

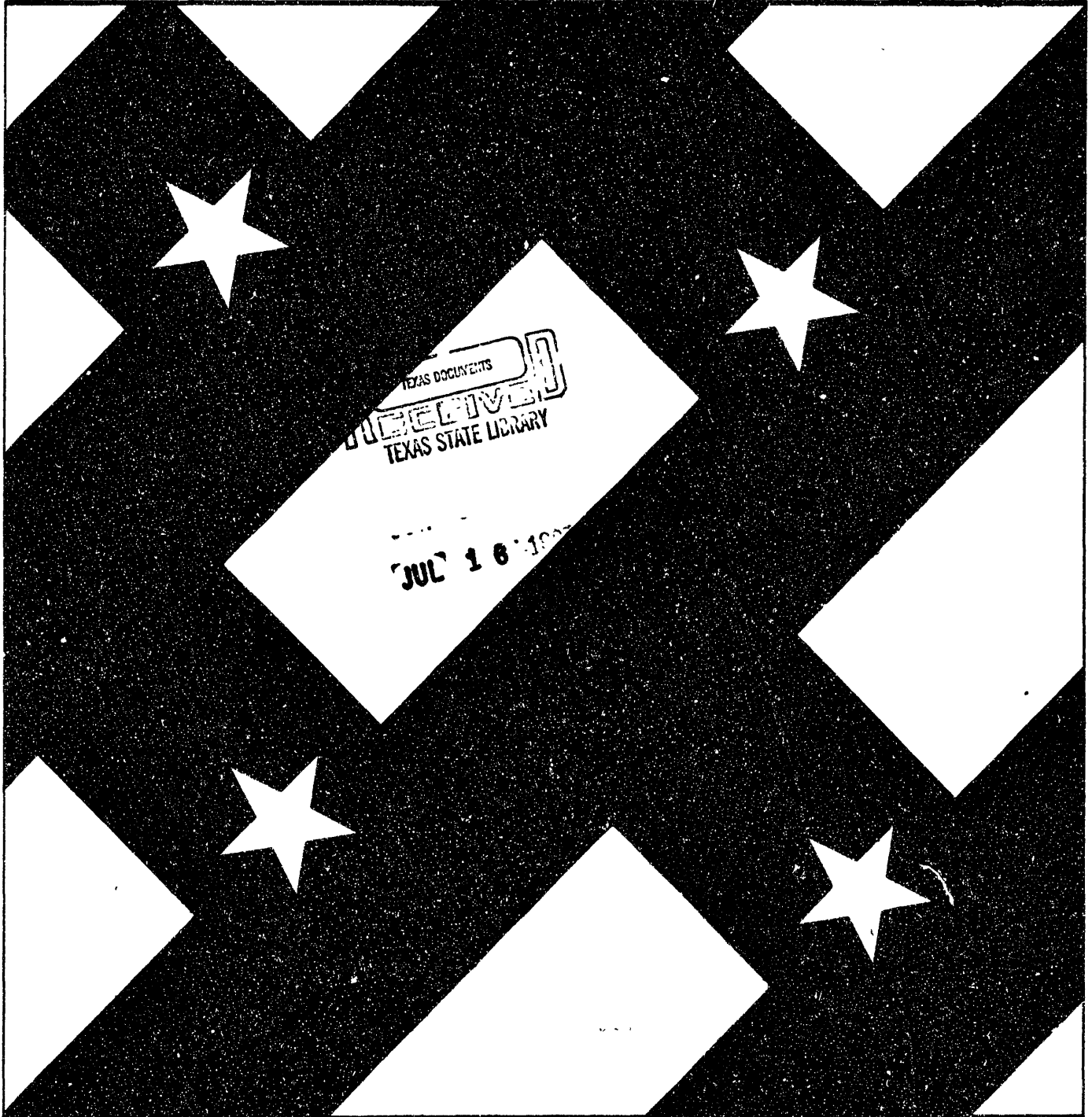
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Texas Register

Volume 10, Number 52, July 12, 1985

Pages 2211 - 2268



Highlights

The Texas Parks and Wildlife Department adopts on an emergency basis an amendment concerning the gulf shrimping season. Effective date - July 5. . . . page 2216

The Texas Education Agency proposes

amendments concerning well-balanced curriculum. Proposed date of adoption - September 14. page 2217

The Texas Education Agency adopts a new section concerning alternative teacher certification. Effective date - July 26. page 2237

Office of
the Secretary
of State

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1985 with the exception of June 25, July 9, August 30, December 3, and December 31, by the Office of the Secretary of State.

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POSTMASTER: Please send Form 3579 changes to the *Texas Register*, P.O. Box 13824, Austin, Texas 78711-3824.

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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
- Emergency Rules—rules adopted by state agencies on an emergency basis
- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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
- Open Meetings—notices of open meetings
- The Legislature—bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and enacted without his signature
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "10 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 10 TexReg 3."

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1 indicates the title under which the agency appears in the *Texas Administrative Code*;

TAC stands for the *Texas Administrative Code*;

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



Texas Register Publications

a division of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
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Subscriptions—one year (96 regular issues and four index issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues of the *Texas Register* are available at \$3.00 per copy.

