforming with the requirements in this chapter, special consideration may be requested from the Central Education Agency.

§78.68. Requirements for Continued Approval [Reallocation] of Vocational Program [Teacher] Units.

(a) Program units shall be reviewed for continued approval [reallocated] annually by the Central Education Agency based upon the following.

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

(b) This [The reallocation] procedure shall be for approved existing program units only. If a school district has justification for another program unit with [or fractional part of a unit in] the same occupational objective [vocational course], request for such a program unit [or fractional part of a unit] shall be made in accordance with §78.63 of this title (relating to Requirements for New, Additional, and Continuing Vocational Program [Teacher] Units).

§78.69. Vocational Program [Teacher] Unit Funding.

(a) The funds allotted each school district under the Texas Education Code, §16.155, shall be used only for vocational programs, services, and activities specifically approved by the Central Education Agency to be conducted or provided by the district.

(b) In determining full-time equivalencies for students enrolled in cooperative education programs, the units of credit designated for the program shall be considered as the number of class hours a student is present each day. Students in two-credit programs that are present for the entire week shall be counted as one-third full-time equivalent, and students in three-credit programs present for the entire week shall be counted as one-half full-time equivalent.

(c) For the 1985-84 school year only, districts with an average daily attendance of 1,000 or less and with no more than two approved vocational program units may grant one contact hour for classroom instruction and one-

half contact hour for participation in a required production agriculture supervised occupational experience or consumer and homemaking supervised extended learning program.

(d) New and additional vocational programs are required to enroll the minimum number of students as specified in §78.62 of this title (relating to Requirements for New, Additional, and Continuing Vocational Program Units). Vocational education allotment funds under the Texas Education Code, §16.155, may not be claimed for new or additional vocational programs having less than the minimum average daily attendance during the first official four weeks average daily attendance counting period after the program has been approved.

(e) All vocational education allotments shall be subject to the availability of funds. If full funding of the vocational education allotment in accordance with the Texas Education Code, §16.155, requires the expenditure of funds in excess of funds appropriated, the commissioner of education shall proportionately reduce the allotments for each eligible school district.

(f) Only those students enrolled in Central Education Agency-approved vocational program units may be counted for vocational education allotment purposes.

(g) Vocational contact hour registers shall be maintained during the same eight weeks that attendance is taken for the regular program and full-time equivalent deductions shall be calculated on the same four weeks as those selected for average daily attendance for the regular program.

[(a) The average membership of eligible students officially enrolled in approved vocational programs during the current school year shall be the basis for determining current year funding entitlements.

[(b) Eligible enrollment in regular and CVAE programs shall be computed as follows:

[(1) number of eligible nonhandicapped students + (number of handicapped students × 2) = eligible enrollment;

[(2) the weighted count for handicapped students may be applied only to those students placed in a program through the ARD process.

[(c) The average membership of eligible students enrolled in approved units in each vocational course shall be determined by the following procedure:

[(1) record the eligible enrollment at the end of the first 30 days of school, at the end of the next two 20 school-day periods, and on either the last day of the first semester or the fifth day of the second semester;

[(2) add these four figures; and

[(3) divide the sum by four.

[(d) School districts with a high percentage of migrant population may request permission to use the first six school-month periods to compute average eligible membership rather than the procedure described in subsection (c) of this section. Requests for this exception shall

be submitted to the Central Education Agency no later than December 1 each year.

[(e) A school district shall be eligible to receive its full Foundation School Program funding allocation on all vocational teacher units having at least the minimum number of students enrolled. Partial funding will be provided for vocational teacher units with enrollments less than the required minimum.

[(f) Enrollment requirements for multiple units in the same course (other than consumer and homemaking education) are applied to multiple units on the same campus, not the district as a whole. Consumer and homemaking education units are allocated districtwide.

[(g) The average membership of eligible students officially enrolled in approved vocational programs operated by the Texas Department of Corrections shall be computed by recording the eligible enrollment at the end of each month for a period of six months, adding these figures, and dividing the sum by three. The six-month period to be used shall be agreed upon by the Central Education Agency and the superintendent of the district.]

(h) New and existing program [teacher] units that are not employed and operational by October 1 of each year will be cancelled. Schools having approved [allocated] units that are not employed by October 1 shall notify the Central Education Agency.

(i) On or before October 7 each year, each local education agency shall submit a vocational program [teacher] unit utilization report, on forms prescribed by the Central Education Agency. The report shall include the following information for each vocational unit allocated:

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

(j) In accordance with the provisions in §99.250 of this title (relating to Special Education Funding), school districts which have placed handicapped students in vocational education for the handicapped (VEH) program units through the ARD process and have reduced the class size in these programs as compared to class size in regular vocational programs, shall utilize special education funds to pay a portion of VEH teacher salaries, as may be determined by the local district, to help offset the cost of such reduced class size in VEH programs.

[(j) Approved vocational teacher units shall be funded under the Foundation School Program in accordance with the following tables. The tables show the number of students who must be enrolled in a course for a district to qualify for .50 teacher unit, .75 teacher unit, or one or more full units. For courses in which enrollments fall below the required minimum for one or more full units, districts will be entitled to partial funding on a per student basis. The level of partial funding is expressed as a part of a teacher unit and is determined by multiplying the appropriate student unit value times the number of students enrolled.]

**[PRODUCTION AGRICULTURE AND
CONSUMER & HOME MAKING EDUCATION**

TEACHER UNITS	MINIMUM STUDENTS FOR		STUDENT UNIT VALUE									
	FULL REIMBURSEMENT		1-10	1-15	1-20	21-60	21-70	21-80	81-130	81-143	81-156	157+
.50	10		.050									
.75	15			.050								
1.00	20				.050							
1.50	60				.050	+.0125						
1.75	70				.050		+.015					
2.00	80				.050			+.0166				
2.50	130				.050			+.0166	+.010			
2.75	143				.050			+.0166		+.012		
3.00	156				.050			+.0166			+.013	
OVER 3.00	52 PER UNIT				.050			+.0166			+.013	+.019]

[REGULAR COOPERATIVE EDUCATION, REGULAR PRE-EMPLOYMENT LABORATORY, AND COMBINATION UNITS
 FOR AGRICULTURE, MARKETING AND DISTRIBUTION, HEALTH OCCUPATIONS, OFFICE, AND OCCUPATIONAL
 HOME ECONOMICS

TEACHER UNITS	MINIMUM STUDENTS FOR		STUDENT UNIT VALUE									
	FULL REIMBURSEMENT		1-10	1-15	1-20	21-48	21-56	21-64	65-90	65-99	65-108	108+
.50	10		.050									
.75	15			.050								
1.00	20				.050							
1.50	48				.050	+.018						
1.75	56				.050		+.021					
2.00	64				.050			+.023				
2.50	90				.050			+.023	+.019			
2.75	99				.050			+.023		+.022		
3.00	108				.050			+.023			+.023	
OVER 3.00	36 PER UNIT				.050			+.023			+.023	+.028]

[CVAE PRE-EMPLOYMENT LABORATORY AND COOPERATIVE EDUCATION

TEACHER UNIT	MINIMUM STUDENTS FOR FULL REIMBURSEMENT	STUDENT UNIT VALUE					
		1-10	1-20	21-40	21-52	53-65	53-78 78+
.50	10	.050					
1.00	20		.050				
1.50	40		.050	+.025			
2.00	52		.050		+.031		
2.50	65		.050		+.031	+.038	
3.00	78		.050		+.031		+.038
OVER 3.00	30 PER UNIT		.050		+.031		+.038 +.033]

[VEH PRE-EMPLOYMENT LABORATORY

TEACHER UNIT	MINIMUM STUDENTS FOR FULL REIMBURSEMENT	STUDENT UNIT VALUE				
		1-6	1-12	13-22	13-32	33+
.50	6	.083				
1.00	12		.083			
1.50	22		.083	+.050		
2.00	32		.083		+.050	
OVER 2.00	20 PER UNIT		.083		+.050	+.050]

[EXPLORATORY INDUSTRIAL ARTS, OCCUPATIONAL EXPLORATION, AND PRE-TECHNICAL

TEACHER UNITS	MINIMUM STUDENTS FOR FULL REIMBURSEMENT		STUDENT UNIT VALUE								
	1-30	1-40	1-50	51-110	51-125	51-140	141-180	141-195	141-210	210+	
.50	30		.017								
.75	40		.019								
1.00	50		.020								
1.50	110		.020	+.008							
1.75	125		.020		+.010						
2.00	140		.020			+.011					
2.50	180		.020			+.011	+.012				
2.75	195		.020			+.011		+.014			
3.00	210		.020			+.011			+.014		
OVER 3.00	80 PER UNIT		.020			+.011			+.014	+.012]	

[OCCUPATIONAL INVESTIGATION]

TEACHER UNITS	MINIMUM STUDENTS FOR FULL REIMBURSEMENT		STUDENT UNIT VALUE				
	1-20	1-40	1-60	1-80	81+		
.25	20	.0125					
.50	40	.0125					
.75	60	.0125					
1.00	80	.0125					
2.00	100 PER UNIT	.0125 +.0083]					

[VEH OCCUPATIONAL INVESTIGATION]

TEACHER UNITS	MINIMUM STUDENTS FOR FULL REIMBURSEMENT		STUDENT UNIT VALUE	
	1-15	1-30		
.50	15	.0333		
1.00	30	.0333]		

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Vocational Ancillary Services (Units)
19 TAC §78.81, §78.82

The Texas Education Agency adopts on an emergency basis amendments to §78.81 and new §78.82, concerning vocational ancillary services. The amendments and new section implement House Bill 72, 68th Legislature, Second Called Session, 1984.

House Bill 72 changed the system of funding vocational education from a system based on the allocation of personnel units to one based on dollar allocations per vocational student. The changes in the rules reflect this new funding system. Under the new system, ancillary units will no longer be allocated. Districts will be approved for such positions by the Central Education Agency, and vocational funds may then be used by the district to pay salaries of personnel assigned to the positions.

The title of the undesignated head has been changed from "Ancillary Units" to "Vocational Ancillary Services."

The amendments to §78.81 define the purposes for which vocational administrator, vocational counselor, vocational job placement coordinator, and vocational supervisor positions may be approved.

New §78.82 concerns vocational ancillary services funding. This new section provides that funds from the district's vocational education allotment may be used to pay full or partial salaries to persons assigned a vocational ancillary position, provided the Central Education Agency has granted the district approval for the position and the person assigned holds a certificate for the specific vocational ancillary position involved. Persons assigned full time to approved vocational ancillary positions may be assigned nonvocational duties; however, salary for the portion of time involved in nonvocational duties shall be paid from sources other than vocational education.

The amendments and new section are adopted on an emergency basis so that the rules for occupational education and technology programs will be consistent with the Texas Education Code, as amended by House Bill 72, which is effective for the 1984-1985 school year.

The amendments and new section are adopted on an emergency basis under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, and the Texas Education Code, §16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

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

Vocational administrator position [unit]—Vocational administrator positions [units] shall be approved [allocated and assigned full time] for the purpose of furnishing administration and leadership to the vocational education program, services, and activities conducted by the school district.

Vocational counselor position [unit]—Vocational counselor positions [units] shall be approved [allocated and

assigned full time] to perform one or more of the following functions related to vocational education:

(A)-(F) (No change.)

Vocational job placement coordinator **positions** [unit]—Vocational job placement coordinator **positions** [units] shall be **approved** [allocated and assigned full time] for the purpose of providing:

(A)-(F) (No change.)

Vocational supervisor **positions** [unit]—Vocational supervisor **positions** [units] shall be **approved** [allocated and assigned full time] for the purpose of providing administrative and supervisory services to vocational education programs, services, and activities conducted by the school district.

§78.82. Vocational Ancillary Services Funding.

(a) Funds from the district's vocational education allotment may be used to pay full or partial salaries to persons assigned a vocational ancillary position, provided the Central Education Agency has granted the district approval for the position and the person assigned holds a certificate for the specific vocational ancillary position involved.

(b) Persons assigned full time to approved vocational ancillary positions (vocational administrator, vocational supervisor, vocational job placement coordinator, or vocational counselor), may be assigned nonvocational duties; however, salary for the portion of time involved in nonvocational duties shall be paid from sources other than vocational education.

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Ancillary Units

19 TAC §78.82

(Editor's note: The text of the following rule repealed on an emergency basis will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Education Agency adopts on an emergency basis the repeal of §78.82, concerning the allocation of vocational administrator, supervisor, job placement coordinator, and vocational counselor units to school districts.

House Bill 72, 68th Legislature, Second Called Session, 1984, changed the system of funding vocational education from a system based on the allocation of personnel units to one based on dollar allocations per vocational student. Simultaneously adopted new §78.82 reflects this new funding system.

Existing §78.82 is repealed since it is not consistent with current law.

This repeal is adopted on an emergency basis so that the rules for occupational education and technology

programs will be consistent with the Texas Education Code, as amended by House Bill 72, which is effective for the 1984-1985 school year.

This repeal is adopted on an emergency basis under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, and the Texas Education Code, §16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

§78.82. Allocation of Units to School Districts.

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Vocational Students

19 TAC §78.102, §78.103

The Texas Education Agency adopts on an emergency basis amendments to §78.102 and §78.103, concerning eligibility of students for vocational education.

House Bill 72, 68th Legislature, Second Called Session, 1984, changed the system of funding vocational education from a system based on personnel units to one based on a per pupil allocation for vocational students. The amendments to §78.102 delete a reference to vocational teacher units and refer instead to approved program units, which are part of the new funding system.

The amendments to §78.103 make a similar change. New language has been added to subsection (b), clarifying that district must identify cooperative program units as either two credit or three credit units and that all students enrolled in the same program unit must receive the same units of credit if they successfully complete the requirements for the course.

These sections are adopted on an emergency basis so that the rules for occupational education and technology programs will be consistent with the Texas Education Code, as amended by House Bill 72, which is effective for the 1984-1985 school year.

The amendments are adopted on an emergency basis under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; and the Texas Education Code, §16.155, as amended by House Bill 72, 68th Legislature, Second Called Session, 1984, which provides for allotments for the vocational education program.

§78.102. Determination of Eligible Students—General Provisions.

(a) A student eligible to be counted for [in the minimum membership required for full] Foundation School Program vocational education allotment purposes [funding of vocational teacher units] shall be a regular student

of the district or enrolled under the provisions of the Texas Education Code, §28.10(c), under 21 years of age as of September 1, legally enrolled, and in regular attendance. A handicapped student simultaneously enrolled in vocational education and special education must meet age requirements specified in §89.220 of this title (relating to Age Ranges for Student Eligibility) to be counted as an eligible student.

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

(e) Students simultaneously enrolled in more than one approved vocational program preparing for gainful employment shall be counted as eligible students in only one program. Students simultaneously enrolled in consumer and homemaking education and in one approved vocational program unit preparing for gainful employment may be counted as eligible students in both units. Students enrolled in more than one consumer and homemaking class may be counted as eligible students in each class. Students simultaneously enrolled in vocational computer programming, data processing, word processing, or business data entry and in one other approved vocational program unit may be counted as eligible students in both units.

§78.103. Student Eligibility—Specific Requirements.

(a) (No change.)

(b) Each student, while enrolled, must be employed part time in one of the approved occupations listed under the appropriate program of vocational education. To receive three units of credit, a student must be employed 15 hours per school week; for two units of credit, the student must be employed 10 hours per school week. **Districts shall identify cooperative program units as either two credit or three credit units. All students enrolled in the same cooperative program unit shall be eligible to receive the same units of credit.** A student may be counted as an eligible student from the date of employment provided an approved training plan is on file with the Central Education Agency within three weeks after the date of employment. Cooperative education training plans shall be developed by the cooperative training teacher/coordinator in consultation with the person responsible for providing on-the-job training experiences to the student involved. Training stations shall be reputable business or industrial establishments willing to provide each student with a broad range of meaningful training activities. Approvable training plans shall be competency-based and shall include the appropriate elements identified in Chapter 75 of this title (relating to Curriculum.)

(c) (No change.)

(d) In accordance with §78.63(h) of this title (relating to Requirements for New, Additional, and Continuing Vocational Program [Teacher] Units), all students enrolled in coordinated vocational-academic education must be one or more years below grade level in achievement at the time of enrollment.

(e)-(f) (No change.)

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Program Standards

19 TAC §§78.121, 78.122, 78.124

The Texas Education Agency (TEA) adopts on an emergency basis amendments to §§78.121, 78.122, and 78.124, concerning vocational education program standards. The amendments implement House Bill 72, 68th Legislature, Second Called Session, 1984

House Bill 72 changed the allocation system for vocational education from one based on teacher units to one based on a dollar allocation per pupil. The amendments to §§78.121, 78.122, and 78.124 delete references to teacher units and refer instead to approved program units to implement the new funding system.

House Bill 72 also added §13.907 to the Texas Education Code, which requires each teacher to teach not less than four hours each school day. The program requirements for agriculture programs require that each program include a supervised occupational experience program for students. Consumer and homemaking education programs must include an extended learning experience for each student. Teachers in cooperative education programs, in which students combine classroom work with actual on-the-job training, must visit each student training station at least eight times each school year.

Chapter 75, concerning curriculum, specifies essential elements for each of these programs. It is part of the vocational teacher's responsibility to supervise the extended learning experiences to ensure that they contribute to mastery of the essential elements specified in Chapter 75. Because these extended learning experiences are an integral part of the vocational education program, as specified in Chapter 75, the amendments to §78.122 provide that, for teachers in agriculture and homemaking, one hour per day of supervising the extended learning experience may, at the discretion of the local district, be counted as classroom teaching to meet the minimum teaching duty requirement in the Texas Education Code, §13.907. For the cooperative education program, the amendments provide that teachers must be assigned specific times each day for the purpose of supervising on-the-job training and that, at the discretion of the local district, up to two hours of such on-the-job supervision may be counted toward the minimum teaching duty requirement.

The amendment to §78.122(e) clarifies that prevocational classes are not approvable in industrial arts, occupational orientation, or cosmetology.

These amendments are adopted on an emergency basis so that the rules for occupational education and technology programs will be consistent with the Texas Education Code, as amended by House Bill 72, which is effective for the 1984-1985 school year.

The amendments are adopted on an emergency basis under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, and the Texas Education Code, §16.155, as amended by House Bill 72, which

provides for allotments for the vocational education program.

§78.121. General Provisions.

(a) To be eligible for approval of a vocational program unit [a vocational unit, or fractional part of a unit], the applying school must agree to meet and maintain the standards in this subchapter.

(b)-(i) (No change.)

§78.122. Specific Program Requirements.

(a) Agriculture.

(1) The full scope of a production agriculture program must include the supervision of the occupational experience programs of secondary students. Production Agriculture I, II, III, and either Production Agriculture IV or prevocational agriculture shall be offered. One hour per day of supervising the occupational experience program may, at the option of the local district, be counted as classroom teaching to meet the minimum teaching duty requirement in the Texas Education Code, §13.907.

(2) Teachers assigned to production agriculture program units or combination production program units shall visit the supervised occupational experience program of each student at least eight times each school year, including at least one visit during each student grading period.

(3) For each vocational agriculture program unit approved for [allocated] more than 10 months, a summer plan shall be submitted to the Central Education Agency on or before April 1 each year. The plan shall outline the activities of the teacher, including supervising and instructing the students in the supervised occupational experience program, assisting students with the development of the supervised occupational experience program, visiting prospective students and parents concerning the supervised occupational experience program, and supervising and managing the school laboratory/farm.

(b) Consumer and homemaking education.

(1) The full scope of a consumer and homemaking education program must include conducting parent/guardian conferences and organizing and supervising the required extended learning experience program of students. One hour per day of organizing and supervising the extended learning experience program may, at the option of the local district, be counted as classroom teaching to meet the minimum teaching duty requirement in the Texas Education Code, §13.907. A minimum program shall be offered consisting of one course of comprehensive consumer and homemaking education and a combination of four different specialized consumer and homemaking education courses.

(2) Consumer and homemaking program [teacher] units approved [allocated] for more than 10 months shall include a summer program. The summer program shall consist of organized group instruction and supervised extended learning experiences, and may include other activities conducted for prospective students. Program units approved [allocated] on this basis shall submit an approvable summer plan to the Central Education Agency on or before April 1 each year.

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

(C) Districts that are approved for [allocated] more than one consumer and homemaking program unit in excess of 10 months may offer Homemaking I, II, III,

or specialized courses as a part of the district's regular summer program. [Tuition fees to pay the teacher's salary may not be charged.]

(c) Preemployment laboratory and technical education program units.

(1) (No change.)

(2) Districts approved to conduct [allocated full] preemployment laboratory programs for periods in excess of 10 months shall submit a summer plan to the Central Education Agency on or before April 1 each year. Teachers assigned to these program units shall use the extended employment period for activities directly related to and for the purpose of improving the instructional program involved.

(d) Cooperative education program units.

(1) [Full] Cooperative education program units may be approved [allocated] on a 10- or 11-month basis. The additional month shall be utilized to solicit training stations, place students in employment, develop training plans, develop instructional materials, and other activities directly related to and for the purpose of improving the program.

(2) Teachers assigned to cooperative education program units or combination cooperative education program units shall:

(A) file weekly itineraries with the appropriate local school administrators covering the periods of time when official activities are conducted away from the school campus; [and]

(B) visit each student training station at least eight times each school year, including at least one visit during each student grading period, and

(C) be assigned specific times each day for the purpose of supervising the on-the-job training of students enrolled. Up to two hours of on-the-job supervision per day may, at the option of the local district, be counted as teaching to meet the minimum teaching duty requirement in the Texas Education Code, §13.907.

(3) School districts with an average daily attendance of 1,000 or less may apply for a Multioccupational Cooperative Training (MOCT) Program unit. Special requirements for MOCT units are as follows.

(A) Students may be trained in any occupation approved for one of the regular cooperative training program units.

(B) The teacher assigned to an MOCT program unit must be either certified in or approvable for any regular cooperative training program unit.

(C) An MOCT program unit may not be allocated to a school district if the district has any other [full, fractional, or combination] cooperative training program unit in operation

(D) All other sections of this chapter related to cooperative training program units shall apply to MOCT program units.

(e) Prevocational education classes

(1) Prevocational education classes are one-hour classes that may be taught by any certified vocational education teacher as a part of any approved [allocated] vocational teacher program unit, with the exception of industrial arts, occupational orientation, and cosmetology.

(2) Enrollments in prevocational education classes shall be considered when computing the vocational education allotment in accordance with the Texas Education

Code, §16.155 [average eligible membership for funding purposes under §78.69 of this title (relating to Vocational Teacher Unit Funding)].

(3) (No change.)

(f) (No change.)

(g) Pretechnical program units are offered for one hour each day and may be conducted in fire protection, law enforcement, or other approved technical areas offered in public postsecondary institutions.

§78.124. Program Reports and Information. School districts which have been allotted [allocated] funds for vocational programs, services, and activities shall provide data and information as requested by the Central Education Agency. All such data and information shall be accurate and auditable. Failure to comply with this section shall result in a reduction or discontinuance of program units and funds allotted [allocated]. This includes, but is not limited to, the Vocational Education Evaluation System (VEES) report and the Vocational Education Data System (VEDS) report.

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Allocation of Funds for Supportive Purposes

19 TAC §§78.131, 78.133, 78.134

The Texas Education Agency adopts on an emergency basis amendments to §§78.131, 78.133, and 78.134, concerning the allocation of funds for vocational education supportive purposes. The amendments implement House Bill 72, 68th Legislature, Second Called Session, 1984

House Bill 72 changed the allocation system for vocational education from one based on teacher units to one based on a per pupil dollar allocation. The amendments delete references to teacher units and refer instead to approved program units to implement the new funding system. The amendments to §78.134, concerning other support, also delete a specific reference to a \$50 allocation per teacher unit and provide instead for an annual allocation per approved program unit, from funds available, in an amount to be determined by the commissioner of education. This change will allow the commissioner of education to adjust this allocation to ensure that vocational education funding does not exceed the maximum allowed.

These amendments are adopted on an emergency basis so that the rules for occupational education and technology programs will be consistent with the Texas Education Code, as amended by House Bill 72, which is effective for the 1984-1985 school year.

The amendments are adopted on an emergency basis under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules

for the implementation and administration of the Foundation School Program, and the Texas Education, §16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

§78.131. Vocational Personnel Travel.

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

(c) For the 1984-1985 school year and thereafter, no more than \$2,200 per year, or such an amount as may be approved by the Central Education Agency, may be expended for travel in any vocational program [teacher] unit.

(d) (No change.)

§78.133. State Funding for Equipment in Secondary Vocational Programs.

(a) School districts may apply to the Central Education Agency for funds for the purchase of equipment for new or redirected regular preemployment laboratory program [teacher] units in priority occupations identified by the State Board of Education and specific occupational areas having a labor shortage, as identified by current supply/demand information.

(b) Districts seeking funds for purchase of equipment for an eligible program unit must verify the following:

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

(3) An adequate facility that meets all applicable building codes, safety standards, and health requirements will be available prior to the initiation of the new program unit.

(4) Qualified teacher applicants for the program unit are available for consideration.

(5) There is support from the local board of education and administration for the program unit.

(c) Within funds available, eligible school districts may request reimbursement for instructional equipment basic to the occupation taught.

(1) Reimbursement shall be for the amount of approved equipment not to exceed \$30,000 per program unit. Equipment in excess of \$30,000 may be purchased with local funds.

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

(d) Districts shall submit proposals for new or redirected program units to the Central Education Agency.

(e)-(g) (No change.)

§78.134. Other Support.

(a) For support of vocational programs, each district operating an approved vocational program shall receive each year, from those general revenue funds appropriated to the Central Education Agency for vocational education purposes, \$1,800 plus, from available funds, an amount [\$50] per approved vocational program [teacher] unit to be determined by the commissioner of education each year.

(b) (No change.)

Issued in Austin, Texas, on August 17, 1984.

TRD-848592 Raymon L. Bynum
 Commissioner of Education

Effective date: August 17, 1984
Expiration date: December 15, 1984
For further information, please call (512) 475-7077.

19 TAC §78.132

(Editor's note: The text of the following rule repealed on an emergency basis will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Education Agency adopts on an emergency basis the repeal of §78.132, which provides for the allocation of \$400 for each approved vocational teacher unit, to be used for operating costs for the vocational education program.

House Bill 72, 68th Legislature, Second Called Session, 1984, establishes a new funding system for vocational education, based on a per pupil dollar allocation rather than a teacher unit allocation. As part of this change in the funding system, since teacher units are no longer allocated, the Texas Education Code, §16.103(f), which authorized the \$400 allocation per teacher units, was repealed. Therefore, §78.132, which implemented this subsection of the Texas Education Code is also repealed.

This repeal is adopted on an emergency basis so that the rules for occupational education and technology programs will be consistent with the Texas Education Code, as amended by House Bill 72, which is effective for the 1984-1985 school year.

This repeal is adopted on an emergency basis under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, and the Texas Education Code, §16.153, as amended by House Bill 72, which provides for allotments for the vocational education program.

§78.132. Funds for Operating Costs.

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TRD-848590 Raymon L. Bynum
 Commissioner of Education

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For further information, please call (512) 475-7077.

**Chapter 81. Instructional Resources
Subchapter D. State Textbook Program
General Provisions**

19 TAC §81.63

The Texas Education Agency adopts on an emergency basis an amendment to §81.63, concerning materials available for use with textbooks. The amendment deletes reference to the commissioner's authority to disapprove or delete sections from such materials. The amendment implements provisions of House Bill 72, 68th Legislature, Second Called Session, 1984. House Bill 72 provides for the State Textbook Committee to report directly to the State Board of Education and

repeals the Texas Education Code, §12.12, which authorizes the commissioner of education to remove books from the list recommended by the State Textbook Committee in making his own textbook recommendations to the board.

The amendment is adopted on an emergency basis to ensure that the current textbook adoption process is in compliance with the revisions in law which will be effective at the start of the 1984-1985 school year.

The amendment is adopted on an emergency basis under the Texas Education Code, §12.16(b), which authorizes the State Board of Education to make rules concerning the selection of textbooks.

§81.63. Materials Available for Use With Textbooks.

(a) (No change.)

(b) Materials in any medium which a publisher intends to make available for sale to schools, whether or not designed for use with an adopted textbook, are not considered to be part of the textbook and need not be submitted or adopted in accordance with the rules in this subchapter. Such materials shall not contain any textual material or other subject matter previously deleted, rejected, or disapproved by the State Textbook Committee[, the commissioner,] or the State Board of Education.