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The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the Register publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

Appointment Made June 27

35th Judicial District Court

To be judge in Brown, Coleman, and Mills Counties until the next general election and until his successor shall be duly elected and qualified:

Ernest Cadenhead
4415 Austin Avenue
Brownwood, Texas 76801

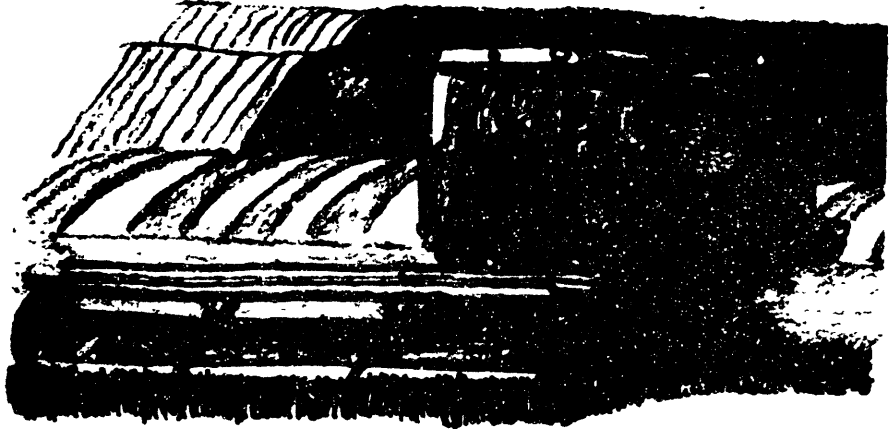
Mr. Cadenhead is replacing Gordon Griffin of Brownwood, who resigned.

Issued in Austin, Texas, on June 27, 1985.

TRD-856010

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.

Symbology in amended emergency 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 25. HEALTH SERVICES Part I. Texas Department of Health Chapter 73. Laboratories Serologic Testing ★25 TAC §73.11

The Texas Department of Health is renewing the effectiveness of the emergency adoption of new §73.11 for a 60-day period effective July 16, 1985. The text of the new section originally was published in the March 26, 1985, issue of the *Texas Register* (10 TexReg 1011).

Issued in Austin, Texas, on July 3, 1985.

TRD-855904

Dan LaFleur
Liaison Officer
Texas Department of Health

Effective date: July 16, 1985
Expiration date: September 14, 1985
For further information, please call
(512) 458-7236.

★ ★ ★

TITLE 31. NATURAL RESOURCES AND CONSERVATION Part II. Texas Parks and Wildlife Department Chapter 57. Fisheries Gulf Shrimping Season ★31 TAC §57.351

The Texas Parks and Wildlife Department adopts on an emergency basis an amendment to §57.351, which provides for an early closure of the shrimping season in Gulf (outside) waters of the Texas territorial sea (nine nautical miles). Based on sound biological data, the executive director has determined that mi-

gration of small brown shrimp from the bays to the Gulf of Mexico will occur earlier than the June 1 statutory closure date. The section is amended to adjust the July 15 opening date to July 8. Sound biological data indicate that the shrimp on the Gulf fishing grounds will meet or exceed the 65 tails per pound size criterion on July 8.

The purpose of the closed Gulf season is to protect brown shrimp during their major period of emigration from the bays to the Gulf of Mexico until they reach a larger, more valuable size before harvest and to prevent waste caused by the discarding of smaller individuals. The executive director found that imminent peril to the public welfare required the amended opening date as an emergency measure to prevent waste of the resource.

This amendment is adopted on an emergency basis under the Texas Parks and Wildlife Code, §77.062. In April 1978, the Texas Parks and Wildlife Commission

delegated to the executive director the duties and responsibilities of opening and closing the shrimping season under this section.

§57.351. *Early Closure of the Gulf Shrimping Season.* The 1985 general closed season for shrimp as defined in the Texas Parks and Wildlife Code, §77.061(1), extends from 30 minutes after sunset May 20, 1985, to 30 minutes after sunset July 8 [15], 1985.

Issued in Austin, Texas, on July 5, 1985.

TRD-855944

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: July 5, 1985
Expiration date: July 19, 1985
For further information, please call
(512) 479-4805 or (800) 792-1112.

★ ★ ★



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. Also, in the case of substantive rules, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

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

TITLE 16. ECONOMIC REGULATION Part I. Railroad Commission of Texas Chapter 5. Transportation Division Subchapter U. General and Special Rules of Practice and Procedures

★ 16 TAC §5.420

The Railroad Commission of Texas proposes amendments to §5.420, concerning publication of notice in nonrule-making proceedings. The amendments previously were proposed as an amendment to §5.422, relating to contested proceedings; however, the commission staff has determined that the amendments should be repropoed as amendments to §5.420.

Merrily Porter, Transportation Division hearings examiner, 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.

Ms. Porter also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the provision of more information about protestants to applicants for operating authority. 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 Michael A. James, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 911b, §4(a), which authorize the Railroad Commission of Texas to prescribe all rules and regulations necessary for the governance of motor carriers.

§5.420. *Publication of Notice in Nonrule-making Proceedings.* At least twice monthly, the director shall publish notice of all

applications or other pleadings by which proceedings shall have been instituted in an agency division since the last previous publication of notice. Said published notice shall not include, however, any proceeding in which personal service of notice is required by law. Said published notice shall set out the name and address of the applicant or other party filing the same, the docket number, and the name and address of his attorney or other representative, shall contain a concise statement of the action sought in the proceeding, reference to agency jurisdiction and statutory authority, or substantive rule for action sought, and shall state that every person who desires to appear in opposition must file a notice of protest and, when the application is for operating authority, a copy of protestant's certificate with the director within 15 days after the publication of said notice, with service of a copy of said notice of protest and of said certificate upon the party who instituted the proceeding, and that if no notice of protest shall have been received by the director within said 15-day period, the proceeding will be processed and determined upon the uncontested docket, at a time and place certain therein stated. The date of publication of all such notices shall be the date on which they are published.

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

Issued in Austin, Texas, on July 5, 1985.

TRD-855957

Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
August 12, 1985
For further information, please call
(512) 445-1186.

★ ★ ★



TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 75. Curriculum Subchapter E. Well-Balanced Curriculum

★ 19 TAC §75.141

The Texas Education Agency proposes amendments to §75.141, concerning the description of a well-balanced elementary curriculum. The proposed amendments to subsection (g) are identical to those which have been adopted on an emergency basis. The proposed amendments to the other subsections have not been adopted on an emergency basis.

Subsections (c)-(e) concern time requirements for kindergarten and the elementary grades. The proposed amendments to subsections (c) and (d) add subject headings for each paragraph. The proposed amendment to subsection (e) deletes a requirement for 45 minutes per day for science and 45 minutes per day for social studies at grades four to six, and requires instead the equivalent of 225 minutes per week for each subject within each six-week period. The amendment gives more flexibility to local school districts in organizing the instructional day.