Issued in Austin, Texas, on August 10, 1984

TRD-848430 Raymon L. Bynum
 Commissioner of Education

Effective date. August 15, 1984
Expiration date December 13, 1984
For further information, please call (512) 475-7077.

**General Content Requirements and
Manufacturing Standards**

19 TAC §81.71

The Texas Education Agency adopts on an emergency basis an amendment to §81.71, concerning general content requirements and limitations of textbooks. The amendment implements House Bill 72, 68th Legislature, Second Called Session, 1984, which provides for the State Textbook Committee to report directly to the State Board of Education, and the repeal of the Texas Education Code, §12.12, which authorized the commissioner of education to remove books from the list recommended by the State Textbook Committee in making his own textbook recommendations to the board.

The amendment deletes authorization for the commissioner of education to require deletions from textbooks or other materials submitted for adoption. Proposed new §81.127, concerning the report of the commissioner of education, sets out a procedure by which the commissioner will negotiate with publishers concerning changes recommended by the State Textbook Committee and/or the commissioner. Final determination of all changes to be required is the responsibility of the State Board of Education.

The amendment is adopted on an emergency basis to ensure that the current textbook adoption process is

in compliance with the revisions in law which will be effective at the start of the 1984-1985 school year.

This amendment is adopted on an emergency basis under the Texas Education Code, §12.16(b), which authorizes the State Board of Education to make rules concerning the selection of textbooks.

§81.71 General Content Requirements and Limitations.

(a) (No change)

(b) [The commissioner of education shall direct that] Textbook content and suggested readings which are in violation of the content requirements and limitations set forth in this section shall be deleted from any adopted textbook and teacher guide, edition, or manual or other materials adopted under this subchapter prior to purchase of the textbook by the state.

Issued in Austin, Texas, on August 10, 1984

TRD-848431 Raymon L. Bynum
Commissioner of Education

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Expiration date December 13, 1984

For further information, please call (512) 475-7077.



**State Adoption, Acquisition, and
Custody of Textbooks**

19 TAC §§81.110, 81.125-81.127, 81.129

The Texas Education Agency adopts on an emergency basis amendments to §§81.110, 81.125, 81.126, and 81.129, and new §81.127, concerning the State Textbook Program. The amendments and new section implement House Bill 72, 68th Legislature, Second Called Session, 1984. House Bill 72 provides for the State Textbook Committee to report directly to the State Board of Education and repeals the Texas Education Code, §12.12, which authorizes the commissioner of education to remove books from the list recommended by the State Textbook Committee in making his own textbook recommendations to the board.

The amendments to §81.110 and §81.126 provide for the State Textbook Committee to report to the State Board of Education rather than the commissioner of education. The amendment to §81.125 provides for hearings before the State Textbook Committee rather than joint hearings before the committee and the commissioner of education.

New §81.127 concerns the textbook report of the commissioner of education. This section provides for the thorough review of the recommended textbooks by the commissioner of education. The review in-

cludes per pupil price and manufacturing characteristics of the books, which are not considered by the textbook committee, as well as accuracy of content and compliance of content with statutes, rules, and the proclamation. The rules also authorize the commissioner to confer with the publishers to ascertain which changes publishers would be willing to make in their books, should such recommended changes be required by the board.

The amendment to §81.129 provides for the board's receipt of the report of the State Textbook Committee and the report of the commissioner of education. New subsection (f) and subsection (g) address removal of books from the list recommended by the State Textbook Committee. New subsection (h) contains provisions for a delayed adoption. These new subsections replace similar language contained in §81.127, which is simultaneously repealed. These rules will be effective for the current textbook adoption.

The amendments and new section are adopted on an emergency basis to ensure that the current textbook adoption process is in compliance with the revisions in law which will be effective at the start of the 1984-1985 school year.

The amendments and new section are adopted on an emergency basis under the Texas Education Code, §12.16(b), which authorizes the State Board of Education to make rules concerning the selection of textbooks.

§81.110. Duties.

(a) The duties of the committee shall be to:

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

(4) prepare and publish a list of not less than two nor more than five textbooks for each subject matter, course, or level in which books were called for adoption, to be recommended [to the commissioner of education] for adoption by the State Board of Education; and

(5) submit a list to the State Board [commissioner] of Education of any alternate books which are recommended in the event [either the commissioner or] the board removes one of the original recommended books and any changes, corrections, deletions, additions, and substitutions which they recommend to be made in the books on the list. Alternate books shall be listed in order of priority.

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

§81.125. Hearings Before the [Commissioner of Education and the] State Textbook Committee.

(a) On a date specified in the schedule for the textbook adoption process, the [commissioner of education and the] State Textbook Committee shall hold [joint] hearings. The commissioner of education or the commissioner's designee shall chair the [joint] hearings.

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

§81.126. Report of the State Textbook Committee.

(a) In accordance with the Texas Education Code, §12.12(e), the State Textbook Committee shall recommend to the State Board [commissioner] of Education, a complete list of textbooks which it approves for adoption. The committee shall designate not more than five

books in each category as books recommended for adoption, and list additional books as alternates which the committee approves as suitable for adoption in the event that one or more of the recommended books are removed from the list by the [commissioner of education or by the] State Board of Education. **The report shall also list all corrections, deletions, substitutions, additions, and other changes which, in the opinion of the committee, should be made in the recommended and alternate textbooks, learning systems, and supplementary materials.**

(b) **A copy of the report shall be sent to members of the State Board of Education and all publishers participating in the adoption process.** A transcript of the oral and written testimony relating to the books designated by the textbook committee for adoption shall be mailed to the members of the State Board of Education.

(c) The State Textbook Committee shall consider written comments and testimony in making its recommendations [to the commissioner of education].

(d)-(e) (No change.)

§81.127. Report of the Commissioner of Education.

(a) The commissioner of education shall review all textbooks, learning systems, and supplementary materials recommended in the report of the State Textbook Committee and all written comments and testimony presented to the committee concerning such recommended books and materials.

(b) The commissioner's review shall include, but need not be limited to, the following:

(1) per pupil prices of recommended books, learning systems, and supplementary materials;

(2) manufacturing quality of recommended books, learning systems, and supplementary materials;

(3) accuracy of content and compliance of content with applicable statutes, rules, and the textbook proclamation; and

(4) whether recommended textbook, learning system, or supplementary materials are from a publisher who refuses to rebid textbooks, learning systems, or supplementary materials.

(c) The commissioner shall develop a list of changes, corrections, deletions, substitutions, or additions which, in the judgment of the commissioner, should be made in textbooks, learning systems, or supplementary materials recommended by the State Textbook Committee.

(d) The commissioner shall confer with publishers concerning the changes recommended by the State Textbook Committee as well as those changes recommended by the commissioner and shall ascertain which of the recommended changes publishers would be willing to make, should such changes be required by the State Board of Education.

(e) The commissioner of education shall report to the board the results of his review of the textbooks, learning systems, and supplementary materials recommended by the State Textbook Committee.

(1) The report shall include information concerning each publisher's willingness or unwillingness to make changes recommended by the State Textbook Committee and by the commissioner of education.

(2) The list of changes to which publishers have agreed shall be sent to the publisher who has agreed to

the changes, the regional education service centers, and other persons, such as braillists, needing immediate access to such information.

§81.129. Consideration and Adoption of Textbooks by the State Board of Education.

(a) (No change.)

(b) At a meeting specified in the schedule for the textbook adoption process, the State Board of Education shall consider:

(1) (No change.)

(2) written public comment and the record of hearing before the [commissioner of education and the] State Textbook Committee; [and]

(3) **the report of the State Textbook Committee; and**

(4)[(3)] the [textbook] report of the commissioner of education.

(c) A board committee designated by the chairman of the board shall consider the **State Textbook Committee's and the commissioner's reports** [recommendations] concerning textbooks for state adoption prior to adoption by the board. The commissioner of education or the commissioner's representative and representatives of the State Textbook Committee shall be available to respond to inquiries from the committee. The committee shall review the **committee's and the commissioner's reports** [recommendations] and report to the board

(d) (No change.)

(e) **For each textbook, learning system, or set of supplementary materials, the board shall specify which of the changes recommended by the State Textbook Committee or the commissioner of education must be made as a condition for adoption of the textbook, learning system, or set of materials.**

(f) **In the event that a book from the list of five books in each adoption category recommended by the State Textbook Committee is removed by action of the State Board of Education, the book ranked next in order of preference by the committee on the alternate list shall be placed on the recommended list of five books in that adoption category.**

(g) **Upon finding a book subject to removal from the committee's recommended list, the board may direct the commissioner of education to confer with the publisher to determine if adjustment or changes can be made to avoid its removal.**

(h) **If the State Textbook Committee recommends and the board determines that substantial modifications should be made in books, learning systems, or supplementary materials in a specific subject area, the board may delay adoption of textbooks or materials in that subject area pending the completion of the required modifications by the textbook publishers. When an adoption is delayed, the board shall specify the following:**

(1) **deadline for publishers to submit required substantive changes to the commissioner of education and regional education service centers. The number of copies to be submitted shall be specified by the commissioner of education;**

(2) **period when revisions will be available for public review at the office of the commissioner of education and in regional education service centers;**

(3) **deadline for submission of written public comment on revised material;**

(4) dates for review of material and recommendation by the State Textbook Committee, which dates may be before or after the deadline set under paragraph (3) of this subsection; and

(5) date for submission of the Textbook Committee report and written public comment to the State Board of Education and for consideration for adoption by the board.

Issued in Austin, Texas, on August 10, 1984

TRD-848432 Raymon L. Bynum
Commissioner of Education

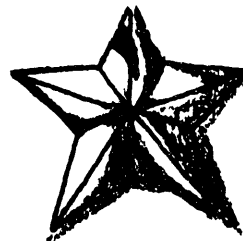
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For further information, please call (512) 475-7077.

§81.127. Recommendations of Textbooks for State Adoption by the Commissioner of Education.

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Commissioner of Education

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19 TAC §81.127

(Editor's note: The text of the following rule repealed on an emergency basis will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin).

The Texas Education Agency adopts on an emergency basis the repeal of §81.127, concerning recommendations of textbooks for state adoption by the commissioner of education

House Bill 72, 68th Legislature, Second Called Session, 1984, provides for the State Textbook Committee to report directly to the State Board of Education, and repeals the Texas Education Code, §12.12, which authorizes the commissioner of education to remove books from the list recommended by the State Textbook Committee.

Section 81 127 sets out the procedure by which the commissioner of education reviews the books recommended by the State Textbook Committee. The section includes authority both to delete books from the recommended list and to require publishers to make changes in books on the list. The section is being repealed because the commissioner of education no longer has such authority.

Proposed new §81.127, concerning the report of the commissioner of education, preserves the review of recommended textbooks by the commissioner of education, which is important to help ensure that textbooks are accurate, affordable, and of good manufacturing quality. However, proposed new §81.127 gives the State Board of Education all authority to delete books from the recommended list and to require changes in books which remain on the list

The provision in §81 127(g) concerning delayed adoption has been moved to proposed new §81.129(h).

This repeal is adopted on an emergency basis to ensure that the current textbook adoption process is in compliance with the revisions in law which will be effective at the start of the 1981-1985 school year.

**Chapter 137. Teacher Education
Subchapter B. Commission on Standards
for the Teaching Profession**

19 TAC §137.23

The Texas Education Agency adopts on an emergency basis amendments to §137.23, concerning the composition of the Commission on Standards for the Teaching Profession. The amendments add two members to the commission: the chairman of the Coordinating Board, Texas College and University System or the chairman's designee from the board membership; and a dean of a college of liberal arts, arts and sciences, fine and applied arts, natural and social sciences, or similar college within an institution of higher education in Texas.

These amendments enable the State Board of Education to act promptly to make appointments for the two new positions and to ensure improved liaison between the Commission on Standards for the Teaching Profession and the Coordinating Board, Texas College and University System.

These amendments are adopted on an emergency basis under the Texas Education Code, §13.031, which authorizes the State Board of Education to appoint the Commission on Standards for the Teaching Profession.

§137.23. Composition of Commission.

(a) There is hereby created an **18-** [a 16] member Commission on Standards for the Teaching Profession, which shall consist of:

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

(4) two deans or chairmen of schools of education; [and]

(5) one dean of a college of liberal arts, arts and sciences, fine and applied arts, natural and social sciences, or similar college within an institution of higher education in Texas;

(6)[(5)] two faculty members involved in higher education, one of whom shall be from teacher education; and

(7) the chairman of the Coordinating Board, Texas College and University System or the chairman's designee from the board membership.

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

(d) Persons serving in the positions listed in subsections (a)(4)-(6) [and (5)] of this section must, in addition to the requirements specified therein, have five years' experience in the field of higher education.

Issued in Austin, Texas, on August 10, 1984.

TRD-848434

Raymon L. Bynum
Commissioner of Education

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Expiration date: December 13, 1984

For further information, please call (512) 475-7077.

Proposed Rules

Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *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 rule. A public hearing on the proposal may also be granted if such a procedure is requested by a governmental subdivision or agency, or by an association consisting of at least 25 members.

The proposal, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state and local government and small businesses; a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule; a request for public comments; a statement of statutory authority under which the proposed rule is to be adopted (and the agency's interpretation of the statutory authority); the text of the proposed action; and a certification statement. The certification information, which includes legal authority, the proposed date of adoption or the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

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

TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 78. Occupational Education and Technology Subchapter A. General Provisions

19 TAC §78.1, §78.5

(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 is published in the Emergency Rules section of this issue.)

The Texas Education Agency proposes amendments to §78.1 and §78.5, concerning general provisions for occupational education and technology.

The proposed amendments implement House Bill 72, 68th Legislature, Second Called Session, 1984. The proposed amendments to §78.1 provide for State Board of Education approval of vocational programs, services, and activities for which districts may expend vocational education allotment funds under the Foundation School Program. The proposed amendments also delete references to teacher units, which are not used in the new funding system, and refer instead to approved program units. Proposed new subsection (c) provides that the State Board of Education shall prepare and annually update a master plan for vocational education in Texas in accordance with the Texas Education Code, §21.113.

The proposed amendment to §78.5 provides for the monitoring of vocational programs every three years rather than every five years.

These amendments are simultaneously adopted on an emergency basis.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules. House Bill 72 appropriated a sum certain allocation for vocational education (\$239,899,119). A new weighted pupil formula (1.45 weight) is used in calculating the allocation of vocational funds to individual districts. This amendment will not affect the sum certain appropriation.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is that the rules for occupational education and technology will be consistent with current law and school districts will be informed of the new requirements and funding provisions applicable to vocational education. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512)

475-7077. 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 rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, and the Texas Education Code, §16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

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

Issued in Austin, Texas, on August 17, 1984.

TRD-848614 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption
October 13, 1984

For further information, please call (512) 475-7077.

Subchapter B. Vocational Education by Contract or Agreement

19 TAC §78.21

(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 is published in the Emergency Rules section of this issue.)

The Texas Education Agency proposes amendments to §78.21, concerning occupational education for public school students by contract. The proposed amendments implement House Bill 72, 68th Legislature, Second Called Session, 1984. The proposed amendments require districts which contract to ensure that the cost to the state for contract students not exceed the cost that would result if the classes were operated by the school district itself. Maximum per student allotments for occupational education by contract shall be determined in accordance with the Texas Education Code, §16.155. Subsection (g) is proposed for deletion because the provisions no longer apply under the new funding system established by House Bill 72.

These amendments are simultaneously adopted on an emergency basis.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule. House Bill 72 appropriated a sum certain allocation for vocational education (\$239,899,119). A new weighted pupil formula (1.45 weight) is used in calculating the allocation of vocational funds to individual districts.

This amendment will not affect the sum certain appropriation.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that the rules for occupational education and technology will be consistent with current law and school districts will be informed of the new requirements and funding provisions applicable to vocational education. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. 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 rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, and the Texas Education Code, §16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

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

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TRD-848615 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption.
October 13, 1984

For further information, please call (512) 475-7077.

Subchapter D. Secondary School Vocational Education Vocational Program Approval [Teacher Units]

19 TAC §578.61-78.69

(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 is published in the Emergency Rules section of this issue.)

The Texas Education Agency proposes amendments to §§78.61-78.69, concerning secondary school vocational education. The proposed amendments implement House Bill 72, 68th Legislature, Second Called Session, 1984.

House Bill 72 changes the funding system for vocational education from one based on the allocation of

teacher units to one based on a per pupil allocation for eligible vocational students. The proposed amendments implement this change by deleting all references to teacher units. Under the new system, districts will be approved to operate vocational program units and may spend their allocated vocational funds for the support of such units.

The proposed amendment to §78.61 replaces a definition of a vocational program unit for the previously used vocational teacher unit. Similar changes in terminology occur throughout the amendments.

Section §78.62(c)(4), which linked vocational sunset review to the accreditation cycle, is proposed for repeal, since the accreditation cycle is now based on three years rather than five years.

In §78.63, proposed new subsection (j) provides for the approval of fractional program units in districts with fewer than 1,600 students in average daily attendance. Proposed new subsection (k) requires each district to conduct a cost study in connection with any request for new or additional vocational program units to determine if it is more cost-effective to operate the program in the district than to offer it through a contractual agreement.

In §78.69, the new vocational program unit funding system is set out. The section includes directions for determining student contact hours and a provision making all allotments subject to the availability of funds. Subsections (a)-(g) and (j), including the tables, all implemented the previous funding system and are proposed for deletion from the section. Proposed new subsection (i) includes special funding provisions for students in vocational education for the handicapped (VEH).

The title of the undesignated head is proposed to be changed from "Teacher Units" to "Vocational Program Approval."

These amendments are simultaneously adopted on an emergency basis.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

House Bill 72 appropriated a sum certain allocation for vocational education (\$239,899,119). A new weighted pupil formula (1.45 weight) is used in calculating the allocation of vocational funds to individual districts. This amendment will not affect the sum certain appropriation.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is that the rules for occupational education and technology will be consistent with current law and school districts will be informed of the new requirements and funding provisions applicable to vocational education. There is no

anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. 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 rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, and the Texas Education Code, §16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

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

Issued in Austin, Texas, on August 17, 1984

TRD-848616

Raymon L. Bynum
Commissioner of Education

Proposed date of adoption
October 13, 1984

For further information, please call (512) 475-7077.



Vocational Ancillary Services [Units]

19 TAC §78.81, §78.82

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

The Texas Education Agency proposes amendments to §78.81 and new §78.82, concerning vocational ancillary services. The proposed amendments implement House Bill 72, 68th Legislature, Second Called Session, 1984.

House Bill 72 changes the system of funding vocational education from a system based on the allocation of personnel units to one based on dollar allocations per vocational student. The changes in the rules reflect this new funding system. Under the new system, ancillary units will no longer be allocated. Districts will

be approved for such positions by the Central Education Agency, and vocational funds may then be used by the district to pay salaries of personnel assigned to the positions.

It is proposed that the undesignated head be changed from "Ancillary Units" to "Vocational Ancillary Services."

The proposed amendments to §78.81 define the purposes for which vocational administrator, vocational counselor, vocational job placement coordinator, and vocational supervisor positions may be approved.

Proposed new §78.82 concerns vocational ancillary services funding. This proposed new section provides that funds from the district's vocational education allotment may be used to pay full or partial salaries to persons assigned a vocational ancillary position, provided the Central Education Agency has granted the district approval for the position and the person assigned holds a certificate for the specific vocational ancillary position involved. Persons assigned full time to approved vocational ancillary positions may be assigned nonvocational duties; however, salary for the portion of time involved in nonvocational duties shall be paid from sources other than vocational education.

The amendments and the new section are simultaneously adopted on an emergency basis.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

House Bill 72, appropriated a sum certain allocation for vocational education (\$239,899,119). A new weighted pupil formula (1.45 weight) is used in calculating the allocation of vocational funds to individual districts. This amendment will not affect the sum certain appropriation.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is that the rules for occupational education and technology will be consistent with current law and school districts will be informed of the new requirements and funding provisions applicable to vocational education. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. 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 rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §16.005, which authorizes the State

Board of Education to make rules for the implementation and administration of the Foundation School Program, and the Texas Education Code, §16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

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

Issued in Austin, Texas, on August 17, 1984.

TRD-848599 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption.
October 13, 1984

For further information, please call (512) 475-7077.

Ancillary Units

19 TAC §78.82

(Editor's note: The Texas Education Agency proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The text of the rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Education Agency proposes the repeal of §78.82, concerning the allocation of vocational administrator, supervisor, job placement coordinator, and vocational counselor units to school districts.

House Bill 72, 68th Legislature, Second Called Session, 1984, changed the system of funding vocational education from a system based on the allocation of personnel units to one based on dollar allocations per vocational student. Simultaneously proposed new §78.82 reflects this new funding system.

Existing §78.82 is proposed for repeal since it is not consistent with current law. This repeal is simultaneously adopted on an emergency basis.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal. House Bill 72 appropriated a sum certain allocation for vocational education (\$239,899,199). A new weighted pupil formula (1.45 weight) is used in calculating the allocation of vocational funds to individual districts. This repeal will not affect the sum certain appropriation.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is that rules for occupational education and technology programs will be consistent with current law and school districts will be informed of the new requirements and funding provisions applicable to vocational education. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Dr Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. 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 rules has been published in the *Texas Register*.

The repeal is proposed under the Texas Education Code, § 16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, and the Texas Education Code, § 16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

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

Issued in Austin, Texas, on August 17, 1984

TRD-848597 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption
October 13, 1984

For further information, please call (512) 475-7077.

Vocational Students

19 TAC § 78.102, § 78.103

(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 is published in the Emergency Rules section of this issue.)

The Texas Education Agency (TEA) proposes amendments to § 78.102 and § 78.103, concerning eligibility of students for vocational education.

House Bill 72, 68th Legislature, Second Called Session, 1984, changed the system of funding vocational education from a system based on personnel units to one based on a per pupil allocation for vocational students. The proposed amendment to § 78.102 deletes a reference to vocational teacher units and refers instead to approved program units, which are part of the new funding system.

The proposed amendments to § 78.103 make a similar change. New language is added to subsection (b), clarifying that districts must identify cooperative program units as either two credit or three credit units, and that all students enrolled in the same program unit must receive the same units of credit if they successfully complete the requirements for the course.

These amendments are simultaneously adopted on an emergency basis.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the

rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules. House Bill 72, 68th Legislature, Second Called Session, 1984, appropriated a sum certain allocation for vocational education (\$239,899,119). A new weighted pupil formula (1.45 weight) is used in calculating the allocation of vocational funds to individual districts. The amendments will not affect the sum certain appropriation.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is that rules for occupational education and technology will be consistent with current law and school districts will be informed of the new requirements and funding provisions applicable to vocational education. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. 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 rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, § 16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program, and the Texas Education Code, § 16.155, as amended by House Bill 72, which provides for allotments for the vocational education program.

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

Issued in Austin, Texas, on August 17, 1984

TRD-848595 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption
October 13, 1984

For further information, please call (512) 475-7077.

Program Standards

19 TAC §§ 78.121, 78.122, 78.124

(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 is published in the Emergency Rules section of this issue.)

The Texas Education Agency proposes amendments to §§ 78.121, 78.122, and 78.124, concerning voca-

Bill 72, which provides for allotments for the vocational education program

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

Issued in Austin, Texas, on August 17, 1984

TRD-848589 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption
October 13, 1984

For further information, please call (512) 475-7077.

Chapter 81. Instructional Resources Subchapter D. State Textbook Program General Provisions

19 TAC §81.63

(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 published in the Emergency Rules section of this issue.)

The Texas Education Agency proposes an amendment to §81.63, concerning materials available for use with textbooks. The amendment removes the authority of the commissioner of education to reject or delete material from materials to be used with textbooks. The proposal implements provisions of House Bill 72, 68th Legislature, Second Called Session, 1984. House Bill 72 provides for the State Textbook Committee to report directly to the State Board of Education and repeals the Texas Education Code, §12.12, which authorizes the commissioner of education to remove books from the list recommended by the State Textbook Committee in making his own textbook recommendations to the board. This amendment is simultaneously adopted on an emergency basis.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that the textbook adoption process will continue to be conducted in compliance with law. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Ad-

ministrative 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 rules has been published in the *Texas Register*

The amendment is proposed under the Texas Education Code, §12.16(b), which authorizes the State Board of Education to make rules concerning the selection of textbooks.

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 August 10, 1984

TRD-848435 Raymon L. Bynum
 Commissioner of Education

Earliest possible date of adoption
October 13, 1984

For further information, please call (512) 475-7077.

General Content Requirements and Manufacturing Standards

19 TAC §81.71

(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 published in the Emergency Rules section of this issue.)

The Texas Education Agency proposes an amendment to §81.71, concerning general content requirements and limitations of textbooks. The proposed amendment implements House Bill 72, 68th Legislature, Second Called Session, 1984, which provides for the State Textbook Committee to report directly to the State Board of Education and also repeals the Texas Education Code, §12.12, which authorizes the commissioner of education to remove books from the list recommended by the State Textbook Committee in making his own textbook recommendations to the board.

The amendment deletes authorization for the commissioner of education to require deletions from textbooks or other materials submitted for adoption. Proposed new §81.127, concerning the report of the commissioner of education, sets out a procedure by which the commissioner will negotiate with publishers concerning changes recommended by the State Textbook Committee and/or by the commissioner. Final determination of all changes to be required is the responsibility of the State Board of Education.

This amendment is simultaneously adopted on an emergency basis.

Richard Bennett, associate commissioner of finance, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year

of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that the textbook adoption process will continue to be conducted in compliance with law. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. 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 rules has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §12.16(b), which authorizes the State Board of Education to make rules concerning the selection of textbooks.

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 August 10, 1984

TRD-848436 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption
October 13, 1984

For further information, please call (512) 475-7077.



State Adoption, Acquisition, and Custody of Textbooks

19 TAC §§81.110, 81.125-81.127, 81.129

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

The Texas Education Agency proposes amendments to §§81.110, 81.126, and 81.129, and new §81.127, concerning the State Textbook Program. The proposed amendments and new section implement House Bill 72, 68th Legislature, Second Called Session, 1984. House Bill 72 provides for the State Textbook Committee to report directly to the State Board of Education and repeals the Texas Education Code, §12.12, which authorizes the commissioner of education to remove books from the list recommended by the State

Textbook Committee in making his own textbook recommendations to the board.

The proposed amendments to §81.110 and §81.126 provide for the State Textbook Committee to report to the State Board of Education rather than the commissioner of education. The proposed amendment to §81.125 provides for hearings before the State Textbook Committee, rather than joint hearings before the committee and the commissioner of education.

Proposed new §81.127 concerns the textbook report of the commissioner of education. This section provides for the thorough review of the recommended textbooks by the commissioner of education. The review includes per pupil price and manufacturing characteristics of the books, which are not considered by the textbook committee, as well as accuracy of content and compliance of content with statutes, rules, and the proclamation. The rules also authorize the commissioner to confer with the publishers to ascertain which changes publishers would be willing to make in their books, should such recommended changes be required by the board.

The proposed amendment to §81.129 provides for the board's receipt of the report of the State Textbook Committee and the report of the commissioner of education. Proposed new subsections (f) and (g) address the removal of books from the list recommended by the State Textbook Committee. Proposed new subsection (h) contains provisions for a delayed adoption. These proposed new subsections replace similar language contained in §81.127, which is proposed for repeal.

These proposed amendments and new section will be effective for the current textbook adoption.

Richard Bennett, associate commissioner of finance, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is that the textbook adoption process will continue to be conducted in compliance with law. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. 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 rules has been published in the *Texas Register*.

The amendments and new section are proposed under the Texas Education Code, §12.16(b), which au-

thorizes the State Board of Education to make rules concerning the selection of textbooks.

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 August 10, 1984

TRD-848437 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption
October 13, 1984

For further information, please call (512) 475-7077.

19 TAC §81.127

(Editor's note: The Texas Education Agency proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The text of the rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The Texas Education Agency proposes the repeal of §81.127, concerning recommendations of textbooks for state adoption by the commissioner of education.

House Bill 72, 68th Legislature, Second Called Session, 1984, provides for the State Textbook Committee to report directly to the State Board of Education, and repeals the Texas Education Code, §12.12, which authorizes the commissioner of education to remove books from the list recommended by the State Textbook Committee.

Section 81.127 sets out the procedure by which the commissioner of education reviews the books recommended by the State Textbook Committee. The section includes authority both to delete books from the recommended list and to require publishers to make changes in books on the list. The section is proposed for repeal because the commissioner of education no longer has such authority.

Proposed new §81.127, concerning the report of the commissioner of education, preserves the review of recommended textbooks by the commissioner of education, which is important to help ensure that textbooks are accurate, affordable, and of good manufacturing quality. However, proposed new §81.127 gives the State Board of Education all authority to delete books from the recommended list and to require changes in books which remain on the list.