At this time, the State Board of Education proposes that the other time requirements in subsections (c)-(e) of the section remain unchanged; however, this is a proposal only, and public comment on all three subsections is invited. Public comment is also invited on subsection (f), concerning special instructional activities.

The amendment to subsection (g) adds a new paragraph (6), concerning the assignment of teachers to prekindergarten programs, and a new paragraph (7), concerning funding for prekindergarten programs. Under these proposed amendments, teachers assigned to prekindergarten programs must have certification or endorsement in at least one of the following categories: early childhood education, kindergarten, elementary with bilingual or English as a second language, elementary, vocational home eco-

nomics with kindergarten endorsement, or teacher of young children.

The rules for funding provide for funding under the Foundation School Program based on each district's adjusted basic allotment, with a weight of .75 for prekindergarten students. Prekindergarten students are not included in the student counts for bilingual or compensatory education funding. The .75 weight provides a .50 base, since the program is a half-day program, with a .25 add-on weight, since participating students are low-income and/or limited English speaking, and thus are those who need a funding supplement similar to that provided in the bilingual and compensatory programs.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rule is in effect there will be fiscal implications as a result of enforcing or administering the rule. The anticipated effect on state government is an estimated additional cost of \$36,266,400 in 1986 and \$44,990,000 each year in 1987-1990. The anticipated effect on local government is an estimated additional cost of \$13,413,600 in 1986 and \$16,940,035 each year in 1987-1990. Funds are appropriated for the 1986-1987 biennium. Fiscal year 1987 is carried forward for estimate of further funding. There is no anticipated economic cost to small businesses required to comply with the rule as proposed.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is greater flexibility in scheduling science and social studies instruction in grades four to six, a wide range of professionals eligible for assignment to teach prekindergarten, and clarification of funding provisions for prekindergarten. 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, §21.101, which authorizes the State Board of Education to designate essential elements for subjects in grades prekindergarten through 12, and to require that districts provide instruction in these elements as specified by the board.

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

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

(c) Kindergarten.

(1) **English language arts.** No less than 40% of the instructional day shall be devoted to teaching English language arts.

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

(3) **Physical education.** The daily schedule shall include instruction in physical education.

(4) **Fine arts, health, science, and social studies.** The weekly schedule shall include instruction in fine arts, health, science, and social studies.

(5) **Full-day and half-day programs.** The essential elements in all subjects are the same for half-day and full-day kindergarten programs. Time restrictions in half-day programs will limit the depth of instruction.

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

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

(d) Grades one-three.

(1) **English language arts.** No less than 120 minutes per day shall be devoted to teaching English language arts.

(2) **Mathematics.** No less than 60 minutes per day shall be devoted to teaching mathematics.

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

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

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

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

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

(8) **Other languages.** Each school district is encouraged to offer other languages to the extent possible.

(e) Grades four-six.

(1) **English language arts.** No less than 90 minutes per day shall be devoted to teaching English language arts.

(2) **Mathematics.** No less than 60 minutes per day shall be devoted to teaching mathematics.

(3) **Science and social studies.** With-

in each six weeks, the equivalent of 225 minutes per week [No less than 45 minutes per day] for each subject shall be devoted to teaching science and social studies.

(4) **Health.** The equivalent of 60 minutes per week shall be devoted to teaching health.

(5) **Physical education.** The equivalent of 120 minutes per week shall be devoted to teaching physical education.

(6) **Fine arts.** The equivalent of 120 minutes per week shall be devoted to teaching fine arts.

(7) **Other languages.** Each school district is encouraged to offer other languages to the extent possible.

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

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

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

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

(1)-(5) (No change.)

(6) **Assignment of teachers.** Teachers who provide instruction in prekindergarten programs shall possess certification or an endorsement in at least one of the following categories: early childhood education, teacher of young children, kindergarten, elementary with bilingual or English as a second language (ESL), elementary, or vocational home economics with kindergarten endorsement.

(7) **Funding for prekindergarten.**

(A) Available funds appropriated by the legislature from the Foundation School Program for the support of programs provided under the Texas Education Code, §21.136, shall be allocated to school districts in accordance with this subsection.

The commissioner of education shall ratably reduce each district's allotment for the prekindergarten program if funds are not available to fund the program fully.

(B) Funding for the program shall be calculated using the participating district's basic allotment as adjusted by the price differential index and small district formula, if applicable, and the average daily attendance (ADA) of students served in this program as prescribed in the Texas Education Code, §16.006. The cost of the program is to be shared by the state and district in the same percentage used to determine the state/local shares under the Texas Education code, Chapter 16.

(C) For purposes of calculating program funding, each prekindergarten student in ADA shall receive a weight of .75. Prekindergarten students are not to be included in counts for bilingual or compensatory education funding under §77.362 of this title (relating to Bilingual Education Allotment) or §89.191 of this title (relating to State Compensatory Education Allotment).

(D) Districts shall apply to the commissioner of education for funding of prekindergarten programs operated under this subsection. Applications for funding shall contain an estimate of the number of students who will participate in the program and other information necessary to assure the commissioner that programs will be operated in accordance with the guidelines specified in this subsection.

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

Issued in Austin, Texas, on July 3, 1985.

TRD-855938 W. N. Kirby
Commissioner of
Education

Proposed date of adoption:
September 14, 1985
For further information, please call
(512) 475-7077.

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TITLE 22. EXAMINING BOARDS

Part XI. Board of Nurse Examiners

Chapter 217. Licensure and Practice

★ 22 TAC §217.5

The Board of Nurse Examiners proposes amendments to §217.5, concerning requirements for licensure of nurses not eligible for endorsement under §217.4. The amendments broaden the section to

include all applicants not eligible for licensure by endorsement. The changes also clarify all requirements for obtaining licensure in Texas.