The provision in §81.127(g) concerning delayed adoption is being moved to proposed new §81.129(h).

Richard Bennett, associate commissioner of finance, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the repeal as proposed is in effect

the public benefit anticipated as a result of the repeal is the avoidance of unnecessary duplication in rules. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. 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 rules has been published in the *Texas Register*.

This repeal is proposed under the Texas Education Code, §12.16(b), which authorizes the State Board of Education to make rules concerning the selection of textbooks.

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 August 10, 1984

TRD-848438 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption
October 13, 1984

For further information, please call (512) 475-7077

Chapter 137. Teacher Education Subchapter B. Commission on Standards for the Teaching Profession

19 TAC §137.23

(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 is published in the Emergency Rules section of this issue.)

The Texas Education Agency proposes amendments to §137.23, concerning composition of the Commission on Standards for the Teaching Profession. The proposed amendments add two members to the commission: the chairman of the Coordinating Board, Texas College and University System or the chairman's designee from the board membership, and a dean of a college of liberal arts, arts and sciences, fine and applied arts, natural and social sciences, or similar college within an institution of higher education in Texas. This amendment is simultaneously adopted on an emergency basis.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The effect on state government is an estimated additional cost of \$2,000 each year from 1985-1989. This cost is based on \$250 per person per meeting with four meetings per year. There is no anticipated economic effect on local government or small businesses.

Dr. Beverly J Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is improved liaison between the Commission on Standards for the Teaching Profession and the Coordinating Board, Texas College and University System and increased representation on the commission for those sections of the university community which are not part of the college of teacher education but which do have a part in the preparation of future teachers. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. 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 rules has been published in the *Texas Register*.

These amendments are proposed under the Texas Education Code, §13.031, which authorizes the State Board of Education to appoint the Commission on Standards for the Teaching Profession.

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 August 10, 1984

TRD-848439 Raymon L Bynum
Commissioner of Education

Proposed date of adoption
October 13, 1984

For further information, please call (512) 475-7077.

TITLE 22. EXAMINING BOARDS Part XXII. Texas State Board of Public Accountancy Chapter 521. Fee Schedule

22 TAC §521.2

The Texas State Board of Public Accountancy proposes amendments to §521.2, concerning the increase in examination cost for the uniform CPA examination from \$75 to \$100 for the initial examination and from \$15 to \$20 on each part on retakes.

Bob E. Bradley, executive director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Bradley also has determined that for each year of the first five years the rule as proposed is in effect the

public benefit anticipated as a result of enforcing the rule as proposed is the passing on of increased charges to the applicant rather than having to meet the extra charge from agency funds. The anticipated economic cost to individuals who are required to comply with the rule as proposed is a flat rate of an additional \$25 per individual for the initial examination each year for 1984-1988 and an additional \$5.00 fee per subject on subsequent parts per year for 1984-1988.

Comments on the proposal may be submitted to William A. Sansing, Texas State Board of Public Accountancy, Suite 340, 1033 La Posada, Austin, Texas 78752-3892.

The amendments are proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct and to ensure that the conduct and competitive practice of licensees serves the best interest of the public.

§521.2. Examination Fees. The fee for the initial examination conducted pursuant to the Act shall be **\$100** [\$75]. The fee for any subsequent examination shall be **\$20** [\$15] per subject. For the purpose of this section, accounting practice shall be deemed as two subjects.

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 August 15, 1984

TRD-048440 Bob E Bradley
Executive Director
Texas State Board of Public
Accountancy

Earliest possible date of adoption:
September 24, 1984

For further information, please call (512) 451-0241.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS Part III. Texas Youth Commission Chapter 91. Corsicana Residential Treatment Center Family Services Program

37 TAC §§91.821, 91.825, 91.833, 91.835

The Texas Youth Commission (TYC) proposes amendments to §§91.821, 91.825, 91.833, and 91.835 concerning overview of standards, student money management, student record at facility, and temporary absences from the program. The commission proposes to change the number of §91.200 to §91.821; change the number and the title of §91.223, concerning student trust funds, to §91.825, concerning student money management; change §91.270 to §91.833 and delete the requirement to keep licenses from other agencies in the TYC file; update cross-references to other rule numbers which have changed; add a requirement to keep financial records on any

medical purchases; and change §91.271 to §91.835 and clarify that foster parents should call caseworkers during working hours to report a student's return from furlough.

John Arredondo, director of community/special services, has determined that for the first five-year period the rules are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Arredondo also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is increased clarity in the agency standards for certified foster parents. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Martha K. McCann, Manuals System Coordinator, Texas Youth Commission, P.O. Box 9999, Austin, Texas 78766.

The amendments are proposed under the Human Resources Code, §61.037, which provides the Texas Youth Commission with the authority to enter into agreements with appropriate public or private agencies for the separate care and treatment of persons subject to the control of the commission.

§91.821. [§91.200.] Overview of Standards.

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

§91.825. [§91.223.] Student Money Management. [Trust Funds.]

- (a) (No change.)
- (b) Program requirements.
 - (1) Allowances.
 - (A)-(C) (No change.)
 - (D) Report to the FSW any problems with or changes in the allowance. (Person responsible: foster parents.)
 - (E) Do not spend the student's money for yourself, [or] your family, or your staff. (Person responsible: foster parents)
 - (F) (No change.)
- (2) (No change.)

(E) Do not spend the student's money for yourself, [or] your family, or your staff. (Person responsible: foster parents)

- (F) (No change.)
- (2) (No change.)

§91.833. [§91.270.] Student Record at Facility.

- (a) (No change.)
- (b) Program requirements.
 - (1) Keep your certificate [or license] on file.
 - (2) Use Form CCS-035 as a chronological log to document the following events in each student's file as they occur. (Person responsible: service agents.)
 - (A) Orientation. See 45.95.211 [45.60.211] (§95.211 of this title (relating to Orientation)).
 - (B) Student rights. See 45.95.221 [45.60.221] (§95.221 of this title (relating to Student Rights)).
 - (C) Incidents. See 45.95.231 [45.60.231] (§95.231 of this title (relating to Incident Reporting)).
 - (D) Grievances. See 49.91.827 [45.60.241] (§91.827 [§91.241] of this title (relating to Student Grievance Procedure)).

(E) Student money management [Trust funds]. See 49.95.825 (§91.825 of this title (relating to Stu-

dent Money Management)) [49.60.223 (§91.223 of this title (relating to Trust Funds))].

(F) Temporary absences from the program. See 49.91.835 (§91.835 [45.60.271 and 49.60.271 (§95.271 and §91.271] of this title (relating to Temporary Absences from the Program)).

- (G) (No change.)
- (3)-(4) (No change.)
- (5) Keep financial records such as (Person responsible: service agents):
 - (A)-(C) (No change.)
 - (D) student's use of trust fund money; and
 - (E) medical purchases.
- (6)-(7) (No change.)

§91.835. [§91.271.] Temporary Absences from the Program.

- (a) (No change.)
- (b) Program requirements.
 - (1) Placement visits.
 - (A)-(C) (No change.)
 - (D) Notify the FSW during working hours on the day the student returns or by 9 a.m. the next working day. (Person responsible: service agents.)
 - (E)-(F) (No change.)
 - (2) (No change.)
 - (3) Home visits. See 45.60.271(b)(3) (§95.271(b)(3) of this title (relating to Temporary Absences from the Program)). [The six-night limit in 45.60.271(b)(3)(B) (§95.271(b)(3)(B)) does not apply to family services programs.]
 - (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 August 17, 1984.

TRD-848586 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption:

September 24, 1984

For further information, please call (512) 452-8111.

Part V. Board of Pardons and Paroles

Chapter 145. Parole

Terms and Conditions of Parole

37 TAC §145.25

The Board of Pardons and Paroles proposes amendments to §145.25, concerning annual report status. Amendments to §145.25(b) and (c) change the procedure for transferring a parolee to annual report status and are more fully explained in a previous emergency submission published in the August 10, 1984, issue of the *Texas Register* (9 TexReg 4331). Additional amendments, in §145.25(d), (f)(1), (f)(2), and (f)(6), operate to remove the governor's authority in parole revocation matters, which was removed by the adoption of Senate Joint Resolution 13 and Senate Bill 396, 68th Legislature, 1983, and to correct the address and

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is generally effective immediately upon filing with the *Register*

If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register*. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal of an identical or similar rule following normal rulemaking procedures.

Withdrawn Rules

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 341. Consolidated Permits Application for Permit

31 TAC §341.165

Pursuant to Texas Civil Statutes, Article 6252-13a, §5 (b), and 1 TAC §91.24(b), proposed new §341.165 submitted by the Texas Water Development Board has been automatically withdrawn, effective August 20, 1984. The proposed new section appeared in the February 17, 1984, issue of the *Texas Register* (9 TexReg 975)

TRD-848663
Filed August 20, 1984

Additional Conditions for Drilled or Mined Shaft Permits

31 TAC §§341.381-341.386

Pursuant to Texas Civil Statutes, Article 6252-13a, §5 (b), and 1 TAC §91.24(b), proposed new §§341.381-341.386 submitted by the Texas Water Development Board have been automatically withdrawn, effective August 20, 1984. The proposed new sections appeared in the February 17, 1984, issue of the *Texas Register* (9 TexReg 975)

TRD-848664
Filed August 20, 1984

Chapter 361. Drilled or Mined Shafts Subchapter A. General Provisions

31 TAC §§361.1-361.10

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), proposed new §§361.1-

361.10 submitted by the Texas Water Development Board have been automatically withdrawn, effective August 20, 1984. The proposed new sections appeared in the February 17, 1984, issue of the *Texas Register* (9 TexReg 975)

TRD-848665
Filed August 20, 1984

Subchapter B. Standards and Methods

31 TAC §§361.21-361.29

Pursuant to Texas Civil Statutes, Article 6252-13a, §5 (b), and 1 TAC §91.24(b), proposed new §§361.21-361.29 submitted by the Texas Water Development Board have been automatically withdrawn, effective August 20, 1984. The proposed new sections appeared in the February 17, 1984, issue of the *Texas Register* (9 TexReg 975).

TRD-848666
Filed August 20, 1984

Subchapter C. Complaints

31 TAC §361.41, §361.42

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), proposed new §361.41 and §361.42 submitted by the Texas Water Development Board have been automatically withdrawn, effective August 20, 1984. The proposed new sections appeared in the February 17, 1984, issue of the *Texas Register* (9 TexReg 975).

TRD-848667
Filed August 20, 1984



Adopted Rules

An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule 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.

The document, as published in the *Register*, must indicate whether the rule is adopted with or without changes to the proposal. The notice must also include paragraphs which: explain the legal justification for the rule, how the rule will function; contain comments received on the proposal, list parties submitting comments for and against the rule; explain why the agency disagreed with suggested changes, and contain the agency's interpretation of the statute under which the rule was adopted.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.

TITLE 25. HEALTH SERVICES Part V. Texas Health Facilities Commission Chapter 501. Description of the Commission

25 TAC §§501.1, 501.3, 501.5, 501.7

The Texas Health Facilities Commission adopts the repeal of §§501.1, 501.3, 501.5, and 501.7, without changes to the proposal published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2517).

The repeal is necessary to adopt new sections which clarify existing operational practices, policies, and procedures. The new sections achieve greater efficiency in the agency's operation by clarifying that the commission member can act as the administrative officer under the specified condition.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4418h, §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984.

TRD-848496 W. G. Kirklin
Chairman
Texas Health Facilities
Commission

Effective date: October 1, 1984
Proposal publication date: May 8, 1984
For further information, please call (512) 475-6940.

The Texas Health Facilities Commission adopts new §§501.1, 501.3, 501.5, and 501.7, without changes to the proposed text published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2518).

These new sections clarify existing operational practices, policies, and procedures. The new sections achieve greater efficiency in the agency's operation by clarifying that the commission member can act as the administrative officer under the conditions set out in the sections.

The commission received one comment regarding §501.5, to the effect that the section exceeded the commission's authority pursuant to Texas Civil Statutes, Article 4418h, §2.07(c). Reba Eichelberger commented against the section.

The commission believes that it does have the authority pursuant to Article 4418h to adopt the section to ensure the administration of the agency's operations under the circumstances noted in the section.

The new sections are adopted pursuant to Texas Civil Statutes, Article 4418h, §2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984.

TRD-848497 W. G. Kirklin
Chairman
Texas Health Facilities
Commission

Effective date: October 1, 1984
Proposal publication date: May 8, 1984
For further information, please call (512) 475-6940.

Chapter 503. Rule-Making Procedures

25 TAC §§503.1, 503.3, 503.5, 503.7, 503.9,
503.11, 503.13, 503.15, 503.17

The Texas Health Facilities Commission adopts the repeal of §§503.3, 503.5, 503.7, 503.9, 503.11, 503.13, 503.15, and 503.17, without changes to the proposal published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2519).

The repeal is necessary to adopt new sections which delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations; and to clarify existing operational practices, policies, and procedures. The new sections achieve greater conformity between federal/state law and state certificate of need requirements, advise potential applicants that HSA review is no longer required, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications.

No comments were received regarding adoption of the repeal

The repeal is adopted under Texas Civil Statutes, Article 4418h, §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848498 W G Kirklin
Chairman
Texas Health Facilities
Commission

Effective date. October 1, 1984
Proposal publication date May 8, 1984
For further information, please call (512) 475-6940.

The Texas Health Facilities Commission adopts new §§503.3, 503.5, 503.7, 503.9, 503.11, 503.13, 503.15, and 503.17, without changes to the proposed text published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2519)

These new sections delete all references to health system agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations and to clarify existing operational practices, policies, and procedures. The new sections achieve conformity and consistency between federal and state law and state certificate of need requirements, advise potential applicants that HSA review is no longer required, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications.

No comments were received regarding adoption of the new sections.

The new sections are adopted pursuant to Texas Civil Statutes, Article 4418h, §2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848499 W G Kirklin
Chairman
Texas Health Facilities
Commission

Effective date: October 1, 1984
Proposal publication date May 8, 1984
For further information, please call (512) 475-6940.

Chapter 505. Terms and Phrases

25 TAC §505.1

The Texas Health Facilities Commission adopts the repeal of §505.1, without changes to the proposal published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2521)

The repeal is necessary to adopt a new section which deletes all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations; and clarify existing operational practices, policies, and procedures. The new section achieves conformity and consistency between federal and state law and state certificate of need requirements, advises potential applicants that HSA review is no longer required, clarifies the agency's regulatory requirements, and achieves greater efficiency in the agency's processing of applications.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4418h, §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984.

TRD-848500 W G Kirklin
Chairman
Texas Health Facilities
Commission

Effective date: October 1, 1984
Proposal publication date. May 8, 1984
For further information, please call (512) 475-6940.

The Texas Health Facilities Commission adopts new §505.1, with changes to the proposed text published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2521)

This new section is adopted to delete all references to health system agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, §1536, to terminate HSA operations and to clarify existing operational practices, policies, and procedures. Changes from the proposal occur in the definitions of development, inpatient, inpatient hospice, project cost, and service. These changes result from either public comments which were received, or a desire to correct grammatical or punctuation errors.

The effect of the new section is conformity and consistency between federal/state law and state certificate of need requirements, to advise potential applicants that HSA review is no longer required, to clarify the agency's regulatory requirements, and to achieve greater efficiency in the agency's processing of applications.

Public comment(s) were received regarding the proposed definitions of "bed capacity," "category of beds," "certificate holder," "development," "health service area," "inpatient hospice," "inpatient rehabilitation facility," "project cost," and "service." The comments ranged from outright opposition to the definition, to suggested modifications in the definition so as to provide more clarity, to essentially favoring the definition as proposed. The following commenters recommending any change in the proposed definitions are listed as commenting "against" the rule: C. Dean Davis, Charter Plains Hospital, Reba Eichelberger, Texas Hospital Association, Paul D. Keeper, San Antonio State Hospital, and Ace Pickins.

The commission has modified the definitions of "development," "inpatient hospice," "project cost," and "service" in recognition of some of the comments received. It disagrees with the comments concerning the definitions of "bed capacity," "category of beds," "certificate holder," "health service area," and "inpatient rehabilitation facility." The reasons for disagreement include the need to conform with either state or federal law, a determination that the definition is appropriate to accomplish the goals of the law in an efficient and effective manner, or a determination that certain suggested modifications would not result in the desired clarity or result but would, instead, lead to confusion or inconsistencies.

The new section is adopted pursuant to Texas Civil Statutes, Article 4418h, §2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development Act.

§505.1 Definitions The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise:

APA—The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

Abandoned health-care facility—A health-care facility which has not offered health-care services for a period of 12 consecutive months or more. An abandoned health-care facility ceases to be a health-care facility for purposes of these rules and the Act.

Abandoned health-care service—A health-care service which has not been offered by a health-care facility for a period of 12 consecutive months or more. An abandoned health-care service ceases to be an offered health-care service for purposes of these rules and the Act, subject to the provisions of Texas Civil Statutes, Article 4442c, §7(k).

Acquire—To obtain by purchase, lease, donation, gift, transfer, or other comparable arrangement.

Act—The Texas Health Planning and Development Act, Texas Civil Statutes, Article 4418h.

Ambulatory surgical facility—A facility which provides surgical treatment to patients not requiring overnight care, including, but not limited to, those facilities which are defined as and are proposed to be certified as ambulatory surgical centers pursuant to Public Law 96-499, §934, the Omnibus Reconciliation Act of 1980, and 42 Code of Federal Regulations Part 416.

Applicant—A person who makes application to the commission pursuant to the Act.

Application—A written request for consideration by the commission pursuant to the Act.

Bed capacity—The number of beds a health-care facility is constructed and designed for and is capable of operating without physical change to the facility.

Bed license—The number of licensed beds in a health-care facility.

Capital expenditure—A financial obligation which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance.

Category of beds—Inpatient beds in an existing health-care facility within which health-care services are provided to a defined and limited class of patients. The term "category of beds" includes, but is not limited to, the following: medical/surgical, obstetrical, gynecological, pediatric, psychiatric, intensive care, neonatal special care, extended care, coronary care, nursing care, intermediate nursing care, skilled nursing care, intermediate care mentally retarded-V (ICF-MR-V), intermediate care mentally retarded-VI (ICF-MR-VI), alcohol abuse treatment, drug abuse treatment, rehabilitation, and hospice.

Certificate holder—The person(s) named in the certificate of need.

Certificate of need—A written order of the commission setting forth the commission's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by the Act and by commission rules.

Commission—The Texas Health Facilities Commission.

Completion of a project—The date when all activities authorized in a commission order, including capital expenditures, construction, renovation, equipment acquisition, the offering of service(s), licensure, and certification, have been accomplished.

Declaratory ruling—A written order of the commission stating whether or not a proposed project requires a certificate of need or other action by the commission.

Department—The Texas Department of Health.

Development—

(A) Commencement of those activities or expenditures, other than planning or predevelopment, which upon their completion result in the consummation of a project or a significant financial commitment toward the consummation of a project. Development of a project may commence only after appropriate authorization by the commission. Commencement of development includes, but is not limited to:

(i) adoption of ordinances, orders, or resolutions authorizing the issuance of bonds to finance the project;

(ii) adoption of ordinances, orders, or resolutions authorizing zoning or rezoning of land upon which the project site is to be located;

(iii) expenditures in excess of 20% of the total project cost authorized in the commission order;

(iv) execution of binding written contracts for construction or site preparation, or the actual commencement of construction or site preparation;

(v) execution of binding written contracts for the acquisition of equipment for the project which constitutes at least 50% of the project equipment cost authorized in the commission order;

(vi) receipt of donated funds or grant funds which are designated for the project and which constitutes at least 20% of the total project cost authorized in the commission order;

(vii) execution of binding written contracts for interim or permanent financing for the project and which constitutes at least 20% of the total project cost authorized in the commission order;

(viii) in the case of new facility projects, the actual extension of gas, water, or electric utilities to the project site; or

(ix) in the case of no-cost projects, the offering of the service authorized in the commission order.

(B) For purposes of this rule, expenses incurred for studies, reports, and professional services in pursuit of obtaining a certificate of need shall not be included in the expenditures utilized in a determination of whether development has commenced. The execution of binding written contracts or the receipt of donated or grant funds for the project, which are made contingent upon obtaining a declaratory ruling, certificate of need, or other appropriate ruling authorizing development of the project, shall not be considered development as defined herein or a violation of the Act or commission rules.

Dialysis stations—The number of dialysis units or chairs in a health-care facility

Existing health-care facility—A facility which is approved for operation, is currently operating, or which has not been out of operation for a period of 12 consecutive months or more.

Existing service—A service which is presently being offered by a health-care facility, or a service that a health-care facility has not ceased offering for a period of 12 consecutive months or more, subject to the provisions of Texas Civil Statutes, Article 4442c, §7(k).

Expenditure minimum—\$600,000 for capital expenditures other than major medical equipment. (See definition for major medical equipment.)

Federal law—Includes the National Health Planning and Resources Development Act of 1974 (Public Law 93-641), as amended by the Health Planning and Resources Development Amendments of 1979 (Public Law 96-79), the federal rules and regulations promulgated under those Acts, and other pertinent federal authority.

Health—Physical or mental health.

Health-care facility—Referred to as facility, means, regardless of ownership, a public or private hospital, skilled nursing facility, intermediate care facility, ambulatory surgical facility, family planning clinic which performs ambulatory surgical procedures, rural health initiative clinic, urban health initiative clinic, kidney disease treatment facility, inpatient rehabilitation facility, inpatient hospice, and other facilities as defined by federal law, but does not include the office of physicians or practitioners of the healing arts singly or in groups in the conduct of their profession.

Health maintenance organization—Referred to as HMO, means any person who undertakes to provide or arrange for one or more health-care plans, pursuant to the provisions of the Texas Health Maintenance Organization Act, Texas Civil Statutes, Article 20A.01-20A.35. For purposes of commission rules relating to HMOs, the term "health-care plan" means any arrangement whereby any person undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health-care services, and at least part of such arrangement consists of arranging for or the provision of health-care services, as distinguished from mere indemnification against cost of such service on a prepaid basis through insurance or otherwise. For purposes of commission rules relating to HMOs, the term "health-care services" means furnishing to any individual medical care, dental care, or hospitalization, as well as the furnishing to any person of any other services for the purpose of preventing, alleviating, curing, or healing human illness or injury.

Health service area—A geographical region in which a designated regional planning agency has health planning responsibilities as provided pursuant to federal and state law.

Hearing—A public proceeding for examination of an application or other matter properly before the commission where the applicant, the commission, other parties, and interested persons may present evidence.

Hospital—An institution which has as its primary function inpatient diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons, by or under the supervision of physicians. The term "hospital" includes psychiatric hospitals and specialty hospitals designed for the treatment of patients suffering from alcohol or drug abuse.

Inpatient—a person who has been admitted for overnight care by a health-care facility and who has not been discharged from the facility

Inpatient hospice—A medically oriented program of palliative and supportive services which provides inpatient care for terminally ill patients. The term "inpatient hospice" includes both freestanding hospices and

hospices which are a distinct, dedicated part of a hospital or nursing home, as provided in 42 Code of Federal Regulations Part 418.

Inpatient rehabilitation facility—A facility which is operated for the primary purpose of assisting in the inpatient rehabilitation of sick or disabled persons through a program of medical and medically related services which are provided under professional supervision. The term "inpatient rehabilitation facility" includes inpatient facilities designed for the rehabilitation of patients suffering from alcohol or drug abuse.

Interested person—A person who presents evidence at a hearing on an application, but who was not admitted by the commission as a party.

Intermediate care facility—An institution or part of an institution which regularly provides health-care services to inpatients who, because of their mental or physical condition, require health-care services above the level of room and board, but who do not require the degree of care and treatment which a hospital or skilled nursing facility provides.

Kidney disease (ESRD) treatment facility—A hospital unit or freestanding unit which offers at least one of the following kidney disease (ESRD) services:

- (A) dialysis service (chronic maintenance or inpatient acute dialysis);
- (B) self-care hemodialysis or peritoneal dialysis service; or
- (C) kidney transplantation.

Major medical equipment—A single unit of medical equipment or a single system of components with related functions which is used to provide medical and other health-care services and which costs more than \$400,000.

Medical service area—

(A) For an existing facility, a definable geographic area from which at least two-thirds of the facility's patients have originated in the most recent 12-month period.

(B) For a new facility or a new service at an existing facility, a definable geographic area from which at least two-thirds of the patients could reasonably be anticipated to originate. In establishing the medical service area, the factors set forth in Commission Rule 513.3 (§513.3 of this title (relating to Medical Service Area)) shall be considered.

Offer—When used in connection with health services, means that a health-care facility holds itself out as capable of providing, and in fact has the means for the provision of, specified health-care services.

Open meeting—An open public meeting conducted by the commission for the purpose of rendering decisions on applications and other matters brought before the commission.

Party—A person who by formal intervention and action as determined by rule of the commission participates in the consideration of a specific application by the commission.

Person—An individual, sole proprietorship, charity, trust, estate, institution, group, association, firm, joint venture, partnership, joint stock company, cooperative, corporation, the state or a political subdivision or instrumentality of the state, any receiver, trustee, assign-

ee, or other similar representative, or any other legal entity.

Project—Expenditures, services, acquisitions, construction, or other action requiring a certificate of need or other review pursuant to the Act and commission rules.

Project cost—

(A) The total expenditures required for a proposed project from initiation to completion, including at least the following:

- (i) expenditures for physical assets such as:
 - (I) site acquisition,
 - (II) soil tests and site preparation,
 - (III) construction and improvements required as a result of the project,
 - (IV) building, structure, or office space acquisition,
 - (V) renovation,
 - (VI) fixed equipment,
 - (VII) movable equipment,
 - (VIII) energy provisions and alternatives;

(ii) expenditures for professional services, including:

- (I) planning consultants (unless there are no expenditures for physical assets),
- (II) architectural fees,
- (III) fees for cost estimation,
- (IV) legal fees (unless there are no expenditures for physical assets),
- (V) managerial fees,
- (VI) feasibility study (unless there are no expenditures for physical assets);

(iii) expenditures or costs associated with financing, excluding long-term interest, but including:

- (I) financial advisor,
- (II) fund-raising expenses,
- (III) lender's or investment banker's fee,
- (IV) bond attorney's fee,
- (V) interest on interim financing,
- (VI) debt service reserve fund; and

(iv) expenditure allowances for contingencies, including:

- (I) inflation,
- (II) inaccurate estimates,
- (III) unforeseen fluctuations in the money

market, or

- (IV) other unforeseen expenditures.

(B) The term of any lease arrangement and the rentals to accrue during that term shall not be controlling in determining the project cost. Rather, the project cost shall be determined by the greater of either the lease payments to accrue during the term of the lease or the fair market value of the item to be acquired by lease. Regarding purchases, donations, gifts, transfers, and other comparable arrangements whereby the acquisition is to be made for no consideration or at less than the fair market value, the project cost shall be determined by the fair market value of the item to be acquired as a result of the purchase, donation, gift, transfer, or other comparable arrangement.

Rule—A commission rule.

Rural health initiative clinic—A public or private nonprofit, outpatient, primary-care clinic located in a nonurban (rural) area which has been designated as med-

ically underserved, and which is funded by the Federal Community Health Centers Program, the National Health Service Corps Program, the Migrant Health Program, the Health Underserved Rural Areas Program, or other programs operated pursuant to Public Law 95-210 or Public Law 95-626.

Service—Also referred to as health service or health-care service, includes, but is not limited to, the following: emergency medicine, radiology, computerized tomographic scanning, nuclear magnetic resonance scanning, psychiatric care, surgery, intensive care, coronary care, pediatrics, neonatal special care, gynecology, obstetrics, laboratory, dialysis, medical/surgical care, inpatient nursing care, inpatient intermediate nursing care, inpatient skilled nursing care, intermediate care-mentally retarded-V (ICF-MR-V), intermediate care-mentally retarded-VI (ICF-MR-VI), inpatient alcohol or drug abuse treatment, extended care, cardiac catheterization, open-heart surgery, inpatient rehabilitation, and inpatient hospice care.

Skilled nursing facility—An institution or a distinct part of an institution which is primarily engaged in providing skilled nursing care and related services to inpatients.

Urban health initiative clinic—A public or private nonprofit, outpatient, primary-care clinic located in an urban area which has been designated as medically underserved, and which is funded by the Federal Community Health Centers Program, the National Health Service Corps Program, or other programs operated pursuant to Public Law 95-626.

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 August 17, 1984.

TRD-848501 W. G. Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date October 1, 1984
Proposal publication date: May 8, 1984
For further information, please call (512) 475-6940.

Chapter 507. Certificate of Need Requirements

25 TAC §§507.1, 507.3, 507.5, 507.7, 507.9, 507.11, 507.13, 507.15, 507.17

The Texas Health Facilities Commission adopts the repeal of §§507.1, 507.3, 507.5, 507.7, 507.9, 507.11, 507.13, 507.15, and 507.17, without changes to the proposal published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2525).

This repeal is necessary for the adoption of new sections which clarify existing operational practices, policies, and procedures and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination.

The repeal allows the adoption of new rules which achieve conformity and consistency between federal and state law and state certificate of need requirements, exempt more health maintenance organizations from certificate of need review requirements, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4418h, §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984.

TRD-848502 W. G. Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date. October 1, 1984
Proposal publication date: May 8, 1984
For further information, please call (512) 475-6940.

The Texas Health Facilities Commission adopts new §507.3 and §507.13, with changes to the proposed text published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2525). Sections 507.1, 507.5, 507.7, 507.9, 507.11, 507.15, and 507.17 are adopted without changes and will not be republished.

These new sections clarify existing operational practices, policies, and procedures, and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination. Changes from the proposal occur in §507.3, concerning services, and §507.13, concerning HMOs, as a result of public comments received.

The new sections achieve conformity and consistency between federal/state law and state certificate of need requirements, exempt more health maintenance organizations from certificate of need review requirements, and achieve greater efficiency in the agency's processing of applications.

Public comments were received regarding §507.3, concerning service; §507.5, concerning acquisition of major medical equipment; §507.7, concerning acquisition of an existing health care facility; §507.9, concerning bed license; §507.11, concerning bed capacity; §507.13, concerning HMOs; and §507.17, concerning subsequent reviews of previously approved projects. The comments ranged from recommending deletion of the section to suggesting modifications to the section. The following commenters which recommended modification of a pro-

posed rule are listed as against the rule Concho Valley Center for Human Advancement, Reba Eichelberger, Charter Plains Hospital, Texas Health Care Association, C. Dean Davis, Linda Zatopek, and the Texas Hospital Association.

The commission has made modifications to §507.3, concerning services, and §507.13, concerning HMOs, in recognition of some of the comments received. It disagrees with the other comments received because certain suggestions would place the rule(s) into non-conformity with state or federal law; certain suggestions would not result in the desired clarity but would, instead, lead to confusion or inconsistencies, and certain suggestions would lead to results which are inappropriate in keeping with the goals of the law.

The new sections are adopted pursuant to Texas Civil Statutes, Article 4418h, §2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development Act.

§507.3. Services.

(a) A person must obtain a certificate of need:

(1) to offer a service which is not an existing service of a health care facility, unless:

(A) the service is offered by a contract or other comparable arrangement with another health care facility which has the authority to offer the service;

(B) the service is offered off the facility's premises by a contract or other comparable arrangement with an entity other than a health care facility, provided that such contract is executed prior to the effective date of this rule; or

(C) the service(s) are to be provided in a replacement health care facility where the capital expenditure provided in §507.1 of this title (relating to Capital Expenditures) is not exceeded in establishing the replacement facility and the facility's medical service area is not changed by the location of the replacement facility;

(2) to create or establish a category of beds;

(3) to redistribute more than 10 existing beds or more than 10%, whichever is less, among various existing categories of beds in a two-year period;

(4) to add more than five dialysis stations in a two-year period to a facility with existing dialysis services; or

(5) to terminate offering an existing service in a health-care facility, if the termination is associated with the obligation of a capital expenditure in any amount, by or on behalf of a health-care facility.

(b) For instructions on redistributing beds or adding dialysis stations without certificate of need review and computing the two-year periods referenced in paragraph (3) and paragraph (4) of this section, see Commission Rule 527.1(c) and (d) (§527.1 of this title (relating to Time Periods)).

§507.13. Health Maintenance Organizations (HMOs).

(a) With respect to an inpatient health-care facility which is controlled, directly or indirectly, by an HMO or combination of HMOs, a certificate of need must be obtained for a proposed project involving any of the activities specified in Commission Rules 507.1, 507.3, 507.5,

507.7, 507.9, and 507.11 (§§507.1, 507.3, 507.5, 507.7, 507.9, and 507.11 of this title (relating to Capital Expenditures; Services; Acquisitions of Major Medical Equipment; Acquisition of Existing Health-Care Facility; Bed License; and Bed Capacity)) unless exempt pursuant to Commission Rule 507.13(c) (subsection (c) of this section). For purposes of this rule, "inpatient health care facility" means hospitals, skilled nursing facilities, intermediate care facilities, inpatient rehabilitation facilities, and inpatient hospices.

(b) With respect to an ambulatory health-care facility which is controlled, directly or indirectly, by an HMO or combination of HMOs, a certificate of need must be obtained for a proposed project to acquire major medical equipment if the acquisition would otherwise require a certificate of need pursuant to Commission Rule 507.5 (§507.5 of this title (relating to Acquisition of Major Medical Equipment)), unless exempt pursuant to Commission Rule 507.13(c) (subsection (c) of this section). For purposes of this rule, "ambulatory health-care facility" means kidney disease treatment facilities, ambulatory surgical facilities, and family planning clinics which perform ambulatory surgical procedures.

(c) A certificate of need pursuant to the provisions of Commission Rules 507.13(a) and (b) (subsection (a) and subsection (b) of this section) does not have to be obtained if:

(1) the applicant complies with the application for exemption procedures prescribed with the application for exemption procedures prescribed in Commission Rules 509.161 and 509.163 (§509.161 of this title (relating to Application for Exemption—HMO Related Project) and §509.163 of this title (relating to Application Forms for an Exemption for an HMO-Related Project)), and

(2) the commission finds that the activity is proposed to be undertaken by:

(A) an HMO or combination of HMOs where:

(i) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to the enrolled individuals; and

(ii) at least 75% of the patients who can reasonably be expected to receive the service will be individuals enrolled with the HMO or combination of HMOs; or

(B) a health-care facility where:

(i) the facility primarily provides or will provide inpatient health-care services;

(ii) the facility is or will be controlled, directly or indirectly, by an HMO or combination of HMOs;

(iii) the facility is or will be geographically located so that the service will be reasonably accessible to the enrolled individuals; and

(iv) at least 75% of the patients who can reasonably be expected to receive the service will be individuals enrolled with the HMO or combination of HMOs; or

(C) a health-care facility (or portion thereof) where:

(i) the facility is or will be leased by an HMO or combination of HMOs;

(ii) there is at least 15 years remaining in the term of the lease at the time the application for exemption is submitted to the commission;

(iii) the facility is or will be geographically located so that the service will be reasonably accessible to the enrolled individuals; and

(iv) at least 75% of the patients who can reasonably be expected to receive the service will be individuals enrolled with the HMO or combination of HMOs.

(d) A health-care facility (or portion thereof) or major medical equipment for which an exemption was granted pursuant to Commission Rules 507.13(c) (subsection (c) of this section) and 509.161, 509.163, and 509.165 (§§509.161, 509.163, and 509.165 of this title (relating to Application for Exemption—HMO-Related Project; Application Forms for an Exemption for an HMO-Related Project; and Commission Review)) may not be sold or leased, a controlling interest in the facility or equipment or in a lease of the facility or equipment may not be acquired, and a leased health-care facility (as that term is defined in Commission Rule 507.13(c)(2)(C) (subsection (c)(2)(C) of this section)), may not be operated by a person other than the lessee, unless:

(1) the commission, upon application therefor, issues a certificate of need for the sale, lease, acquisition, or use; or

(2) the commission, upon application therefor, finds that the person which proposes to buy or lease the facility or equipment, or acquire the controlling interest in it, or to use it, is an HMO or combination of HMOs which meets the requirements of Commission Rule 507.13(c)(2)(A)(i) (subsection (c)(2)(A)(i) of this section) and, with respect to the facility or equipment, the person meets the requirements of Commission Rules 507.13(c)(2)(A)(i) and (ii) (subsection (c)(2)(A)(i) and (ii) of this section) and 507.13(c)(2)(B)(i) and (ii) (subsection (c)(2)(B)(i) and (ii) of this section)

(e) A health-care facility (or portion thereof) or major medical equipment for which a certificate of need was issued pursuant to Commission Rule 507.13(a) and (b) (subsection (a) and subsection (b) of this section) may not be sold or leased, and a controlling interest in the facility or equipment or in a lease of the facility or equipment may not be acquired, unless the commission, upon application therefor, issues a certificate of need for the sale, lease, or acquisition.

(f) For purposes of this rule, the phrase "controlled, directly or indirectly," means, respectively:

(1) that the ownership interest, or a majority of the ownership interest, in the facility is held by the HMO or combination of HMOs; or

(2) that.

(A) the majority of the board members of the facility are employees or officers of the HMO, or

(B) there is any overlapping membership between the board of the facility and the board of the HMO.

(g) For purposes of this rule, the term "controlling interest" means an ownership or leasehold interest of more than 50%

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 August 17, 1984.

TRD-848503

W. G. Kirklin
Chairman
Texas Health Facilities
Commission

Effective date: October 1, 1984

Proposal publication date: May 8, 1984

For further information, please call (512) 475-6940.

Chapter 509. Application and Petition Procedures

Subchapter A. Certificate of Need Application Procedures

25 TAC §§509.1, 509.3, 509.5, 509.7, 509.9, 509.11, 509.13, 509.15, 509.17, 509.19, 509.21, 509.23, 509.25, 509.27, 509.29, 509.31, 509.33, 509.35, 509.37, 509.39, 509.41, 509.43, 509.45, 509.47, 509.49, 509.51, 509.53, 509.55, 509.57, 509.59, 509.61, 509.63, 509.65, 509.67, 509.69, 509.71, 509.73, 509.75

The Texas Health Facilities Commission adopts the repeal of §§509.1, 509.3, 509.5, 509.7, 509.9, 509.11, 509.13, 509.15, 509.17, 509.19, 509.21, 509.23, 509.25, 509.27, 509.29, 509.31, 509.33, 509.35, 509.37, 509.39, 509.41, 509.43, 509.45, 509.47, 509.49, 509.51, 509.53, 509.55, 509.57, 509.59, 509.61, 509.63, 509.65, 509.67, 509.69, 509.71, 509.73, and 509.75, without changes to the proposal published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2529).

The repeal is necessary for the adoption of new sections which delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, §1536, to terminate HSA operations, clarify existing operational practices, policies, and procedures; and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination.

The repeal allows the adoption of new sections which advise potential applicants that HSA review is no longer required, shorten the time periods provided for publication of notice and joinder of applications, provide a slightly larger "window" for scheduling applications, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4418h, §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for

the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848505 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

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For further information, please call (512) 475-6940.

25 TAC §§509.1, 509.3, 509.5, 509.7, 509.9, 509.11, 509.13, 509.15, 509.17, 509.19, 509.21, 509.23, 509.25, 509.27, 509.29, 509.31, 509.33, 509.35, 509.37, 509.39, 509.41, 509.43, 509.45, 509.47, 509.49, 509.51, 509.53, 509.55, 509.57, 509.59, 509.61, 509.63, 509.65, 509.67, 509.69, 509.71

The Texas Health Facilities Commission adopts new §§509.1, 509.5, 509.7, 509.9, 509.41, and 509.45, with changes to the proposed text published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2530). Sections 509.3, 509.11, 509.13, 509.15, 509.17, 509.19, 509.21, 509.23, 509.25, 509.27, 509.29, 509.31, 509.33, 509.35, 509.37, 509.39, 509.43, 509.47, 509.49, 509.51, 509.53, 509.55, 509.57, 509.59, 509.61, 509.63, 509.65, 509.67, 509.69, and 509.71 are adopted without changes and will not be republished

These new sections delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, §1536, to terminate HSA operations, clarify existing operational practices, policies, and procedures, and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination. The changes in §§509.1, 509.5, 509.7, 509.9, 509.41, and 509.45 are a result of public comments received after publication of these rules in their proposed form

The new sections advise potential applicants that HSA review is no longer required to establish a quarterly schedule for preapplication reporting, shorten the time periods provided for publication of notice and joinder of applications, provide a slightly larger "window" for scheduling hearings, and clarify the agency's regulatory requirements and achieve greater efficiency in the agency's processing of applications

Public comments were received regarding §§509.3, 509.5, 509.7, and 509.9 (dealing with preapplication reports), and §§509.27, 509.41, 509.65, and 509.69. Commenters regarding §§509.3, 509.5, 509.7, and 509.9 either voiced opposition to the

preapplication reporting process in general, opposed going to quarterly versus semiannual reports, or expressed support of the new schedule. One commenter voiced opposition to enlarging the hearing "window." Two commenters suggested allowing publisher's affidavits to serve as proof that proper notice was published, while one suggested allowing hand delivery of the copy of the published notice to suffice. One commenter was opposed to allowing the commission to suspend, temporarily, the receipt of applications. Two commenters agreed with the new joinder deadline, while one suggested modification of the joinder rule to give the chair more discretion in joining applications. Commenters who recommended modification of a proposed rule are listed as against the rule.

Those commenting in favor of §§509.3, 509.5, 509.7, and 509.9 were the Texas Health Care Association, American Medical International, and Linda Zatopek. Those commenting against the sections were Charter Plains Hospital, Harris County Hospital District, and ARA Living Centers, Inc. Charter Plains Hospital commented against §509.27 and §509.65. Those commenting against §509.41 were Ace Pickens, Paul D. Keeper, and Linda Zatopek. Those commenting in favor of §509.69 were the Texas Health Care Association and American Medical International. Ace Pickens commented against §509.69

The agency cannot agree with the comments voicing general opposition to the preapplication report rules because these rules, in combination with the joinder rule, are necessary to meet federal "batching" requirements. The agency believes that the establishment of a quarterly preapplication reporting schedule will provide applicants with greater flexibility in filing applications, because there will be more opportunities during the year to file preapplication reports. The slight expansion of the hearing window by 10 days is necessary to accommodate the number of applications presented to the commission for determination. While the commission needs copies of the actual newspaper notices (rather than publisher's affidavits) to determine that notice has been properly published, it has extended the time allowed to applicants to provide such copies and specified that notices can be hand-delivered. The agency needs the ability to suspend processing of applications to address infrequent but severe problems of insufficient staff combined with periods of heavy application submissions. Finally, the commission feels that the present joinder rule already provides the chair with sufficient discretion in making rulings.

The new sections are adopted pursuant to Texas Civil Statutes, Article 4418h, §2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development Act.

§509.1 A Request for Certificate of Need. A person requesting a certificate of need must submit a written application to the commission pursuant to the rules in this subchapter. The application must be prepared in the correct form and contain the information required by commission rules. Before submitting a certificate of need

application involving a construction or renovation project, a person must comply with the rules governing quarterly preapplication reporting in this subchapter.

§509.5. Contents of Preapplication Reports. A potential applicant in presenting quarterly preapplication reports shall identify and describe the construction or renovation projects that will be presented to the commission for certificate of need review during the upcoming three-month period. The quarterly preapplication report must contain the information required by the commission.

§509.7. Preapplication Reporting Schedule; Extension Request.

(a) The quarterly preapplication reports shall be submitted to the commission according to the following schedule:

<u>Deadline for Preapplication Report</u>	<u>Certificate of Need Application Submission</u>
December 1	January 1-March 31
March 1	April 1-June 30
June 1	July 1-September 30
September 1	October 1-December 31

(b) Once filed, a quarterly preapplication report shall be automatically extended to the three subsequent and consecutive preapplication reporting periods. The chairman shall, upon written request by the applicant, apply a previously filed quarterly preapplication report to the next four subsequent and consecutive reporting periods. A quarterly preapplication report is not required to be resubmitted subsequent to the filing of the certificate of need application.

§509.9. Failure to Submit Preapplication Report. The chairman shall reject a certificate of need application involving a construction or renovation project if a quarterly preapplication report has not been submitted or if the project differs materially from the project description in the quarterly preapplication report. The chairman may, upon a showing of good cause by the applicant, waive the quarterly preapplication reporting requirements in this subchapter. A waiver may be granted upon the filing of a written request to do so, and in cases where the application materially differs from an earlier submitted quarterly preapplication report, a detailed explanation of the differences and the reasons therefor must be submitted.

§509.41. Submission of Proof of Published Notice. The applicant must, by 5 p.m. on the 30th day after the certificate of need application is accepted and dated, furnish to the commission by certified mail, express mail, or hand-delivery two copies of the entire newspaper page(s) upon which the public notice of hearing is published or republished.

§509.45. Failure to Submit Evidence of Publication to the Commission. The chairman may cancel a hearing on an accepted certificate of need application and withdraw acceptance thereof for failure of the applicant to submit two copies of the entire newspaper page(s) upon which the notice of hearing is published by 5 p.m. on the

30th day after a certificate of need application is accepted and dated.

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 August 17, 1984.

TRD-848504 W G Kirklin
Chairman
Texas Health Facilities
Commission

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For further information, please call (512) 475-6940.

Subchapter B. Petition Procedures for Reissuance of Certificate of Need Application Procedures

25 TAC §§509.81, 509.83, 509.85

The Texas Health Facilities Commission adopts the repeal of §§509.81, 509.83, and 509.85, without changes to the proposal published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2534).

The repeal is necessary for the adoption of new sections which delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, §1536, to terminate HSA operations; clarify existing operational practices, policies, and procedures; and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination.

The repeal allows the adoption of new sections which advise potential applicants that HSA review is no longer required, shorten the time allowed for filing a contestation of a petition for reissuance, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4418h, §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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.

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TRD-848506 W G Kirklin
Chairman
Texas Health Facilities
Commission

Effective date: October 1, 1984
Proposal publication date: May 8, 1984
For further information, please call (512) 475-6940.

The Texas Health Facilities Commission adopts new §§509.81, 509.83, and 509.85, without changes to the proposed text published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2535)

These new sections delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations, clarify existing operational practices, policies, and procedures, and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination. One change from the proposal occurs in §509.83 to correct an erroneous cross-reference to another rule.

The new sections advise potential applicants that HSA review is no longer required, shorten the time allowed for filing a contestation of a petition for reissuance, and clarify the agency's regulatory requirements and achieve greater efficiency in the agency's processing of applications.

No comments were received regarding adoption of the new sections.

The new sections are adopted pursuant to Texas Civil Statutes, Article 4418h, § 2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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.

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TRD-848507 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

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For further information, please call (512) 475-6940.

Subchapter C. Declaratory Ruling Application Procedures

25 TAC §§509.91, 509.93, 509.95, 509.97, 509.99, 509.101, 509.103, 509.105, 509.107

The Texas Health Facilities Commission adopts the repeal of §§509.91, 509.93, 509.95, 509.97, 509.99, 509.101, 509.103, 509.105, and 509.107, without changes to the proposal published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2535).

The repeal is necessary for the adoption of new sections which will delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations, clarify existing operational practices, policies, and procedures;

and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination.

The repeal allows for the adoption of new sections which advise potential applicants that HSA review is no longer required, shorten the time allowed for filing a contestation of a declaratory ruling application, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4418h, § 2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848508 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

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For further information, please call (512) 475-6940.

The Texas Health Facilities Commission adopts new §§509.91, 509.93, 509.95, 509.97, 509.99, 509.101, 509.103, 509.105, and 509.107, without changes to the proposed text published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2536).

These new sections delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations, clarify existing operational practices, policies, and procedures; and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination.

The new sections advise potential applicants that HSA review is no longer required, shorten the time allowed for filing a contestation of a declaratory ruling application, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications.

No comments were received regarding adoption of the new sections.

The new sections are adopted pursuant to Texas Civil Statutes, Article 4418h, § 2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be

necessary for the administration and enforcement of the Texas Health Planning and Development 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.

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TRD-848509 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

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For further information, please call (512) 475-6940

Subchapter D. Application Procedures for Amendment of Previously Issued Commission Order

25 TAC §§509.121, 509.123, 509.125

The Texas Health Facilities Commission adopts the repeal of §§509 121, 509 123, and 509 125, without changes to the proposal published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2537)

The repeal is necessary for the adoption of new sections which delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations, clarify existing operational practices, policies, and procedures, and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination

The repeal allows the adoption of new sections which advise potential applicants that HSA review is no longer required, shorten the time for contestation of an amendment application, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications

The repeal is adopted under Texas Civil Statutes, Article 4418h, §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848510 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

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Proposal publication date: May 8, 1984
For further information, please call (512) 475-6940

The Texas Health Facilities Commission adopts new §509 121, with changes to the proposed text pub-

lished in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2538). Section 509 123 and §509 125 are adopted without changes and will not be republished.

The new sections delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations; clarify existing operational practices, policies, and procedures, and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination. A change from the proposal occurs in §509 121 in response to a comment received

The new sections advise potential applicants that HSA review is no longer required, shorten the time allowed for filing a contestation of an amendment application, and clarify the agency's regulatory requirements and achieve greater efficiency in the agency's processing of applications

One commenter suggested that the language proposed in §509 121(6) could lead to abuse, while another commenter opposed the square footage and dollar limitation set forth in §509.121(7) and (8), respectively

Those commenting against §509 121 were Ace Pickens and the Harris County Hospital District.

The agency agrees with the comment regarding §509 121(6) and has made the appropriate change. It disagrees with the comment pertaining to §509 121 (8) on the basis that some reasonable square footage and dollar limitations on project area and cost overruns need to be established

The new sections are adopted pursuant to Texas Civil Statutes, Article 4418h, §2 06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development Act

§509 121 Amendment of Previously Issued Commission Order A certificate holder may request the commission to amend a finding of fact or condition contained in a previously issued commission order that is administratively final. The commission may grant such a request upon a showing of good cause by the certificate holder, provided the requested amendment does not include:

- (1) an increase in bed capacity or licensed beds;
- (2) an addition of a category or categories of beds,
- (3) an increase in the number of beds in a category;
- (4) an increase in the quantity of fixed or movable equipment that is not necessitated by licensing, certification, accreditation, or safety requirements imposed by law,
- (5) the addition of a service,
- (6) a substantial change in the location of the approved project,
- (7) an increase in the gross area of the approved project in excess of 20,000 square feet or 20% of the gross area originally authorized, whichever is less; or

(8) an increase in the total project cost which exceeds \$5 million or 20% of the total project cost originally authorized, whichever is less.

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 August 17, 1984

TRD-848511 W G Kirklin
Chairman
Texas Health Facilities
Commission

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For further information, please call (512) 475-6940.

Subchapter E. Application Procedures— Notice of Intent to Acquire Major Medical Equipment

25 TAC §§509.131, 509.133, 509.135

The Texas Health Facilities Commission adopts the repeal of §§509.131, 509.133, and 509.135, without changes to the proposal published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2539).

The repeal is necessary to adopt new sections which delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations.

The repeal allows the adoption of new sections which advise potential applicants that HSA review is no longer required

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4418h, § 206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848512 W G Kirklin
Chairman
Texas Health Facilities
Commission

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For further information, please call (512) 475-6940

The Texas Health Facilities Commission adopts new §§509.131, 509.133, and 509.135, without changes to the proposed text published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2540).

These new sections delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations; clarify existing operational practices, policies, and procedures; and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination.

The new sections advise potential applicants that HSA review is no longer required, shorten the time allowed for filing a contestation of a notice of intent to acquire major medical equipment, and clarify the agency's regulatory requirements and achieve greater efficiency in the agency's processing of applications.

No comments were received regarding adoption of the new sections.

The new sections are adopted pursuant to Texas Civil Statutes, Article 4418h, § 2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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.

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TRD-848513 W G Kirklin
Chairman
Texas Health Facilities
Commission

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Proposal publication date: May 8, 1984
For further information, please call (512) 475-6940.

Subchapter F. Application Procedures— Notices of Intent to Acquire an Existing Health-Care Facility

25 TAC §§509.141, 509.143, 509.145

The Texas Health Facilities Commission adopts the repeal of §§509.141, 509.143, and 509.145, without changes to the proposal published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2540).

The repeal is necessary to adopt new sections which delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations, and clarify existing operational practices, policies, and procedures

The repeal allows the adoption of new sections which achieve conformity and consistency between federal/state law and state certificate of need requirements and advise potential applicants that HSA review is no longer required.

No comments were received regarding adoption of the repeal

The repeal is adopted under Texas Civil Statutes, Article 4418h, §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848514 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

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For further information, please call (512) 475-6940.

The Texas Health Facilities Commission adopts new §§509.141, 509.143, and 509.145, without changes to the proposed text published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2541).

These new sections delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, §1536, to terminate HSA operations; clarify existing operational practices, policies, and procedures; and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination.

The new sections will advise potential applicants that HSA review is no longer required, shorten the time allowed for filing a contestation of a notice of intent to acquire an existing health care facility, and clarify the agency's regulatory requirements and achieve greater efficiency in the agency's processing of applications.

One commenter was opposed to having the process for review of acquisition of existing health care facilities. Charter Plains Hospital commented against the sections. The agency disagrees with the comment made because the process is necessary to conform with state and federal law.

The new sections are adopted pursuant to Texas Civil Statutes, Article 4418h, §2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984.

TRD-848515 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date: October 1, 1984
Proposal publication date: May 8, 1984
For further information, please call (512) 475-6940.

Subchapter G. Application Procedures— Notices of Intent Regarding Research Projects

25 TAC §§509.151, 509.153, 509.155

The Texas Health Facilities Commission adopts the repeal of §§509.151, 509.153, and 509.155, without changes to the proposal published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2542).

The repeal is necessary to adopt new sections which delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, §1536, to terminate HSA operations.

The repeal allows the adoption of new sections which advise potential applicants that HSA review is no longer required.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4418h, §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848516 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

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Proposal publication date: May 8, 1984
For further information, please call (512) 475-6940.

The Texas Health Facilities Commission adopts new §§509.151, 509.153, and 509.155, without changes to the proposed text published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2542).

The new sections are adopted to delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, §1536, to terminate HSA operations; clarify existing operational practices, policies, and procedures; and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination.

The new sections advise potential applicants that HSA review is no longer required, shorten the time allowed for filing a contestation of a notice of intent regarding a research project, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications.

No comments were received regarding adoption of the new sections.

The new sections are adopted pursuant to Texas Civil Statutes, Article 4418h, §2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984.

TRD-848517 W G Kirklín
 Chairman
 Texas Health Facilities
 Commission

Effective date: October 1, 1984
Proposal publication date May 8, 1984
For further information, please call (512) 475-6940.

Subchapter H. Application Procedures— Exemption for HMO-Related Projects

25 TAC §§509.161, 509.163, 509.165

The Texas Health Facilities Commission adopts the repeal of §§509.161, 509.163, and 509.165, without changes to the proposal published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2543).

The repeal is necessary to adopt new sections which delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, §1536, to terminate HSA operations; and clarify existing operational practices, policies, and procedures.

The repeal allows the adoption of new sections which achieve conformity and consistency between federal/state law and state certificate of need requirements, advise potential applicants that HSA review is no longer required, and exempt more health maintenance organizations from certificate of need review requirements.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4418h, §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848518 W G Kirklín
 Chairman
 Texas Health Facilities
 Commission

Effective date: October 1, 1984
Proposal publication date May 8, 1984
For further information, please call (512) 475-6940.

The Texas Health Facilities Commission adopts new §§509.161, 509.163, and 509.165, without changes to the proposed text published in the May 8, 1984, issue of the *Texas Register* (9 TexReg 2544).

The new sections delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, §1536, to terminate HSA operations, clarify existing operational practices, policies, and procedures; and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination.

The new sections advise potential applicants that HSA review is no longer required, shorten the time allowed for filing a contestation of an application for exemption for an HMO-related project, and clarify the agency's regulatory requirements and achieve greater efficiency in the agency's processing of applications.

No comments were received regarding adoption of the new sections.

The new sections are adopted pursuant to Texas Civil Statutes, Article 4418h, §2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848519 W G Kirklín
 Chairman
 Texas Health Facilities
 Commission

Effective date: October 1, 1984
Proposal publication date May 8, 1984
For further information, please call (512) 475-6940.

Chapter 513. Criteria

Subchapter A. General Criteria for Use in Certificate of Need Reviews

25 TAC §§513.1, 513.3, 513.5, 513.7, 513.9, 513.11, 513.13, 513.15, 513.17, 513.19, 513.21.

The Texas Health Facilities Commission adopts the repeal of §§513.1, 513.3, 513.5, 513.7, 513.9, 513.11, 513.13, 513.15, 513.17, 513.19, and 513.21, without changes to the proposal published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2601).

The repeal is necessary for the adoption of new sections which clarify existing operational practices, policies, and procedures and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination.