Margaret L. Rowland, R.N., executive secretary, 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.

Ms. Rowland also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is clarification of the requirements and procedures to obtain licensure by endorsement for those nurses who do not qualify under §217.4. 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 Margaret L. Rowland, R.N., Executive Secretary, Board of Nurse Examiners, 1300 East Anderson Lane, Building C, Suite 225, Austin, Texas 78752, (512) 835-4880.

The amendments are proposed under Texas Civil Statutes, Article 4514, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with the Act. Such rules and regulations shall not be inconsistent with the provisions of this law.

§217.5. *Requirements for Licensure of Nurses Not Eligible for Endorsement under §217.4. [Registration of a Graduate from a School in a Foreign Country.]*

(a) Graduation from an accredited nursing program in a professional school of nursing (general) of at least two academic years in length which included theoretical and clinical instruction in medical nursing, surgical nursing, obstetrical nursing, psychiatric nursing, and nursing of children. [A graduate of a school located in a foreign country is required to meet the same standards as Texas registered nurses. This includes passing the NCLEX-RN or the CNATSE as listed in §217.4 of this title (relating to Licensure by Examination).

(b) Filing [of] an application for registration by endorsement, which includes the following:

- (1) (No change.)
- (2) copy of nursing school transcripts (theory and clinical);
- (2){(3)} certification of graduation

from an accredited program;

(3){(4)} verification of the application by the licensing authority of the respective country;

(4){(5)} a recent fade-proof identification photograph, properly identified; and

(5){(6)} evidence of passing the Commission on Graduates of Foreign Nursing Schools examination (Puerto Rican graduates exempt).

(c) a passing score of 1,600 or more on the NCLEX-RN.

(d) candidates who have not successfully passed the licensing examination within five years of the date of eligibility to write the examination must present evidence to the board that their nursing knowledge and skills are current.

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 June 28, 1985.

TRD-855804 Margaret L. Rowland
Executive Secretary
Board of Nurse
Examiners

Earliest possible date of adoption:
August 12, 1985
For further information, please call
(512) 835-4880.

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TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter E. Miscellaneous Taxes Based on Gross Receipts

★ 34 TAC §3.51

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Comptroller of Public Accounts, 111 East 17th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Comptroller of Public Accounts proposes the repeal of §3.51, concerning nontaxable receipts of telephone companies. The telephone gross receipts tax will no longer apply to receipts and services discussed in this section, effective October 1, 1985, as a result of House Bill 1949, 69th Legislature, 1985. Therefore, this section is unnecessary.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or

local government as a result of the repeal. The repeal is promulgated under the Tax Code, Title 2, and no statement of fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is the deletion of an obsolete section so that the comptroller's rules reflect only current provisions. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to D. Carolyn Busch, Director, Tax Administration, P.O. Box 13528, Austin, Texas 78711.

The repeal is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the miscellaneous taxes based on gross receipts.

§3.51. Nontaxable Receipts—Telephone Companies.

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

Issued in Austin, Texas, on July 2, 1985.

TRD-855688 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
August 12, 1985
For further information, please call
(512) 475-1913.

★ ★ ★

★34 TAC §3.53

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Comptroller of Public Accounts, 111 East 17th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Comptroller of Public Accounts proposes the repeal of §3.53, concerning radio-telephone service subject to tax by telephone companies. The telephone gross receipts tax will no longer apply to receipts and services discussed in this section, effective October 1, 1985, as a result of House Bill 1949, 69th Legislature, 1985. Therefore, this section is unnecessary.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the repeal is in effect there will be fiscal implications for state or local government as a result of the repeal as set out in the fiscal note for House Bill 1949. The repeal is promulgated under

the Tax Code, Title 2, and no statement of fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is new information regarding tax responsibilities under changes made by the legislature. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to D. Carolyn Busch, Director, Tax Administration, P.O. Box 13528, Austin, Texas 78711.

The repeal is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the miscellaneous taxes based on gross receipts.

§3.53. Radio-Telephone Service Subject to Tax—Telephone Companies.

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

Issued in Austin, Texas, on July 2, 1985.

TRD-855889 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
August 12, 1985
For further information, please call
(512) 475-1913.

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★34 TAC §3.56

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Comptroller of Public Accounts, 111 East 17th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Comptroller of Public Accounts proposes the repeal of §3.56, concerning business within this state by telephone companies. The telephone gross receipts tax will no longer apply to receipts and services discussed in this section, effective October 1, 1985, as a result of House Bill 1949, 69th Legislature, 1985. Therefore, this section is unnecessary.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the repeal is in effect there will be fiscal implications for state or local government as a result of the repeal as set out in the fiscal note for House Bill 1949. The repeal is promulgated under the Tax Code, Title 2, and no statement of fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is new information regarding tax responsibilities under changes made by the legislature. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to D. Carolyn Busch, Director, Tax Administration, P.O. Box 13528, Austin, Texas 78711.

The repeal is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the miscellaneous taxes based on gross receipts.

§3.56. Business within This State—Telephone Companies.

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

Issued in Austin, Texas, on July 2, 1985.

TRD-855890 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
August 12, 1985
For further information, please call
(512) 475-1913.

★ ★ ★

★34 TAC §3.57

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Comptroller of Public Accounts, 111 East 17th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Comptroller of Public Accounts proposes the repeal of §3.57, concerning car companies not subject to gross receipts tax. The tax on car companies was repealed by Senate Bill 237, 69th Legislature, 1985. This provision is no longer of any effect.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the repeal is in effect there will be fiscal implications for state or local government as a result of the repeal as set out in the fiscal note for Senate Bill 237. The repeal is promulgated under the Tax Code, Title 2, and no statement of fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is the deletion of an obsolete rule, so that the comptroller's rules will reflect only cur-

rent law. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to D. Carolyn Busch, Director, Tax Administration, P.O. Box 13528, Austin, Texas 78711

The repeal is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the miscellaneous taxes based on gross receipts.

§3.57. Car Companies Not Subject to Gross Receipts Tax.