The repeal allows the adoption of new sections which clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications.

No comments were received regarding the adoption of the repeal

The repeal is adopted under Texas Civil Statutes, Article 4418h, §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848520 W G Kirklín
 Chairman
 Texas Health Facilities
 Commission

Effective date October 1, 1984
Proposal publication date May 11, 1984
For further information, please call (512) 475-6940.

The Texas Health Facilities Commission adopts new §§513.1 and 513.7, with changes to the proposed text published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2601). Sections 513.3, 513.5, 513.9, 513.11, 513.13, 513.15, 513.17, 513.19, and 513.21 are adopted without changes and will not be republished

These new sections clarify existing operational practices, policies, and procedures, and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination. A change from the proposal occurs in §513.1(b) to provide consistency with modifications made regarding other rules involving prepared testimony. A change also appears in §513.7(a)(1) and (2), which has been modified to clarify their meaning and delete redundant language

The new sections will be to clarify the agency's regulatory requirements and achieve greater efficiency in the agency's processing of applications

Public comments were received regarding §§513.5, 513.7, 513.9, 513.11, 513.13, 513.15, 513.19, and 513.21. One commenter suggested consolidation and simplification of the language in §513.5 and §513.7, while another commenter suggested that agency reviews be expanded to account for unique goals and philosophies of providers. Section 513.11 and §513.13 were recommended for modification by one commenter, who also suggested elimination of §513.9 and §513.19. Two other commenters suggested technical modifications to §513.13, while two other commenters suggested elimination of §513.15. Finally, three commenters suggested technical modifications to §513.21. The following commenters

recommending modifications to the proposed rules are listed as against the rules: Texas Hospital Association, Dudley D. McCalla, Paul D. Keeper, Ace Pickens, San Antonio State Hospital, and Charter Plains Hospital.

The primary reason the agency disagrees with the general comments to the sections dealing with certificate of need review criteria is that the criteria virtually mirror the requirements of state and federal law. The agency believes that substantive revision of its review criteria must properly be undertaken through statutory modifications. Two comments suggested eliminating references to consideration of various health systems plans, but since some of these plans are still in effect, the agency is bound by law to continue to consider them. Finally, as to the comments suggesting some technical modifications, the commission does not consider that the recommendations would improve agency efficiency or quality in the review of applications.

The new sections are adopted pursuant to Texas Civil Statutes, Article 4418h, §2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development Act.

§513.1. Commission Use of Criteria.

(a) The commission shall apply, as appropriate, the following general criteria in conducting a review for a certificate of need application. These general criteria will be used, as appropriate, in reviewing all projects, with the exception of certificate of need applications involving an HMO, or certificate of need applications solely proposing to correct safety, licensing, accreditation, or certification deficiencies.

(b) Criteria form the basis of review by providing measures against which various aspects of the proposed project are compared. Not all criteria may be relevant in a particular case. When a project compares favorably with all of the established criteria against which it is properly measured, the applicant shall receive a certificate of need. When a project compares unfavorably with one or more of the criteria against which it is properly measured, the application for a certificate of need may be denied. The applicant shall present information in the application as requested and evidence of facts at the hearing which addresses each relevant criterion and each subpart of the criterion so as to prove that the criterion is satisfied. Failure of the applicant to address all relevant criteria may result in the denial of a certificate of need application. The burden of producing evidence is on the applicant

§513.7. Relationship to Existing or Approved Services and Facilities.

(a) The proposed project shall not significantly adversely affect existing facilities or services of the health-care system serving or approved to serve the medical service area. The project shall not create an uneconomical or unnecessary duplication of services and facilities serving or approved to serve the medical service area. The proposed project shall integrate with the existing facilities and services serving or approved to serve the medical service area. The applicant shall address at least the following:

(1) the existing facilities and services serving or approved to serve the medical service area that are similar or comparable to the proposed project, and their locations;

(2) the utilization of comparable services and facilities serving the medical service area;

(3) the relationship of the proposed project to necessary ancillary or support services;

(4) the coordination agreements for shared services with other facilities as they relate to the project; and

(5) how the project will accomplish appropriate and effective integration with other services and facilities of the health-care system serving or approved to serve the medical service area, while fostering competition among those services and facilities.

(b) In addressing subsection (a)(1)-(5), the applicant shall specify the site location of the proposed project within the identified medical service area.

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 August 17, 1984.

TRD-848521 W. G. Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date: October 1, 1984
Proposal publication date: May 11, 1984
For further information, please call (512) 475-6940.

Subchapter D. Criteria for Use in Reissuance of Certificate of Need Reviews

25 TAC §513.51, §513.53

The Texas Health Facilities Commission adopts the repeal of §513.51 and §513.53, without changes to the proposal published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2604).

The repeal is necessary to adopt new sections which clarify existing operational practices, policies, and procedures.

The repeal allows the adoption of new sections which clarify the agency's requirements for determining whether good cause exists to reissue a certificate of need.

No comments were received regarding adoption of the repeal

The repeal is adopted under Texas Civil Statutes, Article 4418h, §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984.

TRD-848522 W. G. Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date: October 1, 1984
Proposal publication date: May 11, 1984
For further information, please call (512) 475-6940.

The Texas Health Facilities Commission adopts new §513.51 and §513.53, without changes to the proposed text published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2605).

These new sections clarify existing operational practices, policies, and procedures. The new sections clarify the agency's requirements for determining whether good cause exists to reissue a certificate of need.

No comments were received regarding adoption of the new sections.

The new sections are adopted pursuant to Texas Civil Statutes, Article 4418h, §2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984.

TRD-848523 W. G. Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date: October 1, 1984
Proposal publication date: May 11, 1984
For further information, please call (512) 475-6940.

Chapter 515. Commission Review of Applications

Subchapter A. Parties to Commission Review of Applications

25 TAC §§515.1, 515.3, 515.5, 515.7, 515.9, 515.11, 515.13, 515.15, 515.17, 515.19, 515.21, 515.23

The Texas Health Facilities Commission adopts the repeal of §§515.1, 515.3, 515.5, 515.7, 515.9, 515.11, 515.13, 515.15, 515.17, 515.19, 515.21, and 515.23, without changes to the proposal published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2605).

The repeal is necessary for the adoption of new sections which delete all references to health systems agencies (HSAs) in recognition of the state's previ-

ous election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations; clarify existing operational practices, policies, and procedures; and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination

The repeal allows the adoption of new sections which advise potential applicants that HSA review is no longer required, clarify the agency's regulatory requirements for filing as a party or interested person to an application, and achieve greater efficiency in the agency's processing of applications

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4418h, § 206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848526 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date October 1, 1984

Proposal publication date May 11, 1984

For further information, please call (512) 475-6940.

25 TAC §§515.1, 515.3, 515.5, 515.7, 515.9, 515.11, 515.13, 515.15, 515.17, 515.19, 515.21

The Texas Health Facilities Commission adopts new §515.13, with changes to the proposed text published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2606). Sections 515.1, 515.3, 515.5, 515.7, 515.9, 515.11, 515.15, 515.17, 515.19, and 515.21 are adopted without changes and will not be republished.

The new sections delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations, clarify existing operational practices, policies, and procedures, and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination. A change from the proposal occurs in §515.13 pursuant to a public comment received.

The new sections advise potential applicants that HSA review is no longer required, clarify the agency's regulatory requirements for filing as a party or interested person, and achieve greater efficiency in the agency's processing of applications.

Public comments were received regarding §515.13 and §515.19. Two commenters favored the 30-day contestation period in §515.13, while another commenter suggested it be extended. The two commenters were opposed to the commission participating as a party to an application in §515.19. The following commenters recommended modification to a section and are listed as against the rule: the Texas Health Care Association, the Texas Hospital Association, and Charter Plains Hospital. Those commenting in favor of the new sections were American Medical International and Dudley D. McCalla.

The agency agreed with the comment suggesting a slight extension of the time to request party status and has modified the section accordingly. The agency disagrees with the comments regarding §515.19 in the belief that there are applications in which the commission may properly participate as a party to protect the public's interest.

The new sections are adopted pursuant to Texas Civil Statutes, Article 4418h, § 206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development Act.

§515.13. Timely Party or Interested Person Request—Certificate of Need Applications. The commission shall consider a request to become a party or interested person to a certificate of need application as timely filed when the request is received at the commission's office on or before 5 p.m. on the 35th calendar day after the dating and acceptance of the certificate of need application.

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 August 17, 1984

TRD-848525 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date October 1, 1984

Proposal publication date May 11, 1984

For further information, please call (512) 475-6940.

Subchapter B. Hearing Requirements

25 TAC §§515.31, 515.33, 515.35, 515.37, 515.39, 515.41, 515.43, 515.45, 515.47, 515.49

The Texas Health Facilities Commission adopts the repeal of §§515.31, 515.33, 515.35, 515.37, 515.39, 515.41, 515.43, 515.45, 515.47, and 515.49, without changes to the proposal published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2608).

The repeal is necessary for the adoption of new sections which delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service

Act, § 1536, to terminate HSA operations, clarify existing operational practices, policies, and procedures, and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination.

The repeal allows for the adoption of new sections which advise potential applicants that HSA review is no longer required, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4418(h), §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848527 W G Kirklin
Chairman
Texas Health Facilities
Commission

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For further information, please call (512) 475-6940.

menters recommended modifications to §515.31 and §515.37 and are listed as against the rules: Dudley D. McCalla, Ace Pickens, and C. Dean Davis.

The commission has always taken the position that a case is contested if there is an interested person in opposition, and believes that the rule clearly states current policy. Regarding the comment on §515.37, the commission believes that hearings may be required on some uncontested cases to protect the public's interest. The agency agrees with the commenter on §515.37 that costs to applicants should be kept to a minimum, and believes that the rule will provide assistance in streamlining the review process.

The new sections are adopted pursuant to Texas Civil Statutes, Article 4418h, §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984.

TRD-848524 W G Kirklin
Chairman
Texas Health Facilities
Commission

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For further information, please call (512) 475-6940.

25 TAC §§515.31, 515.33, 515.35, 515.37, 515.39, 515.41

The Texas Health Facilities Commission adopts new §§515.31, 515.33, 515.35, 515.37, 515.39, and 515.41, without changes to the proposed text published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2608).

These new sections delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations, clarify existing operational practices, policies, and procedures; and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination.

The new sections advise potential applicants that HSA review is no longer required, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications.

Public comments were received regarding §515.31 and §515.37. The two commenters to §515.31 objected to allowing a case to become contested by an interested person. The commenter to §515.37 suggested providing for an automatic waiver of hearing on all cases that are not contested. The following com-

Subchapter C. Hearing Procedures

25 TAC §§515.61, 515.63, 515.65, 515.67, 515.69, 515.71, 515.73, 515.75, 515.77, 515.79, 515.81, 515.83, 515.85, 515.87

The Texas Health Facilities Commission adopts the repeal of §§515.61, 515.63, 515.65, 515.67, 515.69, 515.71, 515.73, 515.75, 515.77, 515.79, 515.81, 515.83, 515.85, and 515.87, without changes to the proposal published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2609).

The repeal is necessary to adopt new sections which delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations, and clarify existing operational practices, policies, and procedures.

The repeal allows for the adoption of new sections which advise potential applicants that HSA review is no longer required, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4418h, §206(2), which provide the Texas Health

Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848528 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

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For further information, please call (512) 475-6940.

The Texas Health Facilities Commission adopts new §§515.61, 515.71, and 515.87, with changes to the proposed text published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2610) Sections 515.63, 515.65, 515.67, 515.69, 515.73, 515.75, 515.77, 515.79, 515.81, 515.83, and 515.85 are adopted without changes and will not be republished.

The new sections delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, §1536, to terminate HSA operations and to clarify existing operational practices, policies, and procedures. Changes from the proposal occur in §§515.61, 515.71, and 515.87, either as a result of public comments received or a desire by the commission to alter slightly the procedure for the issuance of subpoenas.

The new sections advise potential applicants that HSA review is no longer required, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications.

Public comments were received on §§515.71 and §515.87. The commenter on §515.71 suggested that interested persons be allowed to file prehearing motions. The commenter on §515.87 suggested language modification to clarify the time requirement imposed by the rule. The following commenters recommended modification to a rule and are listed as against the rule: Paul D. Keeper and Linda Zatopek.

The agency agrees with the comments and has made the appropriate changes.

The new sections are adopted under Texas Civil Statutes, Article 4418h, §2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development Act.

§515.61. Duties of the Hearing Officer. The hearing officer assigned to an application shall conduct the hearing, shall keep a complete record of each hearing, and shall transmit the record, including a recommendation on the application, to the commission when completed. The hearing officer shall have the authority to administer

oaths, to examine witnesses, to receive evidence, to rule upon the admissibility of evidence, to recess a hearing, and to take other actions consistent with the Act, commission rules, and the APTRA, in order to provide a fair, just, and proper hearing.

§515.71. Prehearing Motions. Prior to a hearing, a party or interested person may present motions to the commission. A motion shall be in writing, shall be made under oath, shall set forth the relief sought, and shall state the grounds upon which it is made. The movant shall submit the motion to the commission and provide a copy of the motion to the parties and interested persons.

§515.87. Reopened Hearings.

(a) An applicant, party, or interested person may request that a hearing on an application be reopened after adjournment by filing with the commission a sworn written motion which states the reasons why the hearing should be reopened. The motion must be filed with the commission and delivered to the parties and interested persons at least 48 hours prior to the open meeting at which the commission is scheduled to consider the application.

(b) The chairman may, on his motion or on the motion of a party or interested person, and after consideration of the assigned hearing officer's recommendation on the motion, require that the hearing on an application be reopened. The party or interested person seeking to reopen the hearing must establish that good cause exists to reopen the hearing.

(c) The chairman shall have the authority to limit evidence at the reopened hearing to particular matters and issues considered relevant. The chairman may require publication of notice of the reopened hearing by the party or interested person requesting the reopened hearing. Notice of the reopened hearing shall be published at the time and in the manner prescribed by the chairman. The party or interested person shall furnish the commission two copies of the newspaper page immediately after publication.

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 August 17, 1984

TRD-848529 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

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For further information, please call (512) 475-6940.

Subchapter D. Evidence

25 TAC §§515.101, 515.103, 515.105,
515.107, 515.109, 515.111, 515.113,
515.115, 515.117, 515.119

The Texas Health Facilities Commission adopts the repeal of §§515.101, 515.103, 515.105, 515.107, 515.109, 515.111, 515.113, 515.115, 515.117, and 515.119, without changes to the proposal published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2612).

The repeal is necessary to adopt new sections which delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, §1536, to terminate HSA operations, clarify existing operational practices, policies, and procedures, and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination

The repeal allows for the adoption of new sections which advise potential applicants that HSA review is no longer required, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications

No comments were received regarding adoption of the repeal

The repeal is adopted under Texas Civil Statutes, Article 4418h, §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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

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TRD-848531 W G Kirklin
 Chairman
 Texas Health Facilities
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For further information, please call (512) 475-6940

**25 TAC §§515.101, 515.103, 515.105,
515.107, 515.109, 515.111, 515.113,
515.115, 515.117, 515.119, 515.121**

The Texas Health Facilities Commission adopts new §§515.111, 515.113, 515.115, 515.119, and 515.121, with changes to the proposed text published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2612). Sections 515.101, 515.103, 515.105, 515.107, 515.109, and 515.117 are adopted without changes and will not be republished.

The new sections delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, §1536, to terminate HSA operations, clarify existing operational practices, policies, and procedures, and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination. Changes from the proposal occur in §§515.111, 515.113, 515.115, 515.119, and 515.121 as a result of public comments received. In addition, §§515.123, 515.125, 515.127, 515.129, and 515.131 have been filed for withdraw-

al, and the notice will be published in the August 28, 1984, issue of the *Texas Register*.

The new sections advise potential applicants that HSA review is no longer required, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications.

Public comments were received regarding §§515.111 and 515.113, as well as extensive comments regarding §§515.119, 515.121, 515.123, 515.125, 515.127, 515.129, and 515.131. The two commenters to §§515.111 and 515.113 suggested that the time allowed for filing motions and responses was too short following the party deadline. The extensive comments to §§515.119, 515.121, 515.123, 515.125, 515.127, 515.129, and 515.131 were all in opposition on the primary basis that such rules would add to the time, complexity, and cost of processing applications submitted to the commission for determination.

Those making comments against the sections were the Texas Health Care Association, Dudley D. McCalla, the Texas Hospital Association, Joe P. Webber, Ace Pickens, the Harris County Hospital District, C. Dean Davis, Linda Zatopek, and American Medical International.

The agency essentially agrees with all of the comments received. Deadlines for filing the various motions have been extended, and the proposals involving required prepared testimony have been filed for withdrawal.

The new sections are adopted pursuant to Texas Civil Statutes, Article 4418h, §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development Act.

§515.111 Discovery

(a) Upon proper motion by any party and the submission of two copies of a proposed discovery order prepared in substantial compliance with the commission's authorized form, the chairman may issue an order to compel any or all of the various discovery available pursuant to the Administrative Procedure Act (APA), §14a. The procedures for seeking, objecting to, ordering, and making discovery pursuant to this rule will be governed by the APA, §14a, and by this rule. A motion to compel discovery pursuant to this rule must be filed with the commission and received by all other parties to the proceeding no later than the 45th day following the dating and acceptance of the application(s). The party from whom discovery is requested shall, no later than the 52nd day following the dating and acceptance of the application(s), file with the commission and all other parties to the proceeding a written response to the motion. The response shall state, with respect to each item or category of items:

- (1) that inspection or other requested action will be permitted as requested, or
- (2) an objection giving specific reasons why discovery should not be permitted.

(b) If objections are filed, the chairman or his designee may conduct, upon request of any party to the

proceeding or on his own motion, a hearing on the motion. In ruling on the motion, the chairman shall determine whether good cause exists to order discovery and may make any of the kind of orders permitted by the *Texas Rules of Civil Procedure*, §186b. In the case of failure of a party to comply with an order issued pursuant to this rule, the chairman may seek enforcement by suspending processing of the application until the applicant complies or by striking status as a formal party until the party complies.

§515.113. Depositions. Upon proper motion by any party and the submission of two copies of a proposed commission to take a deposition prepared in substantial compliance with the commission's authorized form, the chairman may issue a commission to require that the deposition of a witness be taken. The procedures for seeking, ordering, and enforcing commissions to take depositions will be governed by the Administrative Procedure Act (APA), §14, and by this rule. A motion to issue a commission must be filed with the commission and received by all other parties to the proceeding no later than the 45th day following the dating and acceptance of the application(s). The other parties to the application may file with the commission a response to the motion no later than the 52nd day following the dating and acceptance of the application(s). In ruling on the motion, the chairman shall determine whether good cause exists to issue the commission requiring the deposition. The commission issued may authorize the issuance of any subpoenas necessary to require that the witness appear and produce, at the time the deposition is taken, any books, records, papers, accounts, or documents as may be necessary and proper for the purposes of the proceeding. In the case of failure to comply with a commission issued pursuant to this rule, the chairman may seek enforcement pursuant to the APA, §14(n), may suspend processing of the application until the applicant complies, or may strike status as a formal party until the party complies.

§515.115 Subpoenas.

(a) Upon proper prehearing motion by any party and the submission of two copies of a proposed subpoena prepared in substantial compliance with the commission's authorized form, the chairman may issue a subpoena to require the attendance of a witness and the production of any books, records, papers, accounts, or documents at a commission hearing as may be necessary and proper for the purposes of the proceeding. The procedures for seeking, ordering, and enforcing subpoenas will be governed by the Administrative Procedure Act (APA), §14, and by this rule. A motion to issue a subpoena must be filed with the commission and received by all other parties to the proceeding no later than the 45th day following the dating and acceptance of the application(s). The other parties to the application may file with the commission a response to the motion no later than the 52nd day following the dating and acceptance of the application(s). In ruling on the motion, the chairman shall determine whether good cause exists to issue the subpoena(s).

(b) Upon proper motion and the submission of two copies of a proposed subpoena prepared in substantial compliance with the commission's authorized form presented during the course of a hearing, the chairman

may issue a subpoena to require the attendance of a witness and the production of any books, records, accounts, papers, or documents as may be necessary and proper for the purposes of the proceeding. The procedures for seeking, ordering, and enforcing subpoenas will be governed by the APA, §14, and by this rule. In ruling on a motion to issue a subpoena, the chairman shall first determine whether good cause exists for failure to request the subpoena(s) pursuant to subsection (a) of this section and, if so, whether good cause exists to issue the subpoena(s). The chairman shall consider the recommendation of the hearing officer in ruling on the motion.

(c) In the case of failure to comply with a subpoena issued pursuant to subsection (a) or subsection (b) of this section, the chairman may seek enforcement pursuant to the APA, §14(n), may suspend processing of the application until the applicant complies, or may strike status as a formal party until the party complies.

§515.119. Prepared Testimony

(a) The testimony of a witness may be reduced to writing and offered into evidence at the hearing as an exhibit, provided that:

- (1) the witness is present and has been sworn;
- (2) the witness identifies and adopts the written testimony as his own, and
- (3) all parties, interested persons, and the commission have received a copy of the written testimony at least 10 days prior to its submission at the hearing.

(b) The written testimony shall be subject to objection and may be stricken by the hearing officer. The witness shall be subject to cross-examination.

§515.121 Exhibits Containing Narrative Material. Any exhibit containing narrative of three or more pages in length must be filed with the commission and received by all other parties and interested persons at least 10 days prior to its submission at the hearing.

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 August 17, 1984

TRD-848530 W G Kirklin
Chairman
Texas Health Facilities
Commission

Effective date October 1, 1984
Proposal publication date May 11, 1984
For further information, please call (512) 475-6940.

Chapter 517. Commission Action on Applications and Other Matters

25 TAC §§517.1, 517.3, 517.5, 517.7, 517.9, 517.11, 517.13, 517.15, 517.17, 517.19, 517.21, 517.23, 517.25, 517.27, 517.29, 517.31, 517.33, 517.35, 517.37, 517.39, 517.41, 517.43, 517.45, 517.47, 517.49

The Texas Health Facilities Commission adopts the repeal of §§517.1, 517.3, 517.5, 517.7, 517.9, 517.11, 517.13, 517.15, 517.17, 517.19, 517.21,

517.23, 517.25, 517.27, 517.29, 517.31, 517.33, 517.35, 517.37, 517.39, 517.41, 517.43, 517.45, 517.47, and 517.49, without changes to the proposal published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2616)

The repeal is necessary for the adoption of new sections which delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations, clarify existing operational practices, policies, and procedures, and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination.

The repeal allows for the adoption of new sections which achieve conformity and consistency between federal and state law and state certificate of need requirements, advise potential applicants that HSA review is no longer required, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4418(h), § 206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848533 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date October 1, 1984
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For further information, please call (512) 475-6940.

25 TAC §§ 517.1, 517.3, 517.5, 517.7, 517.9, 517.11, 517.13, 517.15, 517.17, 517.19, 517.21, 517.23, 517.25, 517.27, 517.29, 517.31, 517.33, 517.35, 517.37, 517.39, 517.41, 517.43, 517.45, 517.47

The Texas Health Facilities Commission adopts new §§ 517.1, 517.3, 517.5, 517.7, 517.9, 517.11, 517.13, 517.15, 517.17, 517.19, 517.21, 517.23, 517.25, 517.27, 517.29, 517.31, 517.33, 517.35, 517.37, 517.39, 517.41, 517.43, 517.45, and 517.47, without changes to the proposed text published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2616)

The new sections delete all references to health systems agencies (HSAs) in recognition of the state's pre-

vious election, pursuant to the Public Health Service Act, § 1536, to terminate HSA operations, clarify existing operational practices, policies, and procedures; and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination

The new sections achieve conformity and consistency between federal and state law and state certificate of need requirements, advise potential applicants that HSA review is no longer required, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications

Public comments were received on §§ 517.17, 517.19, 517.21, 517.23, 517.25, 517.27, and 517.31. The commenter on §§ 517.17, 517.19, 517.21, 517.23, 517.25, and 517.27 suggested that they be modified to give the commission specific authority to grant an application in part. The commenter on § 517.31 suggested elimination of the rule.

Those commenting against the sections were Ace Pickens and the Texas Hospital Association

The agency believes that a granting of part of the project proposed in an application can already be accomplished under commission rules addressing amendments to applications and reopening of hearings, and that no modification to §§ 517.17, 517.19, 517.21, 517.23, 517.25, and 517.27 is necessary. Regarding § 517.31, the commission agrees in principle, but a provision is required by federal regulations to allow any person to request reconsideration of an agency decision.

The new sections are adopted under Texas Civil Statutes, Article 4418(h), § 206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848532 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date October 1, 1984
Proposal publication date May 11, 1984
For further information, please call (512) 475-6940.

Chapter 519. Health Systems Agency Rules of Review

The Texas Health Facilities Commission adopts the repeal of §§ 519.1, 519.3, 519.11, 519.13, 519.15, 519.21, 519.23, 519.25, 519.31, and 519.33, without changes to the proposal published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2619).

The repeal is necessary to delete all references to health systems agencies (HSAs) in recognition of the state's previous election, pursuant to the Public Health Service Act, §1536, to terminate HSA operations.

The repeal advises potential applicants that HSA review is no longer required

No comments were received regarding adoption of the repeal

Subchapter A. Purpose and Definitions

25 TAC §519.1, §519.3

The repeal is adopted under Texas Civil Statutes, Article 4418(h), §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984.

TRD-848534 W G Kirklín
Chairman
Texas Health Facilities
Commission

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For further information, please call (512) 475-6940

Subchapter B. Application Review by Health Systems Agency

25 TAC §§519.11, 519.13, 519.15

The repeal is adopted under Texas Civil Statutes, Article 4418(h), §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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.

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TRD-848535 W G Kirklín
Chairman
Texas Health Facilities
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For further information, please call (512) 475-6940

Subchapter C. Written Recommendation of Health Systems Agency

25 TAC §§519.21, 519.23, 519.25

The repeal is adopted under Texas Civil Statutes, Article 4418(h), §206(2), which provide the Texas

Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848536 W G Kirklín
Chairman
Texas Health Facilities
Commission

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For further information, please call (512) 475-6940.

Subchapter D. Criteria

25 TAC §519.31, §519.33

The repeal is adopted under Texas Civil Statutes, Article 4418(h), §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848537 W G Kirklín
Chairman
Texas Health Facilities
Commission

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Proposal publication date May 11, 1984
For further information, please call (512) 475-6940.

Chapter 523. Forfeiture

25 TAC §§523.1, 523.3, 523.5, 523.7

The Texas Health Facilities Commission adopts the repeal of §§523.1, 523.3, 523.5, and 523.7, without changes to the proposal published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2621).

The repeal is necessary for the adoption of new sections which clarify existing operational practices, policies, and procedures, and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of forfeited certificates, orders, and rulings presented to the commission for determination

The repeal allows the adoption of new sections which achieve conformity and consistency between federal and state laws and state certificate of need requirements, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of forfeited certificates, orders, and rulings

No comments were received regarding adoption of the repeal

The repeal is adopted under Texas Civil Statutes, Article 4418(h), §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848538 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date October 1, 1984

Proposal publication date May 11, 1984

For further information, please call (512) 475-6940

25 TAC §§523.1, 523.3, 523.5, 523.7, 523.9

The Texas Health Facilities Commission adopts new §§523.1, 523.3, 523.5, 523.7, and 523.9, without changes to the proposed text published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2621)

The new sections clarify existing operational practices, policies, and procedures, and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination

The new sections achieve conformity and consistency between federal and state laws and state certificate of need requirements, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications

No comments were received regarding adoption of the new sections

The new sections are adopted under Texas Civil Statutes, Article 4418(h), §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848539 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date October 1, 1984

Proposal publication date May 11, 1984

For further information, please call (512) 475-6940.

**Chapter 525. Enforcement
Subchapter A. Violation of the Act**

**25 TAC §§525.1, 525.3, 525.5, 525.7, 525.9,
525.11, 525.13, 525.15**

The Texas Health Facilities Commission adopts the repeal of §§525.1, 525.3, 525.5, 525.7, 525.9, 525.11, 525.13, and 525.15, without changes to the proposal published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2622)

The repeal is necessary for the adoption of new sections which clarify existing operational practices, policies, and procedures, and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of alleged violations.

The repeal allows the adoption of new sections which achieve conformity and consistency between federal and state laws and state certificate of need requirements, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of alleged violations

No comments were received regarding adoption of the repeal

The repeal is adopted under Texas Civil Statutes, Article 4418(h), §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848540 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date October 1, 1984

Proposal publication date May 11, 1984

For further information, please call (512) 475-6940.