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

Issued in Austin, Texas, on July 2, 1985.

TRD-855891 Bob Bullock
 Comptroller of Public
 Accounts

Earliest possible date of adoption:
August 12, 1985

For further information, please call
(512) 475-1913.

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Subchapter G. Cigarette Tax

★34 TAC §3.102

The Comptroller of Public Accounts proposes an amendment to §3.102, concerning cigarette permits for trucks and cars. The amendment implements Senate Bill 472, 69th Legislature, 1985, which repealed provisions concerning solicitor's permits.

Billy Hamilton, director of revenue estimating, has determined that for the first five-year period the rule will be in effect the fiscal implications for state or local government as a result of enforcing or administering the rule are those shown in the fiscal note for the bill. This amendment is promulgated under the Tax Code, Title 2, and no statement of the fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the deletion of an obsolete section, so that the comptroller's rules will reflect only current 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 D. Carolyn Busch, Director, Tax Administration, P.O. Box 13528, Austin, Texas 78711.

This amendment is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the cigarette tax.

§3.102. Cigarette Permits for Trucks and Cars.

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

(c) Each cigarette manufacturer's sales representative shall be required to purchase [a solicitor's permit and] a wholesale dealer's permit for each manufacturer's vehicle operated.

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

Issued in Austin, Texas, on July 2, 1985.

TRD-855892 Bob Bullock
 Comptroller of Public
 Accounts

Earliest possible date of adoption:
August 12, 1985

For further information, please call
(512) 475-1913.

★ ★ ★

★34 TAC §3.104

The Comptroller of Public Accounts proposes amendments to §3.104, concerning transfer and correction of permits. The amendments implement Senate Bill 472, 69th Legislature, 1985, which repealed provisions concerning solicitors' permits, retail dealers' permits, and vending machine decal permits.

Billy Hamilton, director of revenue estimating, has determined that for the first five-year period the rule will be in effect the fiscal implications for state or local government as a result of enforcing or administering the rule are those shown in the fiscal note for the bill. These amendments are promulgated under the Tax Code, Title 2, and no statement of the fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the deletion of an obsolete section, so that the comptroller's rules will reflect only current 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 D. Carolyn Busch, Director, Tax Administration, P.O. Box 13528, Austin, Texas 78711.

This amendment is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the

administration and enforcement of the cigarette tax.

§3.104. Transfer and Correction of Permits.

(a) (No change.)

[(b) Vending machine decal permits (retail dealer).]

[(1) Each machine shall be a separate place of business.

[(2) Vending machines may be moved from one location to another so long as the decal permit remains on the machine it was issued for.

[(3) Decal permits can not be transferred from one machine to another when a machine is destroyed by fire or mechanical failure.

[(4) New decal permits must be purchased if the ownership status of the vending machine changes.]

[(b)][(c)] Vehicle permits (wholesale dealer[, retail dealer]).

(1)-(5) (No change.)

[(d) Solicitor permits.]

[(1) Solicitor permits are issued only to manufacturer representatives engaged in soliciting and promoting the sales of cigarettes for a particular manufacturer.

[(2) Solicitor permits are issued in the entity name of manufacturer represented but shall also show the name of the individual solicitor as the business trade name.

[(3) The solicitor permit must be carried on the person of the individual solicitor at any time the individual is representing a manufacturer.

[(4) Solicitor permits may not be transferred from one individual to another or from one manufacturer to another, except where the manufacturer changes an entity name without changing ownership status.

[(5) A new solicitor permit must be purchased if the ownership status of the manufacturer changes.

[(6) Separate solicitor permits shall be required if an individual acts as a solicitor for more than one manufacturer.]

[(c)][(e)] Fixed location permits (distributing agent, distributor, wholesale dealer[, retail dealer]).

(1)-(5) (No change.)

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

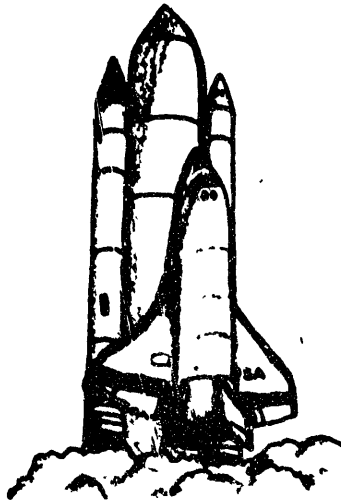
Issued in Austin, Texas, on July 2, 1985.

TRD-855893 Bob Bullock
 Comptroller of Public
 Accounts

Earliest possible date of adoption:
August 12, 1985

For further information, please call
(512) 475-1913.

★ ★ ★



§3.105. Cigarette Vending Machines.

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

Issued in Austin, Texas, on July 2, 1985.

TRD-855894 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
August 12, 1985
For further information, please call
(512) 475-1913.

★ ★ ★

Subchapter H. Cigar and Tobacco Tax

★34 TAC §3.122

The Comptroller of Public Accounts proposes an amendment to §3.122, concerning permits required for vehicles. This amendment implements Senate Bill 472, 69th Legislature, 1985, which repealed provisions concerning solicitor's permits.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect the fiscal implications for state or local government as a result of enforcing or administering the rule are those shown in the fiscal note for the bill. The amendment is promulgated under the Tax Code, Title 2, and no statement of fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is deletion of an obsolete section, so that the comptroller's rules will reflect only current 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 D. Carolyn Busch, Director, Tax Administration, P.O. Box 13528, Austin, Texas 78711.

This amendment is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the cigar and tobacco tax.

§3.122. Permits Required for Vehicles.

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

(c) Each cigar or tobacco manufacturer's sales representative shall be required to purchase [a solicitor's permit and] a wholesale dealer's permit for each manufacturer's vehicle operated.

This agency hereby certifies that the proposal has been reviewed by legal counsel

and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on July 2, 1985.

TRD-855895 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
August 12, 1985
For further information, please call
(512) 475-1913.