The Texas Health Facilities Commission adopts new §§525.1, 525.3, 525.5, 525.7, 525.9, 525.11, 525.13, and 525.15, without changes to the proposed text published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2623)

The new sections clarify existing operational practices, policies, and procedures, and provide procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination

The new sections achieve conformity and consistency between federal and state laws and state certificate of need requirements, clarify the agency's regulatory requirements, and achieve greater efficiency in the agency's processing of applications.

Two public comments were received regarding §525.11. Both commenters suggested that a complainant who is being treated as a party to a show cause proceeding should not be required to pay a pro rata portion of the transcript costs for the show cause hearing as would be the case for a party to an application hearing. The following commenters recommending modification to the rule are listed as against the rule: Linda Zatopek and Paul D. Keeper.

While the commission does not disagree with the commenters, it feels no change is necessary since the commission arranges for the transcription of show cause hearings, and intends to bear the cost of the original transcript.

The new sections are adopted under Texas Civil Statutes, Article 4418(h), §2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848541 W. G. Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date: October 1, 1984
Proposal publication date: May 11, 1984
For further information, please call (512) 475-6940.

Chapter 527. Miscellaneous Provisions

Subchapter A. Computing Time Periods

25 TAC §527.1

The Texas Health Facilities Commission adopts the repeal of §527.1, without changes to the proposal published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2624).

The repeal is necessary for the adoption of a new section which clarifies existing operational practices, policies, and procedures, and provides procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination.

The repeal allows the adoption of a new section which clarifies the agency's regulatory requirements, and achieves greater efficiency in the agency's processing of applications.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4418(h), §2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary

for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848542 W. G. Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date: October 1, 1984
Proposal publication date: May 11, 1984
For further information, please call (512) 475-6940.



The Texas Health Facilities Commission adopts new §527.1, without changes to the proposed text published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2624).

The new section clarifies existing operational practices, policies, and procedures, and provides procedural changes designed to promote increased efficiency, timeliness, and quality in the processing of the applications presented to the commission for determination.

The new section clarifies the agency's regulatory requirements, and achieves greater efficiency in the agency's processing of applications.

The one public comment to the new section suggested that the commission advise the party as to whether they may proceed with the project after the commission reviews the information obtained pursuant to the rule. C. Dean Davis commented against the new section.

The commission has routinely operated as the rule provides for approximately three years, including acknowledgement to providers and the appropriate licensing agencies and, thus, sees no need for modification of the rule.

The new section is adopted under Texas Civil Statutes, Article 4418(h), §2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848543 W. G. Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date: October 1, 1984
Proposal publication date: May 11, 1984
For further information, please call (512) 475-6940.

**Subchapter B. Records of the
Commission**

25 TAC §527.11, §527.13

The Texas Health Facilities Commission adopts the repeal of §527.11 and §527.13, without changes to the proposal published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2625).

The repeal is necessary for the adoption of new sections which clarify existing operational practices, policies, and procedures.

The repeal allows for the adoption of new sections, which achieve conformity and consistency in terminology concerning agency records

No comments were received regarding adoption of the repeal

The repeal is adopted under Texas Civil Statutes, Article 4418(h), §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848544 W G Kirklín
Chairman
Texas Health Facilities
Commission

Effective date October 1, 1984
Proposal publication date May 11, 1984
For further information, please call (512) 475-6940.



The Texas Health Facilities Commission adopts new §527.11 and §527.13, without changes to the proposed text published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2626)

The new sections clarify existing operational practices, policies, and procedures

The new sections achieve conformity and consistency between federal and state law and state certificate of need requirements

No comments were received regarding adoption of the new sections

The new sections are adopted under Texas Civil Statutes, Article 4418(h), §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848545 W. G. Kirklín
Chairman
Texas Health Facilities
Commission

Effective date: October 1, 1984
Proposal publication date May 11, 1984
For further information, please call (512) 475-6940.

Subchapter C. Commission Publications

25 TAC §§527.21, 527.23, 527.25

The Texas Health Facilities Commission adopts the repeal of §§527.21, 527.23, and 527.25, without changes to the proposal published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2627).

The repeal is necessary for the adoption of new sections which clarify existing operational practices, policies, and procedures.

The repeal allows for the adoption of new sections which clarify the agency's publication practices

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4418(h), §206(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848546 W G Kirklín
Chairman
Texas Health Facilities
Commission

Effective date October 1, 1984
Proposal publication date May 11, 1984
For further information, please call (512) 475-6940.

The Texas Health Facilities Commission adopts new §§527.21, 527.23, and 527.25, without changes to the proposed text published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2627).

The new sections clarify existing operational practices, policies, and procedures.

The new sections clarify the agency's publication practices.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 4418(h), §206(2), which provide the

Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848547 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date October 1, 1984
Proposal publication date May 11, 1984
For further information, please call (512) 475-6940.

Subchapter D Transitional Provisions

25 TAC §527.31, §527.33

The Texas Health Facilities Commission adopts the repeal of §527.31 and §527.33, without changes to the proposal published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2628)

The repeal is necessary for the adoption of new sections which delete obsolete provisions of prior rules and clarify existing operational practices, policies, and procedures pertinent to applications submitted to the commission

The repeal allows for the adoption of new sections which advise potential applicants that the new sections will not apply to applications filed prior to the effective date

No comments were received regarding adoption of the repeal

The repeal is adopted under Texas Civil Statutes, Article 4418(h), §2'6(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development 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 August 17, 1984

TRD-848548 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date October 1, 1984
Proposal publication date May 11, 1984
For further information, please call (512) 475-6940.

25 TAC §527.31

The Texas Health Facilities Commission adopts new §527.31, with changes to the proposed text published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2628)

The new section deletes obsolete provisions of prior rules and clarifies existing operational practices, policies, and procedures pertinent to applications submitted to the commission. A change from the proposal has been made to establish the specific effective date for the various chapters cited in this rule

The new section advises potential applicants that the various rules cited in this chapter will not apply to applications filed prior to October 1, 1984

No comments were received regarding adoption of the new section

The new section is adopted under Texas Civil Statutes, Article 4418(h), §2.06(2), which provide the Texas Health Facilities Commission with the authority to promulgate and adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development Act.

§527.31 Effective Date The rules in Chapter 501 of this title (relating to Description of the Commission), Chapter 503 of this title (relating to Rule-Making Procedures), Chapter 505 of this title (relating to Terms and Phrases), Chapter 507 of this title (relating to Certificate of Need Requirements), Chapter 509 of this title (relating to Application and Petition Procedures), Chapter 513 (Subchapter A and Subchapter D) of this title (relating to Criteria), Chapter 515 of this title (relating to Commission Review of Applications), Chapter 517 of this title (relating to Commission Action on Applications and Other Matters), Chapter 523 of this title (relating to Forfeiture), and Chapter 525 (Subchapter A) of this title (relating to Enforcement) shall not apply to applications pending as of the effective date of those rules, but shall only apply to applications filed on or after the effective date of those rules, which is October 1, 1984

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 August 17, 1984

TRD-848549 W G Kirklin
 Chairman
 Texas Health Facilities
 Commission

Effective date October 1, 1984
Proposal publication date May 11, 1984
For further information, please call (512) 475-6940.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 51. Organization, Administration, and Management

The Texas Department of Human Resources (DHR) adopts the repeal of §§51.1, 51.11, 51.12, 51.21-51.30, 51.41-51.48, 51.61, and 51.62, without

changes to the proposal published in the March 20, 1984, issue of the *Texas Register* (9 TexReg 1627).

These rules governed the social services program under Title XX before the block grant. The department (DHR) is repealing these rules because they are not current, are covered in the rules for other DHR programs, or are internal operating practices and procedures.

No comments were received regarding adoption of the repeal.

Title XX Plan Requirements

40 TAC §51.1

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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 August 17, 1984

TRD-848489 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: September 7, 1984
Proposal publication date: March 20, 1984
For further information, please call (512) 441-3355,
ext. 2037

Relation to Other Agencies

40 TAC §51.11, §51.12

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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 August 17, 1984

TRD-848490 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: September 7, 1984
Proposal publication date: March 20, 1984
For further information, please call (512) 441-3355,
ext. 2037

Case Management, Recording, and Organization

40 TAC §§51.21-51.30

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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 August 17, 1984

TRD-848491 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: September 7, 1984
Proposal publication date: March 20, 1984
For further information, please call (512) 441-3355,
ext. 2037.

Standards

40 TAC §§51.41-51.48

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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 August 17, 1984

TRD-848492 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: September 7, 1984
Proposal publication date: March 20, 1984
For further information, please call (512) 441-3355,
ext. 2037

Support Documents

40 TAC §51.61, §51.62

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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 August 17, 1984

TRD-848493 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: September 7, 1984
Proposal publication date: March 20, 1984
For further information, please call (512) 441-3355,
ext. 2037

Chapter 53. Intake and Eligibility

The Texas Department of Human Resources adopts the repeal of §§53.2001-53.2003 and 53.2101-

53 2119, without changes to the proposal published in the March 20, 1984, issue of the *Texas Register* (9 TexReg 1627)

These rules governed the social services program under Title XX before the block grant. The department is repealing these rules because they are not current, are covered in the rules for other DHR programs, or are internal operating practices and procedures.

No comments were received regarding adoption of the repeal

Intake

40 TAC §§53.2001-53.2003

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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 August 17, 1984

TRD-848494 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Effective date: September 7, 1984
Proposal publication date: March 20, 1984
For further information, please call (512) 441-3355, ext. 2037.

Eligibility

40 TAC §§53.2101-53.2119

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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 August 17, 1984

TRD-848495 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Effective date: September 7, 1984
Proposal publication date: March 20, 1984
For further information, please call (512) 441-3355, ext 2037

**Part IX. Texas Department on
Aging**

Chapter 252. Private Donors

40 TAC §252.1

The Texas Department on Aging adopts new §252.1, without changes to the proposed text published in the

July 13, 1984, issue of the *Texas Register* (9 TexReg 3811).

The section is necessary to comply with Texas Civil Statutes, Article 6252-11f, requiring all state agencies that receive private donations to promulgate rules governing the receiving of such donations. The new section enumerates under what circumstances the Texas Department on Aging may receive private donations

No comments were received regarding adoption of the new section.

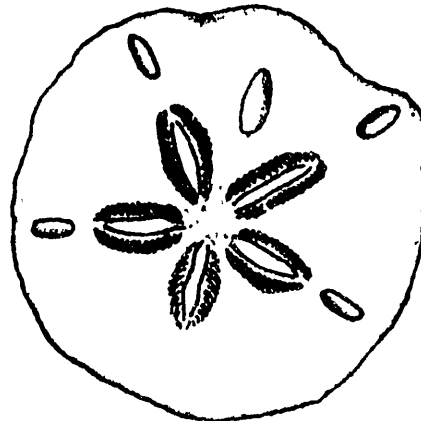
The new section is adopted under the Human Resources Code, Chapter 101 021, which provides the Texas Department on Aging with the authority to adopt rules governing the function of the department

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 August 16, 1984

TRD-848600 Tim Shank
 General Counsel
 Texas Department on Aging

Effective date: September 7, 1984
Proposal publication date: July 13, 1984
For further information, please call (512) 475-2717.



**Part XIV. Long-Term Care
Coordinating Council for the
Elderly**

Chapter 421. General Provisions

40 TAC §421.1, §421.2

The Long-Term Care Coordinating Council for the Elderly adopts new §421.1 and §421.2, without changes to the proposed text published in the July 13, 1984, issue of the *Texas Register* (9 TexReg 3811)

The new sections codify the existence of the Long-Term Care Coordinating Council for the Elderly. The new sections describe the underlying law which grants the council its authority and describes its function

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Human Resources Code, Chapter 133, which provides the Long-Term Care Coordinating Council for the Elderly with the authority to adopt rules governing the function of the council.

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 August 16, 1984
TRD-848602 Tim Shank
General Counsel
Texas Department on Aging

Effective date September 7, 1984
Proposal publication date July 13, 1984
For further information, please call (512) 475-2717.

Chapter 423. Membership and Meetings

40 TAC §§423.1, 423.20, 423.30, 423.40, 423.50

The Long-Term Care Coordinating Council for the Elderly adopts new §§423.1, 423.20, 423.30, 423.40, and 423.50, without changes to the proposed text published in the July 13, 1984, issue of the *Texas Register* (9 TexReg 3812)

The new sections codify the existence of the Long-Term Care Coordinating Council for the Elderly. The new sections describe what governs membership and meetings of the council

No comments were received regarding adoption of the new sections

The new sections are adopted under the Human Resources Code, Chapter 133, which provides the Long-Term Care Coordinating Council for the Elderly with the authority to adopt rules governing the function of the council

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 August 16, 1984
TRD-848601 Tim Shank
General Counsel
Texas Department on Aging

Effective date September 7, 1984
Proposal publication date July 13, 1984
For further information, please call (512) 475-2717

Chapter 425. Lead Agency

40 TAC §425.1

The Long-Term Care Coordinating Council for the Elderly adopts new §425.1, without changes to the proposed text published in the July 13, 1984, issue of the *Texas Register* (9 TexReg 3813).

The new section names a lead agency that is responsible for giving the council primary assistance in its functioning. The new section identifies the Texas Department on Aging as the lead agency and allows the council to use the staff or an appointing official or agency to assist the council in performing its duties.

No comments were received regarding adoption of the new section

The new section is adopted under the Human Resources Code, Chapter 133, which provides the Long-Term Care Coordinating Council for the Elderly with the authority to adopt rules governing the function of the council

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 August 16, 1984
TRD-848604 Tim Shank
General Counsel
Texas Department on Aging

Effective date September 7, 1984
Proposal publication date July 13, 1984
For further information, please call (512) 475-2717.

Chapter 427. Grants and Donations

40 TAC §427.1

The Long-Term Care Coordinating Council for the Elderly adopts new §427.1, without changes to the proposed text published in the July 13, 1984, issue of the *Texas Register* (9 TexReg 3813).

The new section allows the council to accept and spend grants and donations from public or private sources, and under what circumstances the council may accept grants and donations. The new section also empowers the council to contract with public or private entities pursuant to the performance of its responsibilities

No comments were received regarding adoption of the new section

The new section is adopted under the Human Resources Code, Chapter 133, which provides the Long-Term Care Coordinating Council for the Elderly with the authority to adopt rules governing the function of the council.

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 August 16, 1984
TRD-848603 Tim Shank
General Counsel
Texas Department on Aging

Effective date September 7, 1984
Proposal publication date July 13, 1984
For further information, please call (512) 475-2717.

Chapter 429. Amendment of Bylaws

40 TAC §429.1

The Long-Term Care Coordinating Council for the Elderly adopts new §429.1, without changes to the proposed text published in the July 13, 1984, issue of the *Texas Register* (9 TexReg 3814)

The new section describes how the council's bylaws may be amended and states the requirements necessary for the council's bylaws to be amended

No comments were received regarding adoption of the new section

The new section is adopted under the Human Resources Code, Chapter 133, which provides the Long-

Term Care Coordinating Council for the Elderly with the authority to adopt rules governing the function of the council.

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 August 16, 1984

TRD-848605

Tim Shank
General Counsel
Texas Department on Aging

Effective date: September 7, 1984

Proposal publication date: July 13, 1984

For further information, please call (512) 475-2717.

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. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or 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. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

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. These notices may contain more detailed agendas than space allows to be published in the *Register*.

Texas Department of Agriculture

Friday, September 7, 1984, 10:30 a.m. The Texas Department of Agriculture will meet at 2935 Westhollow Drive, Houston. According to the agenda, the department will conduct administrative hearings to review possible violations of the Texas Agriculture Code, concerning failure to pay on demand, by Airline Produce Company as petitioned by Cargil Produce Company and by Holly Produce Company as petitioned by Valley Central Sales, Inc.

Contact: Patrick D. Redman, P.O. Box 12847, Austin, Texas 78711, (512) 475-6686.

Filed: August 21, 1984, 9:24 p.m.
TRD-848672, 848673

Texas Antiquities Committee

Tuesday, August 28, 1984, 9:30 a.m. The Executive Committee of the Texas Antiquities Committee will meet in Room 100B, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the committee will meet in executive session to discuss personnel matters.

Contact: Debra Frierson, P.O. Box 12276, Austin, Texas 78711.

Filed: August 16, 1984, 1:41 p.m.
TRD-848449

State Banking Board

Thursday, August 16, 1984, 3:30 p.m. The State Banking Board met in emergency session via conference call originating from 2601 North Lamar Boulevard, Austin. According to the agenda, the board considered an application for a charter for a state bank to purchase some of the assets and assume some of the liabilities of a failed bank. The applicant was the bidder chosen by the board of directors of the Federal Deposit Insurance Corporation. The emergency status was necessary because failure of the bank could disrupt banking services in the community.

Contact: Archie Clayton, 2601 North Lamar Boulevard, Austin, Texas, (512) 475-4451.

Filed: August 16, 1984, 1:01 p.m.
TRD-848448

Texas Education Agency

Friday, August 24, 1984, 1 p.m. The Price Differential Index (PDI) Advisory Committee of the Texas Education Agency will meet in Room 236, State Capitol, Austin. According to the agenda, the committee will hear presentations on the development and background of the PDI; consider the Edu-

cation Commission of the States and the characteristics of the PDI in House Bill 72, 68th Legislature, Second Called Session, 1984; discuss the econometric model; and review available data, identify additional data needed, and outline the tasks to be accomplished for the development of the PDI.

Contact: Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: August 16, 1984, 4:22 p.m.
TRD-848461

Employees Retirement System of Texas

Monday, August 27, 1984, 9 a.m. The Board of Trustees of the Employees Retirement System (ERS) of Texas will meet at the ERS Building, 18th and Brazos Streets, Austin. According to the agenda summary, the system will review and approve the June 25, 1984, and August 9, 1984, minutes, set rates and approve the amounts of interest transferred from the interest fund to BIRF; act on a proposal from Rudd & Wisdom, Inc., for actuarial services for the fiscal year ending August 31, 1985, consider appointments to the Investment Advisory Committee; add to the stock and bond dealer approved list; act on a proposal from Duff

& Phelps Investment Mortgage Company for investment counseling services for the fiscal year ending August 31, 1985, consider certification to the comptroller and the treasurer of estimated amounts of state contributions for retirement, insurance, and social security in the fiscal year ending August 31, 1985, approve transactions from the interest fund to the employees savings fund, the retirement annuity reserve fund, and the state accumulation fund, elect a board chairman and a vice-chairman for the fiscal year ending August 31, 1985; consider certification and election of members to the GIAC and appoint members to the GIAC, act on the proposed operating budget for the fiscal year ending August 31, 1985, consider appeals, amend a trustee rule regarding insurance and consider a new trustee rule regarding social security, act on proposed building modifications to the ERS Building, hear the executive director's report, and confirm the date of the next board meeting. The board will also meet in executive session.

Contact: Clayton T. Garrison, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431

Filed: August 17, 1984, 8:46 a.m.
TRD-848464

Texas Employment Commission

Tuesday, August 28, 1984, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes and internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 35, and set the date of the next meeting.

Contact: Courtenay Browning, Room 608, TEC Building, 15th Street and Congress Avenue, Austin, Texas 78778, (512) 397-4415

Filed: August 20, 1984, 3:20 p.m.
TRD-848657

Good Neighbor Commission

Friday, August 24, 1984, 10:30 a.m. The Program Development Committee of the Good Neighbor Commission will meet in a rescheduled emergency session in the con-

ference room, KCOR Radio Station, 1115 West Martin, San Antonio. According to the agenda, the committee will discuss new agency programs. The emergency status is necessary due to difficulties in scheduling the meeting. The meeting originally was scheduled at 10 a.m. on August 24, 1984.

Friday, August 24, 1984, 1:30 p.m. The Good Neighbor Clubs of the Good Neighbor Commission will meet in a rescheduled emergency session in the conference room, KCOR Radio Station, 1115 West Martin, San Antonio. According to the agenda, the clubs will discuss new programs for the agency and the clubs. The emergency status is necessary due to difficulties in scheduling the meeting. The meeting originally was scheduled at 11:30 a.m. on August 24, 1984.

Contact: Lauro Cruz, Sam Houston Building, Room 507, 201 East 14th Street, Austin, Texas, (512) 475-3581

Filed: August 17, 1984, 10:54 a.m.
TRD-848550, 848551

Office of the Governor

Wednesday, August 29, 1984, 8:30 a.m. The Governor's Task Force on Inhalant Abuse of the Office of the Governor will meet in Room 3102, Joe C. Thompson Conference Center, 2405 East Campus Drive, Austin. According to the agenda, the task force will consider a status report, review a draft of the report, hear presentations by Dr. Charles Sharp, NIDA, Bob Rayel, Care Unit Hospital, Fort Worth; the Texas Juvenile Probation Commission, Pilar Garcia, Parents and Neighbors United, the Texas PTA, and Dan Bullock, Governor's Office of Community Leadership, and hear public comments.

Contact: Marc Campos, Room 207, Sam Houston Building, 201 East 14th Street, Austin, Texas 78711, (512) 475-3021.

Filed: August 21, 1984, 9:20 a.m.
TRD-848668

Friday, September 14, 1984, 8 a.m. The Interagency Council on Economic Development of the Office of the Governor will meet in the auditorium, third floor, United Bank, 15th and Lavaca Streets, Austin. Items on the agenda include a question and answer opportunity (if time permits), Permitting Working Group recommendations by Charles Nemir, Texas Department of

Water Resources, and State Marketing Activities Working Group recommendations by Frank Hildebrand, Texas Tourist Development Agency, discussion and adoption of recommendations; adoption of the April 30, 1984, minutes, and a general discussion.

Contact: Tom Adams, P.O. Box 13561, Austin, Texas 78711, (512) 475-1147.

Filed: August 16, 1984, 2:07 p.m.
TRD-848450

Texas Health Facilities Commission

Thursday, August 30, 1984, 1:30 p.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications:

Certificates of Need

Day Surgery Center of East Central
Dallas, Dallas
AS83-0720-045

Baylor Health Services, Inc., Dallas
AS83-0808-088

Rio Grande Regional Hospital, McAllen
AH83-1230-482

Grandview Surgical Center, Austin
AS83-0922-174

Motions for Rehearing/Reconsideration
Laurelwood Hospital, Inc., Shenandoah
AH83-0727-063

Pinewood Psychiatric Hospital, Inc.,
Humble
AH83-0718-043

Charter Park Hospital, Inc., Humble
AH83-0606-594

Northcreek, a psychiatric hospital,
Houston
AH83-0721-046

Contact: John R. Neel, P.O. Box 50049,
Austin, Texas 78763

Filed: August 20, 1984, 9:50 a.m.
TRD-848622

Texas Housing Agency

Wednesday, August 22, 1984, 10 a.m. The Board of Directors of the Texas Housing Agency made emergency additions to the agenda of a meeting held in Suite 700, 411 West 13th Street, Austin. The additions concerned consideration and action on a proposed resolution authorizing and ap-

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proving the issuance, sale, and delivery of \$10 million in multifamily housing revenue bonds, Series 1984 (Summer Bend at Las Colinas development), approving the form and substance of a trust indenture, an owner commitment agreement, and a financing agreement authorizing the execution of documents and instruments necessary or convenient to carry out the multifamily housing program to be implemented with the proceeds of the bonds, authorizing and ratifying other documents; and containing other provisions relating to the subject. The emergency status was necessary to authorize the sale of the bond to help alleviate a critical shortage of affordable home financing.

Contact: Earline Jewett, P O Box 13941, Austin, Texas 78711, (512) 475-0812.

Filed: August 20, 1984, 3:35 p.m.
TRD-848658



State Board of Insurance

Tuesday, August 28, 1984, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will hear reports from the commissioner and the fire marshal, both including personnel matters, and consider board orders on several different matters as itemized on the complete agenda.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950

Filed: August 20, 1984, 4:02 p.m.
TRD-848659

Tuesday, August 28, 1984. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. Times and dockets follow.

10 a.m. Docket 7775—consideration of a reinsurance agreement whereby Hyltin Manor Burial Association, Austin, will be reinsured by American Family Life Insurance Company, Austin.

Contact: Tom I McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: August 20, 1984, 1:34 p.m.
TRD-848639

10:30 a.m. Docket 7776—consideration of a reinsurance agreement whereby Manor Mutual Life Insurance Company, Austin, will be reinsured by American Family Life Insurance Company, Austin.

Contact: Tom I McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: August 20, 1984, 1:34 p.m.
TRD-848640

1:30 p.m. Docket 7736—application for original charter of American Contractors Insurance Company, Dallas.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287

Filed: August 20, 1984, 1:34 p.m.
TRD-848641

Tuesday, August 28, 1984, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider a procedure to comply with House Bill 179, §2, 68th Legislature, final action on amendments to Rules 059.21.04.034, 035, 051, and 068 (proposed at 9 TexReg 3909), 059.05.28.002 (proposed at 9 TexReg 3293), 059.05.28.004 (proposed at 9 TexReg 3295), and 059.21.49.006 (proposed at 9 TexReg 3297); final action on new Rules 059.05.53.101-103 (proposed at 9 TexReg 2076) and 059.05.28.003 (proposed at 9 TexReg 3294); the repeal of Rule 059.05.53.003 (proposed at 9 TexReg 2074) and Rule 059.05.41.001 (proposed at 9 TexReg 3296), smoker and nonsmoker mortality tables, and mortality tables which are not based on the sex of the insured.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950

Filed: August 20, 1984, 4:20 p.m.
TRD-848661

The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Days, times, rooms, and dockets follow.

Wednesday, August 29, 1984, 9 a.m. In Room 342, Docket 7768—application of Charles Herbert Jones, Spring, for a Group II life, health, and accident insurance agent's license.

Contact: J C Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: August 20, 1984, 1:34 p.m.
TRD-848642

Wednesday, August 29, 1984, 1:30 p.m. In Room 342, Docket 7778—application for original charter of Lambeth Life Insurance

Company, San Antonio, to engage in the business of life, accident, and health insurance.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: August 20, 1984, 1:34 p.m.
TRD-848643

Thursday, August 30, 1984, 9 a.m. In Room 342, Docket 7772—a reinsurance agreement whereby Lewis Protective Association, Marshall, will be reinsured by Lewis Life Insurance Company, Marshall.

Contact: J C Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353

Filed: August 20, 1984, 1:34 p.m.
TRD-848644

Thursday, August 30, 1984, 1:30 p.m. In Room 342, Docket 7769—whether the local recording agent's license, the Group I life insurance agent's license, and the Group II health and accident insurance agent's license held by Sheldon Mark Herring, Coolidge, should be canceled or revoked.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287

Filed: August 20, 1984, 1:34 p.m.
TRD-848645

Thursday, August 30, 1984, 1:30 p.m. In Room 353, Docket 7770—whether the application of Thomas James Greer, Dallas, for a solicitor's license should be granted.

Contact: Tom I McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076

Filed: August 20, 1984, 1:34 p.m.
TRD-848646

Friday, August 31, 1984, 1:30 p.m. In Room 342, Docket 7771—whether the application of Joseph Wesley Cole, Kirbyville, for a Group I legal reserve insurance agent's license should be granted.

Contact: J C Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: August 20, 1984, 1:34 p.m.
TRD-848647

Wednesday, September 5, 1984, 9:30 a.m. In Room 342, Docket 7773—application for approval of the articles of agreement of Nobel Lloyd's Insurance Company, Dallas.