★ ★ ★

★34 TAC §3.124

The Comptroller of Public Accounts proposes amendments to §3.124, concerning transfer and correction of permits. The amendments implement Senate Bill 472, 69th Legislature, 1985, which repealed provisions concerning solicitor's permits, retail dealer's permits, and vending machine decal permits.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the rule will be in effect the fiscal implications for state or local government as a result of enforcing or administering the rule are those shown in the fiscal note for the bill. The amendments are promulgated under the Tax Code, Title 2, and no statement of fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is deletion of an obsolete section, so that the comptroller's rules will reflect only current 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 D. Carolyn Busch, Director, Tax Administration, P.O. Box 13528, Austin, Texas 78711.

This amendment is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the cigar and tobacco tax.

§3.124. Transfer and Correction of Permits.

(a) (No change.)

(b) Vending machine decal permits (retail dealer).

(1) Each vending machine shall be a separate place of business.

(2) Vending machines may be moved from one location to another as long as the decal permit remains on the machine it was issued for.

(3) Decal permits can not be transferred from one machine to another when

★34 TAC §3.105

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Comptroller of Public Accounts, 111 East 17th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Comptroller of Public Accounts proposes the repeal of §3.105, concerning cigarette vending machines. The Tax Code provisions concerning cigarette vending machine decal permits were repealed by Senate Bill 472, 69th Legislature, 1985, and this section is no longer necessary.

Billy Hamilton, director of revenue estimating, has determined that for the first five-year period the repeal will be in effect the fiscal implications for state or local government as a result of the repeal are those shown in the fiscal note for the bill. The repeal is promulgated under the Tax Code, Title 2, and no statement of fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is the deletion of an obsolete section, so that the comptroller's rules will reflect only current law. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to D. Carolyn Busch, Director, Tax Administration, P.O. Box 13528, Austin, Texas 78711.

This repeal is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the cigarette tax.

a machine is destroyed by fire or mechanical failure.

(4) New decal permits must be purchased if the ownership status of the vending machine changes.]

(b)(c) Vehicle permits (wholesale dealer[, retail dealer]).

(1)-(5) (No change.)

(d) Solicitor permits.

(1) Solicitor permits are issued only to manufacturer representatives engaged in soliciting and promoting the sales of cigars and tobacco products for a particular manufacturer.

(2) Solicitor permits are issued in the entity name of manufacturer represented but shall also show the name of the individual solicitor as business trade name.

(3) The solicitor permit must be carried on the person of the individual solicitor at any time the individual is representing a manufacturer.

(4) Solicitor permits may not be transferred from one individual to another or from one manufacturer to another, except where the manufacturer changes an entity name without changing ownership status.

(5) A new solicitor permit must be purchased if the ownership status of the manufacturer changes.

(6) Separate solicitor permits shall be required if an individual acts as a solicitor for more than one manufacturer.]

(e)(e) Fixed location permits (distributing agent, distributor, wholesale dealer[, retail dealer]).

(1)-(5) (No change.)

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

Issued in Austin, Texas, on July 2, 1985.

TRD-855896 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
August 12, 1985
For further information, please call
(512) 475-1913.

★ ★ ★

★34 TAC §3.125

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Comptroller of Public Accounts, 111 East 17th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Comptroller of Public Accounts proposes the repeal of §3.125, concerning cigar and tobacco vending machines. The Tax Code provisions concerning cigar and tobacco products vending machine

decal permits were repealed by Senate Bill 472, 69th Legislature, 1985, and this section is no longer necessary.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the repeal is in effect the fiscal implications for state or local government as a result of the repeal are those shown in the fiscal note for the bill. The repeal is promulgated under the Tax Code, Title 2, and no statement of fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is the deletion of an obsolete section, so that the comptroller's rules reflect only current law. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to D. Carolyn Busch, Director, Tax Administration, P.O. Box 13528, Austin, Texas 78711.

The repeal is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the cigar and tobacco tax.

§3.125. Cigar and Tobacco Vending Machines.

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

Issued in Austin, Texas, on July 2, 1985.

TRD-855896 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
August 12, 1985
For further information, please call
(512) 475-1913.

★ ★ ★

Subchapter L. Motor Fuels Tax

★34 TAC §3.181

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Comptroller of Public Accounts, 111 East 17th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Comptroller of Public Accounts proposes the repeal of §3.181, concerning cargo tank calibration. This section is repealed because the provisions concerning calibration of cargo tanks were repealed by the 69th Legislature, 1985. This section is therefore unnecessary.

Billy Hamilton, revenue estimating director, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of the repeal. The repeal is promulgated under the Tax Code, Title 2, and no statement of fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is the deletion of an obsolete section, so that the comptroller's rules reflect only current law. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to D. Carolyn Busch, Director, Tax Administration, P.O. Box 13528, Austin, Texas 78711.

The repeal is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the motor fuels tax.

§3.181. Cargo Tank Calibration.

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

Issued in Austin, Texas, on July 2, 1985.

TRD-855896 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
August 12, 1985
For further information, please call
(512) 475-1913.

★ ★ ★



Subchapter O. State Sales and Use Tax

★34 TAC §3.292

The Comptroller of Public Accounts proposes amendments to §3.292, concerning repair, remodeling, maintenance, and restoration of tangible personal property. One definition was changed to conform to the same definition found in §3.291, concerning contractors. The primary change concerns consumable supplies related to taxable services. When taxable services became subject to sales tax, the Tax Code, §151.056, ceased to apply to those persons repairing tangible personal property other than motor vehicles, aircraft, and certain vessels. Those who provide taxable services pay sales tax on their purchases of consumable supplies just as they always have. Now, however, they are required to collect sales tax on the total charge to their customers for the service which they provide. If part of that charge is for consumable supplies, the repairman must nonetheless collect sales tax on this charge.

Billy Hamilton, revenue estimating 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 as a result of enforcing or administering the rule. The amendments are promulgated under the Tax Code, Title 2, and no statement of fiscal implications for small businesses is required.