Contact: Tom I McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076

Filed: August 20, 1984, 1:34 p.m.
TRD-848648

Wednesday, September 5, 1984, 1:30 p.m.
In Room 342, Docket 7777—whether the Group II insurance agent's license held by Phillip Arthur Moore, Euless, should be canceled or revoked

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: August 20, 1984, 1:34 p.m.
TRD-848649

Thursday, September 6, 1984, 9 a.m. In Room 342, Docket 7644—motion for rehearing to consider whether the local recording agent's license held by Billie Maurine Edwards, Anson, should be canceled or revoked

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287

Filed: August 20, 1984, 1:34 p.m.
TRD-848650

Texas State Library and Archives Commission

Tuesday, August 28, 1984, 2 p.m. The Records Management and Preservation Advisory Committee of the Texas State Library and Archives Commission will meet in the Lorenzo de Zavala Archives and Library Building, 12th and Brazos Streets, Austin. According to the agenda, the committee will approve the June 20, 1984 meeting minutes; elect officers, hear committee reports, and consider other business

Contact: William L. Dyess, 4400 Shoal Creek Boulevard, Austin, Texas 78756, (512) 454-2705

Filed: August 17, 1984, 2:08 p.m.
TRD-848572

Thursday, September 6, 1984, 10:30 a.m. The Texas State Library and Archives Commission will meet in Room 202, Lorenzo de Zavala Archives and Library Building, 1201 Brazos Street, Austin. Items on the agenda include approval of the June 29, 1984, minutes; appointments to the Library Systems Act Advisory Board and the Library Services and Construction Act Advisory Council; a report on friends of libraries, publications, a building fire and safety report, and committee reports

Contact: Dorman H. Winfrey, P.O. Box 12927, Austin, Texas 78711, (512) 475-2166

Filed: August 17, 1984, 9:42 a.m.
TRD-848465

State Board of Morticians

Tuesday-Thursday, August 28-30, 1984, 9 a.m. daily. The State Board of Morticians will meet at 1513 IH 35, Austin, on August 28 and 30, 1984; and at 1001 IH 35 South on August 29, 1984. According to the agenda summary, on Tuesday the board will consider applicants for reinstatement of licenses and apprenticeships, conduct a formal hearing on the action of a licensee; certify practical grades; consider a request to extend the six-month period to register as an apprentice, review reciprocal recommendations, discuss when the five-year period starts for apprentices registered before September 1, 1983, review committee appointments and complaints, hear committee, executive secretary, and investigator reports, and review compliance forms and a report from Mr. Baskin on a survey. On Wednesday, the board will certify written funeral director and embalmer examinations and written grades. On Thursday, the board will consider any items not considered on Tuesday and Wednesday

Contact: John W. Shocklee, 1513 IH 35 South, Austin, Texas 78741, (512) 442-6721

Filed: August 17, 1984, 12:35 p.m.
TRD-848576

Board of Pardons and Paroles

Monday-Friday, August 27-31, 1984, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713.

Filed: August 17, 1984, 10:35 a.m.
TRD-848552

Tuesday, August 28, 1984, 9:30 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will review and act on the July 31, 1984, and August 13, 1984, minutes, and consider and act on contracts for the Kerper House and other halfway houses for fiscal year 1985, budget matters, special projects officers, spe-

cial conditions for administrative releasees, and the authority of a board panel to place a case in FI when an emergency or unusual circumstance exists

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713

Filed: August 20, 1984, 10:22 a.m.
TRD-848627

Tuesday, August 28, 1984, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than out-of-country conditional pardons), including full pardons, restoration of civil rights of citizenship, emergency medical reprieves, commutations of sentence, and other reprieves, remissions, and executive clemency actions

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2704

Filed: August 17, 1984, 10:35 a.m.
TRD-848553

Texas Parks and Wildlife Department

Tuesday, August 28, 1984, 7 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at 400 West 15th Street, Austin. According to the agenda summary, the commission plans to have dinner. Although this function is primarily a social event and no formal action is planned, the commission may discuss items on the public hearing agenda for scheduled for 9 a.m. on August 29, 1984

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802

Filed: August 20, 1984, 2:18 p.m.
TRD-848651

Texas State Board of Pharmacy

Tuesday, August 28, 1984, 1 p.m. The Texas State Board of Pharmacy will meet in Suite 402, Southwest Tower, Austin. According to the agenda, the board has called

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a special open public session concerning the election of officers

Contact: Bob Watson, 211 East Seventh Street, Suite 1121, Austin, Texas 78701, (512) 478-9827

Filed: August 20, 1984, 10:30 a.m.
TRD-848624

Texas Board of Private Investigators and Private Security Agencies

Tuesday, August 28, 1984, 9:30 a.m. The Texas Board of Private Investigators and Private Security Agencies will meet at La Mansion Hotel, 6505 IH 35 North, Austin. Items on the agenda include approval of the May 24, 1984, board meeting minutes, discussion and possible action concerning pending litigation and board rules, discussion and approval of security officer training manual revisions, approval of staff action of new licenses, suspension orders, reinstatement orders, certificates for replacement managers, license terminations, revocations, denials, reprimands, requests for waiver of board rule, and other proposals for decision, and discussion and possible approval of nonmandatory training programs

Contact: Clema D. Sanders, P.O. Box 13509, Austin, Texas 78711, (512) 475-3944

Filed: August 17, 1984, 4:03 p.m.
TRD-848606



The Prosecutor Council

August 29, 1984, 9 a.m. The Prosecutor Council will meet at the Bahia-Mar Hotel, P.O. Box 2280, South Padre Island. Items on the agenda include approval of the June 27, 1984, minutes, reports on the budget, regional meetings, and the Sunset Advisory Commission; and the setting of an election date to fill Margaret Moore's position and a date for the next meeting. The council also will meet in executive session to consider a disciplinary report

Contact: Andy Shuval, 1402 Nueces Street, Austin, Texas 78711, (512) 475-6825.

Filed: August 17, 1984, 2:58 p.m.
TRD-848583

Public Utility Commission of Texas

Tuesday, August 28, 1984, 9 a.m. The Utility Evaluation Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will consider the selection of a consultant to conduct an operational audit of Texas Utilities Fuel affiliates

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 16, 1984, 3:18 p.m.
TRD-848460

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow

Thursday, August 30, 1984, 9:30 a.m. A hearing in Docket 5841—application of H&J Water Company for a rate increase

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 21, 1984, 9:25 a.m.
TRD-848674

Tuesday, September 4, 1984, 1:30 p.m. A prehearing conference in Docket 5778—application of Meadow Woods Water Supply, Inc., for a water certificate of convenience and necessity within Hays County

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 16, 1984, 2:18 p.m.
TRD-848452

Wednesday, October 3, 1984, 10 a.m. A prehearing conference in Docket 5829—application of Apache Shores Utility Corporation for authority to change rates for water service within Travis County

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 17, 1984, 2:09 p.m.
TRD-848574

Monday, October 15, 1984, 10 a.m. A hearing on the merits in Phase II of Docket 5113—petition for an inquiry concerning the effects of the modified final judgment and the excess charge order upon Southwestern Bell Telephone Company and the Independent Telephone Companies of Texas for General Telephone Company of the Southwest

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 16, 1984, 2:19 p.m.
TRD-848453

Tuesday, October 23, 1984, 9 a.m. A hearing in Docket 5841—application of H&J Water Company for a rate increase

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 21, 1984, 9:26 a.m.
TRD-848675

Monday, October 29, 1984, 10 a.m. A rescheduled hearing on the merits in Docket 5474—application of B&P Water Supply Corporation for a certificate of convenience and necessity within Johnson County

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 20, 1984, 11:18 a.m.
TRD-848638

Wednesday, November 7, 1984, 10 a.m. A hearing on the merits in Docket 5829—application of Apache Shores Utility Corporation for authority to change rates for water service within Travis County

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 17, 1984, 2:09 p.m.
TRD-848573

Monday, January 7, 1985, 10 a.m. A hearing on the merits in Phase II of Docket 5113—petition for an inquiry concerning the effects of the modified final judgment

and the excess charge order upon Southwestern Bell Telephone Company and the Independent Telephone Companies of Texas for United Telephone Company of Texas and Palo Pinto Telephone (United/Palo Pinto

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 16, 1984, 2 17 p m
TRD-848454

Monday, February 18, 1985, 10 a.m. A hearing on the merits in Phase II of Docket 5113—petition for an inquiry concerning the effects of the modified final judgment and the excess charge order upon Southwestern Bell Telephone Company and the Independent Telephone Companies of Texas for Continental Telephone Company

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 16, 1984, 2 18 p m.
TRD-848455

Railroad Commission of Texas

Monday, August 20, 1984, 9 a.m. The Transportation Division of the Railroad Commission of Texas submitted an emergency revised agenda for a meeting held in Room 309, 1124 IH 35 South, Austin. According to the agenda summary, the commission considered various matters falling within its regulatory jurisdiction. The emergency status was necessary because these matters were properly posted for the August 13, 1984, meeting and were passed

Contact: Michael A James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330

Filed: August 17, 1984, 10 33 a m
TRD-848554

Tuesday, August 28, 1984, 9 a.m. The Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. The commission will consider and act on division agendas as follows

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, (512) 445-1211

Filed: August 17, 1984, 10.32 a m
TRD-848555

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) 445-1204

Filed: August 17, 1984, 10 29 a m
TRD-848556

The Flight Division director's report on division administration, budget, procedures, and personnel matters

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103

Filed: August 17, 1984, 10 33 a m
TRD-848557

Various matters falling within the Gas Utilities Division's regulatory jurisdiction

Contact: Lucia Sturdevant, P O Drawer 12967, Austin, Texas 78711, (512) 475-0461

Filed: August 17, 1984, 10 32 a m
TRD-848558

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters

Contact: Brian W Schaible, P O Drawer 12967, Austin, Texas 78711

Filed: August 17, 1984, 10 30 a m
TRD-848559

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters and consider for publication proposed new rules for the CNG subdivision regarding licensing, testing, and insurance requirements

Contact: Thomas D Petru, P O Drawer 12967, Austin, Texas 78711

Filed: August 17, 1984, 10-29 a m.
TRD-848560

Various matters falling within the Oil and Gas Division's regulatory jurisdiction

Contact: Liz Nauert, P O Drawer 12967, Austin, Texas 78711, (512) 445-1307

Filed: August 17, 1984, 10.32 a m
TRD-848561

Additions to the previous agenda.

Consideration of Oil and Gas Docket 3-81,656—a protested application of GSI, Inc, under the Mineral Interest Pooling Act to pool into the proposed Terry Arledge Lyda-Hallwell Unit Well 1, in the Kurten (Buda), (Georgetown), and (Austin Chalk) Fields, Brazos County

Contact: Priscilla Hubenak, P O Drawer 12967, Austin, Texas 78711, (512) 445-1293

Filed: August 17, 1984, 10 31 a m
TRD-848562

Consideration of whether or not to initiate rule-making proceedings to amend 16 TAC §§3 28, 3 30, and 3 31 and to adopt 16 TAC §3 34 to replace the gas market demand rule (16 TAC §3 91)

Contact: Patrick F Thompson, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1286

Filed: August 17, 1984, 10 31 a.m
TRD-848563

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108

Contact: Madalyn J Girvin, P O Drawer 12967, Austin, Texas 78711, (512) 445-1209.

Filed: August 17, 1984, 10 31 a m
TRD-848564

The Personnel Division director's report on division administration, budget, procedures, and personnel matters

Contact: Herman L Wilkins, P O Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: August 17, 1984, 10:32 a m.
TRD-848565

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters

Contact: Gail Gemberling, P O Drawer 12967, Austin, Texas 78711

Filed: August 17, 1984, 10 30 a m
TRD-848566

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lile, 1124 IH 35 South, Austin, Texas 78701, (512) 445-1186.

Filed: August 17, 1984, 10 33 a m
TRD-848567

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters

Contact: J Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751

Filed: August 17, 1984, 10 29 a.m.
TRD-848568

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Various matters falling within the Transportation Division's regulatory jurisdiction

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330

Filed: August 17, 1984, 10:30 a.m.
TRD-848569

Texas Rehabilitation Commission

Thursday and Friday, August 30 and 31, 1984, 10 a.m. and 8:30 a.m. respectively. The Governor's Committee for Disabled Persons of the Texas Rehabilitation Commission will meet at 3522 Polk, Houston. According to the agenda summary, the committee will approve the minutes, hear announcements, conduct subcommittee meetings, consider subcommittee recommendations and new business, discuss the Hispanic conference, and hear regional and community input and public comment on the concerns of disabled persons.

Contact: Virginia Roberts, 158 East Riverside Drive, Room 104, Austin, Texas 78704, (512) 445-8272

Filed: August 20, 1984, 9:20 a.m.
TRD-848618

Texas Savings and Loan Department

The Texas Savings and Loan Department will meet at 1004 Lavaca Street, Austin. Days, times, and agendas follow.

Tuesday, August 28, 1984, at 9 a.m. The department will conduct a hearing to accumulate a record of evidence in regard to the application of Fayette Savings Association, La Grange, to establish a branch office at 2101-A Milam, Columbus, Colorado County, from which record the commissioner shall determine whether to grant or deny the application.

Wednesday, August 29, 1984, 9 a.m. The department will conduct a hearing to accumulate a record of evidence in regard to the application of Peoples Savings and Loan Association, Llano, to establish a branch office at 502 South Bryant, San Angelo, Tom Green County, from which record the commissioner shall determine whether to grant or deny the application.

Friday, August 31, 1984, 9 a.m. The department will conduct a hearing to accumulate a record of evidence in regard to the appli-

cation of Trinity Banc Savings Association and Texas Federal Savings and Loan Association to merge, from which record the commissioner shall determine whether to grant or deny the application.

Contact: Russell R. Oliver, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991

Filed: August 17, 1984, 3:34 p.m.
TRD-848607-848609

Texas Surplus Property Agency

Tuesday, August 28, 1984, 1 p.m. The Governing Board of the Texas Surplus Property Agency will meet in William H. Borchert's office, 251 South Seguin Street, New Braunfels. According to the agenda, the board will approve the previous meeting minutes, consider and approve the fiscal year 1985 budget, and hear a report on dry dock AFDB-5 and the executive director's report.

Contact: Marvin J. Titzman, Box 8120, San Antonio, Texas 78208, (512) 661-2381.

Filed: August 20, 1984, 3:06 p.m.
TRD-848656

Teacher Retirement System of Texas

Sunday, August 26, 1984, 3 p.m. The Board of Trustees of the Teacher Retirement System of Texas will meet at the Marriott Hotel, 8440 Freeport Parkway, Irving. According to the agenda, the board will consider an addition to signature authorization. The board also will meet in executive session to consider personnel actions and the purchase of real estate.

Contact: Mary Godzik, 1001 Trinity Street, Austin, Texas 78701, (512) 397-6400

Filed: August 17, 1984, 9:20 a.m.
TRD-848582

University of Texas System

Thursday, August 23, 1984, 9 a.m. The Committee on Endowment Lands in Dallas and Collin Counties of the Board of Regents of the University of Texas (UT) System met in emergency session on the 36th Floor, 2001 Bryan Tower, Dallas. According to the agenda, the committee considered the negotiated sale of land in Collin

County belonging to UT-Dallas. The emergency status was necessary because information concerning this item was received late.

Contact: Arthur H. Dilly, P.O. Box N, Austin, Texas 78713, (512) 471-1265

Filed: August 20, 1984, 10:02 a.m.
TRD-848623

Texas Water Commission

Tuesday, August 21, 1984, 10 a.m. The Texas Water Commission made emergency additions to the agenda of a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The additions concerned consideration of a first amended motion to strike and exclude material submitted by Paul Kelley concerning Lone Star Waste Disposal Service, Inc., (WDW-203 and WDW-204), and consideration of motions for rehearing concerning Application 4428 and Application 4429 of the Lower Colorado River Authority. The emergency status was necessary because the commission was scheduled to consider the examiner's proposal concerning Lone Star Waste Disposal on August 29, 1984, and the Lower Colorado River Authority requested that the commission consider the examiner's proposal concerning motions for rehearing as soon as possible so that it could proceed with construction of the ponds authorized by the applications.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: August 16, 1984, 2:40 p.m.
TRD-848458

Tuesday, August 28, 1984, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider applications for water district bond issues, release of escrow, use of surplus funds, water quality permits, amendments and renewals, water rights applications, an amendment to a certificate of adjudication, approval of plans for a levee, and the filing and setting of hearing dates.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: August 16, 1984, 2:41 p.m.
TRD-848459

Wednesday, September 5, 1984, 2 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Ac-

ording to the agenda summary, the commission will consider an application by the Harris County Municipal Utility District 203 for the reformation of an order of the commission dated October 26, 1983, approving an engineering project and a \$17.9 million bond issue

Contact: Mary Ann Hefner, P O Box 13087, Austin, Texas 78711, (512) 475-4514

Filed: August 20, 1984, 10:56 a.m.
TRD-848629

Thursday, September 6, 1984, 2 p.m. The Texas Water Commission will meet in Room 118, Stephen F Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application of the City of Robstown to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated municipal wastewater at a volume not to exceed an average flow of 1.7 million gallons per day (two million daily maximum) for a maximum of 30 days from its municipal wastewater treatment plant located adjacent to the east side of U.S. Highway 77, at a point approximately 0.5 mile north of State Highway 44, northeast of the City of Robstown, in Nueces County. The applicant proposes to perform in-plant maintenance necessary to restore plant hydraulics to original specification and repair mechanical components of the final clarifier.

Contact: Scott Peterson, P O Box 13087, Austin, Texas 78711, (512) 475-6943

Filed: August 17, 1984, 3:03 p.m.
TRD-848584

Addition to the previous agenda

The commission will consider an application of the City of Eldorado to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated domestic sewage effluent at a volume not to exceed an average flow of 180,000 gallons per day (360,000 daily maximum) from its sewage treatment plant located 2,200 feet northeast of the intersection of U.S. Highway 277 and State Highway 915 east of the City of Eldorado, in Schleicher County. The applicant proposes to perform construction work on new facilities to replace the city's existing plant.

Contact: Scott Peterson, P O Box 13087, Austin, Texas 78711, (512) 475-6943

Filed: August 17, 1984, 3:03 p.m.
TRD-848585

Wednesday, September 19, 1984, 10 a.m. The Texas Water Commission rescheduled

a meeting to be held in Room 118, Stephen F Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing concerning the petition for creation of Montgomery County Municipal Utility District 60, containing 955.49 acres of land. The meeting originally was scheduled for August 14, 1984, as published at 9 TexReg 3881.

Contact: Mary Ann Hefner, P O Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: August 20, 1984, 10:56 a.m.
TRD-848630

Tuesday, September 25, 1984, 9:30 a.m. The Texas Water Commission will meet in Room 101, Smith County Courthouse, 100 North Broadway, Tyler. According to the agenda summary, the commission will consider an application of Jill Laughlin, 800 Northeast Loop 323, Tyler, Texas 75708, to the Texas Department of Water Resources for proposed Permit 12950-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 46,000 gallons per day from the proposed Little Branch Townhomes Wastewater Treatment Plant, which is to serve a proposed townhouse complex.

Contact: Douglas P Roberts, P O Box 13087, Austin, Texas 78711, (512) 475-1468

Filed: August 17, 1984, 10:14 a.m.
TRD-848570

Addition to the previous agenda

The commission will consider the application of Verdell W. Johnson, 1907 Laney Drive, Longview, Texas 75601, to the Texas Department of Water Resources for proposed Permit 12893-01 to authorize a discharge of treated domestic effluent at a volume not to exceed an average flow of 17,500 gallons per day from the wastewater treatment plant which is to serve a proposed mobile home park.

Contact: Douglas P Roberts, P O Box 13087, Austin, Texas 78711, (512) 475-1468

Filed: August 20, 1984, 10:58 a.m.
TRD-848631

Wednesday, September 26, 1984, 9 a.m. The Texas Water Commission will meet in the city council chambers, City Hall, 2110 Fourth Street, Rosenberg. According to the agenda summary, the commission will consider an application of the Great Western Development Company, in care of Rose & Ryman, Attorneys, Suite 400, 6800 West Loop South, Bellaire, Texas 77401, to the Texas Department of Water Resources for proposed Permit 12948-01 to authorize a

discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 350,000 gallons per day from the Fort Bend County Municipal Utility District 5 Sewage Treatment Plant, which will be constructed in two phases and will serve the needs of a residential/commercial development.

Contact: Darcy Frownfelter, P.O. Box 13087, Austin, Texas 78711, (512) 475-1317.

Filed: August 17, 1984, 10:14 a.m.
TRD-848571

Thursday, September 27, 1984, 9 a.m. The Texas Water Commission will meet in Room 119, Stephen F Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the following applications:

Application of Ocean Reef of Texas, Inc., 8622 Crownhill Boulevard, San Antonio, Texas 78209, to the Texas Department of Water Resources for renewal of Permit 02144 which authorizes a discharge of screened washwater effluent at a volume not to exceed a monthly maximum flow of 63,000 gallons from a shrimp unloading and transfer facility located at 224 Allen Boulevard in the City of Aransas Pass, Aransas County. The effluent is discharged into Redfish Bay in Segment 2483 of the San Antonio-Nueces Coastal Basin. The expiration date of the existing permit was June 30, 1984. The executive director of the Texas Department of Water Resources has recommended that the application for renewal be denied.

Contact: William G. Newchurch, P O Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: August 20, 1984, 10:58 a.m.
TRD-848632

Application of Herndon Marine Products, Inc., doing business as Gulf King Shrimp Company, P O Drawer 1270, Aransas Pass, Texas 78336, to the Texas Department of Water Resources for renewal of Permit 02010 which authorizes a discharge of screened washwater effluent at a volume not to exceed a monthly maximum flow of 580,000 gallons from a shrimp transfer and unloading facility located at 170 Huff Street in the City of Aransas Pass, Aransas County. The effluent is discharged into Conn Brown Harbor, thence to the Aransas Pass Turning Basin, thence to Redfish Bay in Segment 2483 of the San Antonio-Nueces Coastal Basin. The expiration date of the existing permit was June 30, 1984. The executive director of the Texas Department of

Water Resources has recommended that the application for renewal be denied

Contact: William G. Newchurch, P O Box 13087, Austin, Texas 78711, (512) 475-1468

Filed: August 20, 1984, 10:57 a m
TRD-848633

Application of Johnson & Johnson, Inc., P O Drawer J, Aransas Pass, Texas 78336, to the Texas Department of Water Resources of renewal of Permit 02012 which authorizes a discharge of screened washwater effluent at a volume not to exceed a monthly maximum flow of 75,000 gallons from a shrimp unloading and transfer facility located at 832 Bigelow Street in the City of Aransas Pass, San Patricio County. The effluent is discharged into Conn Brown Harbor; thence to the Aransas Pass Turning Basin; thence to Redfish Bay in Segment 2483 of the San Antonio-Nueces Coastal Basin. The expiration date of the existing permit was June 30, 1984. The executive director of the Texas Department of Water Resources has recommended that the application for renewal be denied.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514

Filed: August 20, 1984, 10:57 a m
TRD-848634

Application of Joseph Miltello, doing business as Aransas Shrimp Company, P.O. Box 1223, Aransas Pass, Texas 78336, to the Texas Department of Water Resources for renewal of Permit 02006 which authorizes a discharge of screened washwater effluent at a volume not to exceed a monthly maximum flow of 63,500 gallons from a shrimp unloading and transfer facility located at Huff Street and Wheeler Avenue in the City of Aransas Pass, San Patricio County. The effluent is discharged into the Aransas Pass Turning Basin; thence to Redfish Bay in Segment 2483 of the Nueces Estuary. The expiration date of the existing permit was June 30, 1984. The executive director of the Texas Department of Water Resources has recommended that the application for renewal be denied.

Contact: William G. Newchurch, P O Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: August 20, 1984, 10:57 a m
TRD-848635

Application of Padre Island Shrimp, Inc., P O Drawer SS, Aransas Pass, Texas 78336, to the Texas Department of Water Resources for renewal of Permit 02007 which authorizes a discharge of screened washwater effluent at a volume not to exceed a monthly maximum flow of one mil-

lion gallons from a shrimp unloading and transfer facility located at 407 Bigelow Street in the City of Aransas Pass, Aransas County. The effluent is discharged into Conn Brown Harbor; thence to Aransas Pass Turning Basin, thence to Redfish Bay in Segment 2483 of the Nueces Estuary. The expiration date of the existing permit was June 30, 1984. The executive director of the Texas Department of Water Resources has recommended that the application for renewal be denied.

Contact: William G. Newchurch, P O Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: August 20, 1984, 10:56 a m.
TRD-848636

Texas Youth Commission

Thursday, August 30, 1984, 8:30 a.m. The board of the Texas Youth Commission will meet via telephone conference call originating from the executive director's office, 8600 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider construction contracts for four dorms at Crockett State School. The board also will meet in executive session to consider settlement of a personal injury claim.

Contact: Ron Jackson, P O Box 9999, Austin, Texas 78766, (512) 452-8111

Filed: August 20, 1984, 10:34 a m
TRD-848626

Regional Agencies

Meetings Filed August 16

The Austin-Travis County Mental Health and Mental Retardation Center, Operations and Planning Committee, met in the boardroom, 1430 Collier Street, Austin, on August 21, 1984, at 7:30 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext 40.

The Colorado River Municipal Water District, Board of Directors, met at 400 East 24th Street, Big Spring, on August 23, 1984, at 10 a.m. Information may be obtained from O. H. Ivie, P O Box 869, Big Spring, Texas 79920, (915) 267-6341.

The Region V Education Service Center, Board of Directors, met at 2295 Delaware Street, Beaumont, on August 23, 1984, at 1:15 p.m. Information may be obtained

from Fred J. Waddell, 2295 Delaware Street, Beaumont, Texas 77703, (409) 835-5212.

The High Plains Underground Water Conservation District 1, Board of Directors, met in the conference room, 2930 Avenue Q, Lubbock, on August 21, 1984, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

The Lower Colorado River Authority, Audit Committee, met at 3700 Lake Austin Boulevard, Austin, on August 22, 1984, at 8 a.m. The following committees met at the same location on the same date at the following times:

Finance and Administration
Committee—9 a.m.

Energy Operations Committee—11 a.m.
Natural Resources

Committee—1:30 p.m.

Committee on Planning and Public
Policy—4 p.m.

The Board of Directors met at the same location on August 23, 1984, at 9 a.m. Information may be obtained from R. L. Hancock, P O Box 220, Austin, Texas 78767, (512) 473-3200.

The Tyler County Tax Appraisal District, Board of Review, met at 1004 West Bluff, Woodville, on August 22, 1984, at 1 p.m. Information may be obtained from Mary F. Mann, 1004 West Bluff, P O Drawer 9, Woodville, Texas 75979, (409) 283-3736.
TRD 848451

Meetings Filed August 17

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees, met in the boardroom, 1430 Collier Street, Austin, on August 23, 1984, at 7 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Coryell County Appraisal District, Board of Directors, met at 105 North Seventh, Gatesville, on August 23, 1984, at 7 p.m. Information may be obtained from Darrell Lisenbe, P O Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Dallas Area Rapid Transit Authority, Budget and Finance Committee, met at 601 Pacific Avenue, Dallas, on August 20, 1984, at 4 p.m. The Special Service Needs Committee met at the same location on August

21, 1984, at 4:30 p.m. The board met at the same location on the same day at 6:30 p.m. Information may be obtained from Michael Miles, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278

The Edwards County Appraisal District, Appraisal Review Board, met in emergency session in the new county office building, Austin Street, Rocksprings, on August 20, 1984, at 2 p.m. Information may be obtained from Glen Whitehead, Box 378, Rocksprings, Texas 78880, (512) 683-2337

The Heart of Texas Council of Governments, Executive Committee, met at 320 Franklin, Waco, on August 23, 1984, at 12:30 p.m. Information may be obtained from Mary McDow, 320 Franklin, Waco, Texas 76701, (817) 756-6631

The Lower Rio Grande Valley Development Council, Board of Directors, met 311 East Tyler, Harlingen, on August 23, 1984, at 1:30 p.m. Information may be obtained from Robert A. Chandler, 707 Texas Commerce Bank Building, McAllen, Texas 78501, (512) 682-3481

The South Plains Health Provider Organization, Inc., Board, met at 715 Amarillo Street, Plainview, on August 21, 1984, at 8 p.m. Information may be obtained from I. Sylvia Cuevas, 706 Canyon, Plainview, Texas 79072, (806) 293-8561

The South Texas Private Industry Council met at the Zapata Community Center, U.S. Highway 83, Zapata, on August 23, 1984, at 4 p.m. Information may be obtained from Ruben M. Garcia, P.O. Box 1969, Laredo, Texas 78041, (512) 722-4656

The Trinity River Authority of Texas, Board of Directors, met at 5300 South Collins Street, Arlington, on August 22, 1984, at 10:30 a.m. Information may be obtained from J. Sam Scott, 5300 South Collins Street, Arlington, Texas 76004-0060, (817) 467-4343

TRD-848577

Meetings Filed August 20

The Austin-Travis County Mental Health and Mental Retardation Center, Finance and Control Committee, met in emergency session at 1430 Collier Street, Austin, on August 22, 1984, at noon. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141

The Deep East Texas Regional Mental Health and Mental Retardation Services, Board of Trustees, will meet in the Ward R. Burke Community Room, Administration Facility, 4101 South Medford Drive, Lufkin, on August 28, 1984, at 5:30 p.m. Information may be obtained from Jim McDermott, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141

The Region XVI Education Service Center, Board of Directors, will meet in the Lubbock Room, Sutphen's Barbeque, 16th and Madison, Amarillo, on August 30, 1984, at 1 p.m. Information may be obtained from Dr. Kenneth M. Laycock, 1601 South Cleveland, Amarillo, Texas 79102, (806) 376-5521

The Central Appraisal District of Erath County, Appraisal Review Board, met in emergency session at 1390 Harbin Drive, Stephenville, on August 21, 1984, at 7 p.m. Information may be obtained from Trecia Perales, Box 94, Stephenville, Texas 76401, (817) 965-5434

The Hays County Central Appraisal District, Board of Review, will meet in the Blair Room, third floor, Courthouse Annex, San Marcos, on August 27, 1984, at 9 a.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Drive, San Marcos, Texas 78666, (512) 396-4777.