Mr. Hamilton also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is new information regarding tax responsibilities under changes made by the legislature. 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 D Carolyn Busch, Director, Tax Administration, P.O. Box 13528, Austin, Texas 78711.

This amendment is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

§3.292. *Repair, Remodeling, Maintenance, and Restoration of Tangible Personal Property.*

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

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

(3) Contractors—Persons who repair real property are treated as contractors under §3.291 of this title (relating to Contractors). Persons who process or fabricate

tangible personal property belonging to others so that the [chemical or] physical characteristics of the tangible personal property are changed, or the object of the fabrication is to substantially improve or to cause the tangible personal property to operate in a new or different manner, are governed by the provisions of §3.300 of this title (relating to Manufacturing, Custom Manufacturing, Fabricating, Processing).

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

(6) Lump-sum contract—A contract in which the agreed price for doing a job is one lump-sum amount and in which the charges for materials are not separate from the charges for skill and labor. Separated invoices issued to the customer will not change a lump-sum contract into a separated contract unless the terms of the contract require separated invoices [total which does not reveal separate amounts for materials and labor and which does not provide that the amounts will be separated in the billing for the job. If the contract is a lump-sum contract, the method of invoicing is irrelevant].

(7)-(12) (No change.)

[(b) Consumable supplies and equipment. Tax must be paid by the repairman at the time of purchase of those supplies, tools, and equipment which are used in the performance of the repair but which are physically incorporated into the property of the customer. The repairman may not collect tax from the customer on the charge for the consumables; however, tax cost may be recouped in the price billed to the customer.]

(b)[(c)] Repair of aircraft, aircraft parts, motor vehicles, motor vehicle parts, commercial vessels, and parts for commercial vessels.

(1) Responsibilities of repairmen operating under lump-sum contracts.

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

(E) Consumable supplies and equipment. Tax must be paid by the repairman at the time of purchase of those supplies, tools, and equipment which are used in the performance of the repair but which are physically incorporated into the property of the customer. The repairman may not collect tax from the customer on the charge for the consumables; however, tax cost may be recouped in the price billed to the customer.

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

(c)[(d)] Repair of tangible personal property except aircraft, commercial vessels, and motor vehicles. Repairs under either lump-sum or separated contracts.

(1) Repairmen are retailers and must obtain a tax permit and collect tax on the entire charge for materials, parts, labor, consumable supplies, equipment, and any charge incidental to the transportation of a repair, remodeling, restoration, or maintenance service.

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

(5) Consumable supplies and equipment. Tax must be paid by the repairman

at the time of purchase of those supplies, tools, and equipment which are used in the performance of the repair but which are not physically incorporated into the property of the customer. If the charge for the repair includes charges for consumable supplies or for use of the repairman's equipment, sales tax must be collected from the customer on these charges.

(d)[(e)] Responsibilities of remodelers.

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

(e)[(f)] Repairs under warranties.

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

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

Issued in Austin, Texas, on July 2, 1985.

TRD-855899

Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:

August 12, 1985

For further information, please call
(512) 475-1913.

★ ★ ★

Part IV. Employees Retirement System of Texas Chapter 71. Creditable Service

★34 TAC §71.10

The Employees Retirement System of Texas proposes new §71.10, concerning the purchase of military service credit whereby members would be required to make a single lump sum payment for creditable active duty military service.

Ted F. Swindle, Retirement Division assistant director, 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 anticipated effect on state government is an estimated reduction in cost of \$1,800 in 1985 and \$3,600 each year in 1986-1989. There is no anticipated economic effect on local government or small businesses.

Clayton T. Garrison, executive director, has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is a reduction in the cost of administering the Employees Retirement System of Texas. 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 Everard C. Davenport, General Counsel, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711.

The new section is proposed under Texas Civil Statutes, Title 110B, §225.102, which provides the Employees Retirement System of Texas with the authority to adopt rules to establish eligible periods of service for which a member is eligible to establish service credit.

§71.10. Military Service Credit—Purchase.

(a) A person establishing military service credit shall make a single lump sum payment for all applicable contributions, interest, and fees.

(b) Any purchase under this section shall be for the lesser of:

(1) the number of months of active duty military service the member is eligible to establish; or

(2) the number of months of active duty military service which would, as of the date the number is calculated, increase to the greatest extent possible under the law the benefits which would be payable to the member upon retirement.

(c) This section applies to purchases of military service credit after its effective date only. Persons who purchased military service credit prior to the effective date of this section and who are eligible to purchase additional military service credit may purchase the additional military service credit in accordance with this section.

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

Issued in Austin, Texas, on July 3, 1985.

TRD-855907

Clayton T. Garrison
Executive Director
Employees Retirement
System of Texas

Earliest possible date of adoption:

August 12, 1985

For further information, please call
(512) 476-6431, ext. 212.

★ ★ ★

Chapter 75. Hazardous Profession Death Benefit

★ 34 TAC §75.1

The Employees Retirement System of Texas proposes amendments to §75.1, concerning the filing of claims for benefits under Texas Civil Statutes, Article 6228f, which are proposed for amendment to include provisions in House Bill 802, 69th Legislature, 1985. The provisions contained in that bill become effective on September 1, 1985. The proposed amendments also clarify the documents that must accompany a claim for benefits under Texas Civil Statutes, Article 6228f.

Everard C. Davenport, general counsel, 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 anticipated effect on state government will be an additional cost which cannot be determined at this time. All costs, though, result from passage of the legislation rather than adoption of the section implementing it. There is no anticipated effect on local government or small businesses.

Mr. Davenport also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the provision of a means by which persons, newly made eligible for benefits under Texas Civil Statutes, Article 6228f, may apply for those benefits. Also, members of the public will be better informed concerning the documents which must accompany a claim for benefits under Texas Civil Statutes, Article 6228f. 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 Everard C. Davenport, General Counsel, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 6228f, which provide the Employees Retirement System of Texas with the authority to adopt rules for the administration of the program of benefits authorized by that article.