The Lee County Appraisal District, Board of Review, will meet at 218 East Richmond Street, Giddings, on August 30, 1984, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Lone Star Municipal Power Agency will meet in the Flag Room, First National Bank, 1300 11th Street, Huntsville, on August 27, 1984, at 5 p.m. Information may be obtained from Cathy Locke, P.O. Box 9960, College Station, Texas 77840, (409) 764-3515.

The North Central Texas Council of Governments, Executive Board, met in emergency session on the second floor, Centerpoint Two, 616 Six Flags Drive, Arlington, on August 23, 1984, at 12:30 p.m. Information may be obtained from Edwina J. Hicks, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 461-3300

The Northeast Texas Municipal Water District, Board of Directors, will meet at 1003 Linda Drive, Daingerfield, on August 27, 1984, at 7 p.m. Information may be obtained from Homer Tanner, P.O. Box 680, Daingerfield, Texas 75638, (214) 645-2241.

The Rio Grande Valley Municipal Water Authority will meet at the Valley Chamber of Commerce, Weslaco, on August 28, 1984, at 3 p.m. Information may be obtained from Ersel Lantz, 308 Scott Street, Brownsville, Texas 78521, (512) 542-8764.

The Central Appraisal District of Rockwall County, Appraisal Review Board, will meet at 106 North San Jacinto, Rockwall, on August 24, 1984, at 9 a.m. Information may be obtained from Eugene "Bo" Daffin, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

TRD-848619

Meeting Filed August 21

The Lubbock Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at 3800 Avenue H, Lubbock, on August 27, 1984, at noon. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213.

TRD-848662

In Addition

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner), notices of rate ceilings (filed by the consumer credit commissioner), changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner), and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission)

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board), applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission), applications for waste disposal permits (filed by the Texas Water Commission) and notices of public hearing

Comptroller of Public Accounts Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Comptroller of Public Accounts of the State of Texas requests proposals to provide the following data processing consultant and computer support services.

Description of Work. The selected consultant will be required to assist in construction and implementation of the Bank Franchise Tax System in accordance with the *Systems Development Standards and Procedures Manual* (the manual), published by the Data Services Division of the Comptroller of Public Accounts. System products will be subject to review and monitoring by data services project control personnel and to quality review and acceptance by data services quality assurance personnel. The application development cycle (milestones and products), project management and control approach, and status reporting procedures are outlined in the manual. The basic tasks that the consultant will perform include

- (1) code and unit test programs,
- (2) structured walkthrough of the necessary components, and
- (3) system implementation

The system will maintain approximately 2,000 bank franchise tax accounts. The consultant(s), working with existing functional and design specifications, will participate in construction and implementation of computer programs of the following minimum functions:

- (1) file set up,
- (2) special mailing,
- (3) transaction processing,
- (4) exception processing,
- (5) next-collection-action processing,
- (6) balance with accounting,
- (7) CICS entry and inquiry, and
- (8) allocation of money to local taxing authorities.

The construction phase will begin November 1, 1984, with completion targeted for March 1985. An estimated 4,700 hours of contract services will be needed for the project.

Interested parties must submit a resume for each person who will be working on the project. The resume should include educational background and experience, at least two professional references, and a record of any past employment with the State of Texas. All personnel will be under the direction of staff member(s) of the comptroller's office.

Person to Be Contacted. Detailed specifications are contained in the request for proposal (RFP), a copy of which may be obtained after September 3, 1984, from the Data Services Division of the Comptroller of Public Accounts, LBJ Building, 111 East 17th Street, Room 401, between the hours of 8 a.m. and 5 p.m., Monday through Friday. A presentation of information concerning the RFP will be held for interested parties in Room 401, LBJ Building, at 10 a.m. on September 10, 1984. For additional information, interested persons may contact Larry Crawford, Associate Deputy Comptroller, Room 309, LBJ Building, 111 East 17th Street, Austin, Texas 78774, (512) 475-1912.

Closing Date. Written proposals are to be submitted by 4 p.m. on October 2, 1984, to Larry Crawford, Associate Deputy Comptroller for Data Services, Comptroller of Public Accounts, LBJ Building, Room 301, Austin, Texas 78774, (512) 475-0875.

Procedure for Selection of Consultant. The comptroller's office will consider the demonstrated competence, knowledge, and qualifications of each individual who will work on the project, and of the firm as a whole, and the reasonableness of the proposed fee. When other considerations are equal, a consultant whose principal place of business is within the State of Texas will be given preference.

Final selection will be made by the Comptroller of Public Accounts based upon staff recommendation. The comptroller reserves the right to reject any or all proposals. No oral proposals will be accepted. The comptroller also reserves the right to require oral presentations from selected respondents prior to award of the contract.

Issued in Austin, Texas, on August 16, 1984

TRD-848456 Bob Bullock
Comptroller of Public Accounts

Filed August 16, 1984
For further information, please call (512) 475-1922.

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
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Judgment Rate—

Article 1 05, §2	10.79%	10.79%
09/01/84-09/30/84		

- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1 01(f)
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on August 20, 1984

TRD-848617 Sam Kelley
Consumer Credit Commissioner

Filed August 20, 1984
For further information, please call (512) 475-2111.

Office of Consumer Credit Commissioner Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1 04, 1 05, 1 11, and 15 02, as amended (Texas Civil Statutes, Articles 5069-1 04, 1 05, 1 11, and 15 02)

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1 04(a)(1) 08/27/84-09/02/84	21.25%	21.25%
Monthly Rate—Article 1 04(c)(1) 08/01/84-08/31/84	21.15%	21.15%
Standard Quarterly Rate—Article 1 04(a)(2) 07/01/84-09/30/84	19.90%	19.90%
Retail Credit Card Quarterly Rate—Article 1 11(3) 07/01/84-09/30/84	19.90%	N/A
Lender Credit Card Quarterly Rate—Article 15 02(d)(3) 07/01/84-09/30/84	19.90%	N/A
Standard Annual Rate—Article 1 04(a)(2)(2) 07/01/84-09/30/84	19.90%	19.90%
Retail Credit Card Annual Rate—Article 1 11(3) 07/01/84-09/30/84	19.90%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 07/01/84-09/30/84	18.65%	N/A

Texas Department of Human Resources Consultant Proposal Requests

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) is requesting proposals for consulting services as follows.

Description, Limitations, Effective Dates, and Contacts. In the geographic areas listed as follows, specific activities to be performed are psychological/development testing, psychological/psychiatric evaluation, counseling/therapy, and courtroom testimony

Limitations and Contacts by Region. In DHR Region 01/02, the services will be purchased in Potter, Randall, and Lubbock Counties. Contracts will be for the period of December 1, 1984, through August 31, 1986, and funding will not exceed \$226,000. The contact person is Carol A. Lindemann, P.O. Box 3700, Amarillo, Texas 79106-3700, (806) 376-7214

In DHR Region 03, the services will be purchased in El Paso, Brewster, Culbertson, Hudspeth, Jeff Davis, and Presidio Counties. Contracts will be for the period of December 1, 1984, through November 30, 1986, and funding will not exceed \$190,000. The contact person is Joy Duarte, P.O. Box 10276, El Paso, Texas 79994, (915) 779-7790, ext. 405

In DHR Region 08, the services will be purchased in Nueces, Bee, Kleberg, Aransas, San Patricio, Cameron, Starr, Jim Wells, Brooks, and Duval Counties. Contracts will be for the period of December 1, 1984, through August 31, 1985, and funding will not exceed \$173,000. The contact person is Jaime Ramos, Program Director for Purchased Services, P.O. Box 960, Edinburg, Texas 78539, (512) 383-5344, ext. 321

In DHR Region 09, the services will be purchased in all counties. Contracts will be for the period of December 1, 1984, through November 30, 1986, and funding will not exceed \$721,850. The contact person is Linda S. Reyes, P.O. Box 37120, San Antonio, Texas 78237, (512) 533-3161, ext. 235.

In the geographic areas listed as follows, specific activities to be performed are psychological/developmental testing, psychological evaluation, counseling/therapy, and courtroom testimony

Limitations and Contacts by Region. In DHR Region 04, the services will be purchased in Tom Green, Runnels, Mason, Kimble, Crockett, Sutton, McCulloch, Comanche, Coleman, Brown, Taylor, Nolan, Stephens, and Eastland Counties. Contracts will be for the period of December 1, 1984, through November 30, 1985, and funding will not exceed \$268,000. The contact person is J. L. Cole, P O Box 3235, Abilene, Texas 79604, (915) 698-3652, ext 240

In DHR Region 06, the geographic areas, funding amounts, contract dates, and contact persons are listed as follows. For Bosque, Hamilton, Hill, Limestone, Freestone, Falls, Robertson, Leon, Madison, Grimes, Washington, Brazos, Milam, Lee, Fayette, and Burleson Counties, contracts will be for the period of December 1, 1984, through August 31, 1986, and funding will not exceed \$34,200. The contact person is Pat Arbuckle, P O Box 191, Bryan, Texas 77806, (409) 823-0921. For Bell, Coryell, Lampasas, Mills, San Saba, and McLennan Counties, contracts will be for the period of December 1, 1984, through August 31, 1986, and will not exceed \$66,000. The contact person is Sandra Herring, P O Box 977, Waco, Texas 76703, (817) 756-6111

In DHR Region 10, specific activities to be performed are psychological/developmental testing, psychological/psychiatric evaluation, counseling/therapy, and courtroom testimony

The services will be purchased for all counties in region 10. Contracts will be for 10 months, and funding will not exceed \$98,300

Evaluation and Selection. To evaluate the offers, the DHR will consider the following criteria: geographic area, range of services, accessibility of services to clients, client flow and time frames, unique and innovative aspects of the program, provider contribution, staff qualifications, examples of work, and cost

Final selection will be based on the results of the DHR's evaluation of the listed criteria. The closing date for receipt of offer is September 28, 1984

Issued in Austin, Texas, on August 17, 1984

TRD-848580 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Filed August 17, 1984
For further information, please call (512) 441-3355,
ext. 2037

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) invites all interested parties to submit proposals to provide consultant services to this agency

Description of Services. The purpose of the proposed contract is to plan, organize, and conduct data collec-

tion (including computer data entry) and related training for a research project in progress. Data collected, to date, include approximately 300 data elements from each of 3,600 case records. The contract is for the purpose of expanding and updating the existing data base, while maintaining current standards of reliability, and training others to access and use the data base and related software via remote computer terminals across the state. Tasks to be performed also include periodic revision of the data collection instrument and other tasks assigned and supervised by the project director. The subject of this research project is the system of licensed residential programs for children in Texas

Contract Term. The contract will begin on October 1, 1984, and end on August 31, 1985. Payments under the contract are not planned to exceed \$19,520, plus \$3,000 travel and per diem, though the contract amount might increase or decrease based upon need

Procedure for Selecting Consultant. The DHR project director and the program specialist for foster care will select and award the contract on the basis of demonstrated competence and qualifications, such as, but not limited to, history of similar work, references, and ability to complete the work in the designated time frame

Contact Person. For additional information or to notify the department of intent to submit a proposal, contact Michael Bruce, Diane Scott, or Melodye Fleming, Texas Department of Human Resources, 701 West 51st Street, Austin, Texas 78751, (512) 450-3011 or (512) 835-0440

Closing Date. All bids must be received and date stamped by the DHR not later than 5 p.m. on September 7, 1984

Intent to Continue Current Contract Unless Presented a Better Offer. The consulting service desired by the DHR continues a service previously performed by a private contractor. The DHR intends to award the contract for consulting service to the private contractor that previously performed the service unless a better offer is received

Issued in Austin, Texas, on August 20, 1984

TRD-848620 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Filed August 20, 1984
For further information please call (512) 441-3355,
ext 2037

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) invites all interested parties to submit proposals to provide consultant services to this agency

Description of Services. The purpose of the proposed contract is to plan, organize, and conduct data collection (including computer data entry) and related training for a research project in progress. Data collected, to date, include approximately 300 data elements from each of 3,600 case records. The contract is for the purpose of ex-

panding and updating the existing data base, while maintaining current standards of reliability, and training others to access and use the data base and related software via remote computer terminals across the state. Tasks to be performed also include periodic revision of the data collection instrument and other tasks assigned and supervised by the project director. The subject of this research project is the system of licensed residential programs for children in Texas.

Contract Term. The contract will begin on October 1, 1984, and end on August 31, 1985. Payments under the contract are not planned to exceed \$17,248, plus \$3,000 travel and per diem, though the contract amount might increase or decrease based upon need.

Procedure for Selecting Consultant. The DHR project director and the program specialist for foster care will select and award the contract on the basis of demonstrated competence and qualifications, such as, but not limited to, history of similar work, references, and ability to complete the work in the designated time frame.

Contact Person. For additional information or to notify the department of intent to submit a proposal, contact Michael Bruce, Diane Scott, or Melodye Fleming, Texas Department of Human Resources, 701 West 51st Street, Austin, Texas 78751, (512) 450-3011 or (512) 835-0440.

Closing Date. All bids must be received and date stamped by the DHR not later than 5 p.m. on September 25, 1984.

Intent to Continue Current Contract Unless Presented a Better Offer. The consulting service desired by the DHR continues a service previously performed by a private contractor. The DHR intends to award the contract for consulting service to the private contractor that previously performed the service unless a better offer is received.

Issued in Austin, Texas, on August 20, 1984

TRD-848621 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed August 20, 1984
For further information, please call (512) 441-3355,
ext. 2037

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) is requesting proposals for consulting services.

Description. Services to be provided are statewide public awareness conferences and workshops on sexual abuse which may lead to status offense or delinquency and the problems of incarcerating children in jails for adults. In addition, the consultant will serve as a resource for local groups or communities wanting to develop initiatives to combat these two problems. The consultant may offer additional activities to increase public awareness and response to these two problems.

Limitations. The contract period will be October 15, 1984, through August 31, 1985, and funding will not exceed \$69,000.

Contact Person. For more information, contact Melodye Fleming, Mail Code 537, Contract Management Specialist, P.O. Box 2960, Austin, Texas 78769, (512) 450-3289.

Evaluation and Selection. To evaluate the offers, the DHR will consider the following criteria.

- (a) cost,
- (b) geographic distribution of services;
- (c) number of conferences and workshops;
- (d) qualifications of presenters;
- (e) previous relevant experience,
- (f) knowledge of topic areas;
- (g) provider contribution,
- (h) services offered in addition to the conferences and workshops, and
- (i) content of the conferences and workshops.

Final selection will be based on the DHR's evaluation of the listed criteria.

This proposed consultation is a continuation of a current program, and the DHR intends to contract with the current provider unless a substantially better offer is received.

Closing Date. The closing date for receipt of offers is September 10, 1984.

Issued in Austin, Texas, on August 17, 1984

TRD-848581 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed August 17, 1984
For further information, please call (512) 441-3355,
ext. 2037.

Notice of Relocation

Effective August 28, 1984, the administrative headquarters of the Texas Department of Human Resources (DHR) will be located in the John H. Winters Human Services Center, 701 West 51st Street, Austin, Texas 78751. The DHR's mailing address will continue to be P.O. Box 2960, Austin, Texas 78769. The main telephone number at the Winters Center is (512) 450-3011.

Issued in Austin, Texas, on August 17, 1984

TRD-848579 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed August 17, 1984
For further information, please call (512) 441-3355,
ext. 2037.

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 admission to do business in Texas of Employee Benefit Insurance Company, a foreign fire and casualty insurance company. The home office is in San Jose, California.

(2) Application for admission to do business in Texas of EBI Insurance Company, a foreign fire and casualty insurance company. The home office is in Portland, Oregon.

(3) Application for incorporation of American Funeral Service and Life Insurance Company, to be a domestic stipulated premium insurance company. The home office is proposed to be in Atlanta.

(4) Application for admission to do business in Texas of La Reunion Francaise, an alien fire and casualty insurance company. The home office is in Paris, France.

(5) Application for admission to do business in Texas of Universal Assurors Life Insurance Company, a foreign life insurance company. The home office is in Omaha, Nebraska.

(6) Application for admission to do business in Texas of Zurich American Insurance Company of Illinois, a foreign fire and casualty insurance company. The home office is in Schaumburg, Illinois.

(7) Application for a name change by Alamo Title Company, a domestic title insurance company. The home office is in San Antonio. The proposed new name is Texas Title Company.

(8) Application for a name change by Alamo Title Company, a domestic title insurance company. The home office is in San Antonio. The proposed new name is Texas Title Guaranty Company.

(9) Application for a name change by Alamo Title Company, a domestic title insurance company. The home office is in San Antonio. The proposed new name is Texas Title Insurance Company.

(10) Application for a name change by Alamo Title Company, a domestic title insurance company. The home office is in San Antonio. The proposed new name is Title Insurance Company of Texas.

(11) Application for a name change by Home Reinsurance Company, a foreign casualty company. The home office is in Manchester, New Hampshire. The proposed new name is City Reinsurance Company.

(12) Application for incorporation of the Central National Insurance Company of Texas, to be a domestic fire and casualty insurance company. The home office is proposed to be in Austin.

Issued in Austin, Texas, on August 16, 1984

TRD-848476 James W. Norman
Chief Clerk
State Board of Insurance

Filed: August 17, 1984
For further information, please call (512) 475-2950.

**Legislative Budget Board
Joint Budget Hearing Schedule**

The Executive and Legislative Budget Offices will jointly conduct the following budget hearings to consider appropriations requests for the 1986-1987 biennium, for the

period of August 27-31, 1984. Please confirm dates, times, and locations, since experience has shown that some rescheduling always occurs.

Agency	Date	Place
Texas Research Institute of Mental Sciences, Genetics Screening and Counseling Program	9 a.m. - August 28	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Lamar University System	9 a.m. - August 28	Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin
Texas Indian Commission	9:30 a.m. - August 28	Room 503G, Sam Houston Building, 201 East 14th Street, Austin
Texas Commission on Law Enforcement Officer Standards and Education	9:30 a.m. - August 28	Room 304, John H. Reagan Building, 105 West 15th Street, Austin
Houston Psychiatric Hospital	12:30 p.m. - August 28	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Soil and Water Conservation Board	1:30 p.m. - August 28	Room 503G, Sam Houston Building, 201 East 14th Street, Austin
Fort Worth Psychiatric Hospital	3 p.m. - August 28	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Stephen F. Austin State University	3:30 p.m. - August 28	Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin
Waco Center for Youth	9 a.m. - August 29	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Laredo State Center	12:30 p.m. - August 29	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Tuition Equalization Grants Program	1 p.m. - August 29	Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin
Texas State Technical Institute	2 p.m. - August 29	Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin
Rio Grande State Center	3 p.m. - August 29	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Beaumont State Center	9 a.m. - August 30	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin

Pan American University	9 30 a m - August 30	Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin
Pan American University at Brownsville	10 45 a m - August 30	Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin
Amarillo State Center	12 30 p m - August 30	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Public Junior/Community Colleges	1 30 p m - August 30	Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin
El Paso State Center	3 p m - August 30	Central Office Auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin

Issued in Austin, Texas, on August 17, 1984

TRD-848477 Larry Kopp
Assistant Director for Budgets
Legislative Budget Board

Filed August 17, 1984
For further information, please call (512) 475-6565

Texas Department of Mental Health and Mental Retardation Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Department of Mental Health and Mental Retardation (TDMHMR) invites bids on a continuation of services currently performed by Charlie Schnabel. The department intends to award the contract to the present contractor unless a better offer is submitted.

Description of Services. Under the contract, the consultant will study, analyze, and monitor existing sheltered workshop programs in TDMHMR facilities and assist those facilities in the development and implementation of improved administrative and management methods. All information will be compiled and submitted to the central office of the TDMHMR. Specific activities to be performed include:

- (1) compiling a baseline assessment of work for pay services provided for clients and customers, location and means of service delivery, and current production,
- (2) evaluating the potential to develop and market additional products and services and diversity opportunities for clients to train, work, and earn,
- (3) evaluating the potential of projects for the expansion of sales of current products and services,
- (4) increasing productivity and client earnings and identifying new organization structures and funding arrangements to achieve coordination, mobility, and economy of scale,
- (5) identifying products for production and providing assistance with new product development such as market analysis, suppliers of materials, equipment requirements, shipping costs, and related basic marketing data,

(6) assisting projects to access new markets through local political subdivisions, the state use law, federal government contracts, and industrial enterprises at the state and national level,

(7) making administrative and management evaluations and recommendations relating to the sheltered industry goals of the department,

(8) determining training needs of personnel in such areas as workshop management, contract procurement, bidding and pay practices, production methods, customer service, law and standards compliance, and working with clients in a work setting, and

(9) recommending and, in conjunction with department staff, helping plan cost-effective means for the provision of training.

Evaluation Criteria. The contractor must have a minimum of a bachelor's degree and 10 years experience in the field of rehabilitation and/or sheltered workshops. Experience should include the areas of long-range and operational planning, analysis on a comprehensive as well as programmatic basis, interagency cooperation, and knowledge of the structure of Texas state government and those agencies providing sheltered workshop programs. Subject to the provisions of the first paragraph of this proposal, the bidder demonstrating the most relevant experience and background and having the greatest and most expert knowledge of the service to be performed will be awarded the contract.

Closing Date for Offers. The closing date for receipt of bids is September 15, 1984.

Contact Person. Prospective bidders should contact Gary E. Miller, M.D., Commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, (512) 465-4501.

Issued in Austin, Texas, on August 15, 1984

TRD-848462 Gary E. Miller, M.D.
Commissioner
Texas Department of Mental Health and Mental Retardation

Filed August 16, 1984
For further information, please call (512) 465-4591

Texas Parks and Wildlife Department Texas Review and Comment System (TRACS) Review

The Texas Parks and Wildlife Department has requested a state and regional clearinghouse TRACS review of proposed modifications to local government project review and scoring system procedures addendum to the Texas Outdoor Recreation Plan. These are used in part to evaluate and rank local government park grant applications. After TRACS review has been completed, the department will seek finalization of the procedures in preparation of their distribution and use in 1985.

For further information, please contact Johnny I. Buck, Comprehensive Planning Branch, Parks Division, Texas

Parks and Wildlife Department, 4200 Smith School Road,
Austin, Texas 78744, (512) 479-4911

Issued in Austin, Texas, on August 17, 1984

TRD-848578 Charles D. Travis
Executive Director
Texas Parks and Wildlife
Department

Filed: August 17, 1984
For further information, please call (512) 479-4911.



Public Utility Commission of Texas Consultant Contract Award

In compliance with the provisions of Texas Civil Statutes, Article 6252-11c, the Energy Efficiency Division of the Public Utility Commission of Texas furnishes notice of a contract award.

Description of Services. Pursuant to a consultant proposal request published in the June 15, 1984, issue of the *Texas Register* (9 TexReg 3277), a contractor has been selected to assist the agency in the planning, coordination, promotion, and implementation of the 1985 Industrial Energy Technology Conference.

Contractor, Total Value, Period of Contract. The consultant selected is Milton A. Williams, P.E., doing business as Energy Management Consultants, 7908 Waterline Road, Austin, Texas 78731. The total value of the contract is \$130,000. The beginning and ending dates of the contract are August 9, 1984, and August 31, 1985, respectively.

Due Date of Documents. All documents produced are due at the agency office no later than August 31, 1985.

Issued in Austin, Texas, on August 15, 1984

TRD-848457 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Filed: August 16, 1984
For further information, please call (512) 458-0316

Texas Rehabilitation Commission Consultant Proposal Request

The Texas Planning Council for Developmental Disabilities, under the authority of its enabling legislation (Human Resources Code, Texas Civil Statutes, Chapter 112), invites offers of services to

(1) review grantee independent auditor engagement letters to ascertain that proposed coverage meets the minimum requirements for Developmental Disabilities (DD) Program audit coverage as discussed in the *DD Program Grant Manual*,

(2) identify and report to the executive director by memorandum all perceived weaknesses in proposed coverage with recommendations for corrective action,

(3) review the grantee independent audit reports for their adequacy with respect to professional standards, compliance with applicable federal and state regulations, and adherence to the compliance requirements of the manual,

(4) identify and report by memorandum to the executive director all areas of concern in independent audit coverage, especially accounting practice deviations or control weaknesses, with recommendations for corrective action,

(5) maintain independent audit status reports to ascertain compliance with relevant timelines as provided in the manual,

(6) stay abreast of the most current federal regulations regarding the audit of grants, particularly the Office of Management and Budget (OMB) single audit requirements, to assure DD Program compliance with such rules and regulations as may apply,

(7) review and provide input on revisions to the manual, especially, but not restricted to, areas relating to grantee financial management and audit requirements,

(8) at the request of the executive director, provide consultation to the council, DD Program staff, or its grantees in area of expertise,

(9) generate a computerized data base of most pertinent grantee information, and

(10) use the data base to develop an integrated grants management system to include, but not limited to, financial control mechanisms, financial report generation, program control mechanisms, and data inquiry and compilation routines.

The funds for the contract come from federal funds authorized by the previously cited laws. This consultant proposal request is being filed pursuant to Texas Civil Statutes, Article 6252-11c. This invitation for offers is a continuation of consultant services currently performed by Gary Pharr. The council is most satisfied with the work of its current contractor, however, applicants interested in making applications may do so. The council intends to award the contract to the present contractor unless a better offer is submitted.

Background. The council is composed of representatives of service providers, state agencies, volunteer organizations, parents, and consumers. Fiscally, the program is administered by the Texas Rehabilitation Commission. Each state that receives assistance under the Developmental Disabilities Basic Formula Grant Program is required to establish a governor's planning council which will serve as an advocate for persons with developmental disabilities. It is the duty of the council to advocate programs and policies for persons with developmental disabilities to improve the state's services to them. The council sets broad policy, determines priorities among service needs, and sets goals and objectives for the state program of services for the developmentally disabled.

Evaluation Criteria Proposals will be evaluated according to

(1) expertise in the areas of financial and compliance auditing with excellent working knowledge of federal audit and grant compliance guidelines, rules, and regulations,

(2) prior experience in grants management for a financial management perspective, and

(3) high capability in computer systems design, programming, and implementation

Closing Date for Offers The closing date for receipt of offers is September 3, 1984

Contact Person Further information may be obtained by contacting Wally Nielson, Texas Planning Council for Developmental Disabilities, 118 East Riverside Drive, Austin, Texas 78704, (512) 445 8848

Issued in Austin, Texas, on August 15, 1984

TRD 848478 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Filed August 17, 1984

For further information, please call (512) 445 8126



Texas Sesquicentennial Commission Public Information

The Texas Sesquicentennial Commission is requesting proposals from manufacturers interested in producing and distributing commemorative products for the celebration of Texas' 150th anniversary of independence in 1986.

Based upon such criteria as product quality, adherence to the theme of the Sesquicentennial, and its track record for marketing and production, a single manufacturer will be chosen for each of some 25 categories. The categories include a medallion, flag, "patriot kit" for schoolchildren, spur, belt buckle, boots, hat, ring, map, metal object, fine art print, ceramic object, pistol, rifle, knife, art poster, reproductions of early Texas currency and other artifacts, and Texana, an open category for uniquely Texan objects not fitting into another category, to be suggested by applicants.

The items will be distributed through officially-sanctioned Texas Independence Communities and Texas Independence Associations, which are allowed to sell the products to help finance their Sesquicentennial projects.

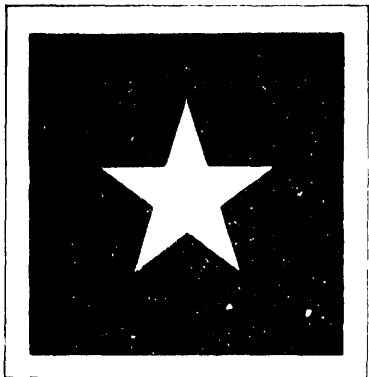
Interested manufacturers may contact the Texas Sesquicentennial Commission for a copy of the specifications for bid submittal at P O Box 1986, Austin, Texas 78767, before 5 p.m. on August 31, 1984.

All proposals submitted must conform to commission specifications. Incomplete applications will not be considered.

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