§75.1. Filing of Claims.

(a) Claims for benefits under Texas Civil Statutes, Article 6228f, may be initiated by the deceased employee's department, any applicant for benefits, if an adult [surviving spouse], or by the representative of any minor children for whom benefits are being claimed.

(b) (No change.)

(c) The following documents or copies of the documents shall be submitted in an application for benefits under Texas Civil Statutes, Article 6228f, unless the executive director waives their submission:

(1) a sworn statement from the person making the claim giving the date of death, the name and address of the surviving spouse, if there is one, and the names, addresses, and birthdates of all surviving minor children of the decedent. If the decedent left no surviving spouse or minor children, the names, addresses, and dates of birth of dependent parents, brothers, and sisters shall be provided. The names and addresses of any persons caring for minors who may be eligible for benefits shall be given. [If the decedent had children by a former marriage, their names, approximate ages, and the names and addresses of the person caring for them shall be given.]

(2)-(8) (No change.)

(9) A certification from the appropriate authority as follows: [A newspaper account of the fatality, if any.]

(A) If the decedent was a paid law enforcement officer as defined in Texas Civil Statutes, Article 6228f, subsection 2(a)(2), a certification from the Texas Commission on Law Enforcement Officer Standards and Education that the decedent was a commissioned peace officer certified by that commission;

(B) If the decedent was a paid fireman, as defined in Texas Civil Statutes, Article 6228f, subsection 2(a)(5), a certification from the Commission on Fire Protection Personnel Standards and Education that the decedent was certified by that commission, or a certification from the head of the state agency or political or legal subdivision of the state for whom the decedent worked that aircraft crash and rescue fire fighting were the decedent's principal duties at the time of his or her death;

(C) If the decedent was a member of an organized volunteer fire department, as defined in Texas Civil Statutes, Article 6228f, subsection 2(a)(6), a certification from the head of the organized volunteer fire department that the organized volunteer fire department of which the decedent was a member consists of not less than 20 active members; conducts a minimum of two drills each month, with each drill being at least two hours long and attended by a majority of all active members; and renders fire fighting service without remuneration;

(D) If the decedent was a paid probation officer, as defined in Texas Civil Statutes, Article 6228f, subsection 2(a)(8), a certification from the district judge or district judges who appointed the decedent or for whom the decedent worked that the decedent had the qualifications and duties set out in the Texas Code of Criminal Procedure, Article 42.12, §10, as amended;

(E) If the decedent was a paid parole officer, as defined in Texas Civil Statutes, Article 6228f, subsection 2(a)(9), a certification from the executive director of the Board of Pardons and Paroles that the decedent was an officer of the Division of Parole Supervision and had the qualifications and duties set out in the Texas Code of Criminal Procedure, Article 42.12, §§26-29, as amended;

(F) If the applicant alleges that the decedent was within the protected class defined as supervisory personnel in a county jail, in Texas Civil Statutes, Article 6228f, subsection 2(a)(10), a certification by the sheriff that the decedent was appointed as jailer or guard of a county jail and performed a security, custody, or supervisory function over the admittance, confinement, or discharge of prisoners, and a certification from the Texas Commission on Law Enforcement Officer Standards and Education that the decedent was certified by that commission.

(10) a newspaper account, if any of the fatality;

(11) a copy of the income tax return filed by the decedent in the year prior to death, if benefits are being claimed for dependent children, brothers, or sisters.

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

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

Issued in Austin, Texas, on July 1, 1985.

TRD-855802 Clayton T. Garrison
Executive Director
Employee Retirement
System of Texas

Earliest possible date of adoption:

August 12, 1985

For further information, please call
(512) 478-8431, ext. 212.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part XII. Texas Advisory Board of Occupational Therapy

★40 TAC §361.2

The Texas Advisory Board of Occupational Therapy (TABOT) proposes amendments to §361.2, concerning the definition of the terms "aides/orderlies," "commission," and "commissioner." The term "commissioner" was not defined in the existing section, although that person has hiring authority within the statute. The term "aides/orderlies" was not defined in the existing section, although the statute address "aides/orderlies."

Cary Westhause, 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.

Ms. Westhause also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is an increased benefit to public health. 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 Cary Westhause, Executive Director, Texas Advisory Board of Occupational Therapy, 118 East Riverside Drive, Austin, Texas 78704.

The amendments are proposed under Texas Civil Statutes, Article 8851, §5(e),

which provide the Texas Advisory Board of Occupational Therapy with the authority to propose rules consistent with this Act to carry out its duties in administering this Act.

§361.2. *Definitions.* The following words and terms, when used in these sections, shall have the following meanings unless the context clearly indicates otherwise:

Aides/orderlies—Health workers who perform routine tasks such as transporting patients, assembling treatment equipment, preparing work areas, assisting with predetermined segments of patient related activities, and other assigned duties.

Commission—The Texas Rehabilitation Commission.

Commissioner—The commissioner of the Texas Rehabilitation Commission.

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

Issued in Austin, Texas, on June 27, 1985.

TRD-855851 Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:

August 12, 1985

For further information, please call
(512) 445-8368.

★ ★ ★

Chapter 363. Application of Rules

★40 TAC §363.1

The Texas Advisory Board of Occupational Therapy (TABOT) proposes an amendment to §363.1, concerning the application of rules to a person who has completed the educational requirements for occupational therapy licensure. This change clarifies that once occupational therapists/occupational therapy assistants have completed all educational requirements, they must become licensed if they are working prior to taking the examination.

Cary Westhause, 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.

Ms. Westhause also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is an increased benefit to public health in the regulation and licensing of occupational therapy in Texas. 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 Cary Westhause, Executive Director, Texas Advisory Board of Occupational Therapy, 118 East Riverside Drive, Austin, Texas 78704.

The amendment is proposed under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to propose rules consistent with this Act, to carry out its duties in administering this Act.

§363.1. *Application of Rules.*

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

(d) The licensing provisions of these rules do not apply to:

(1) (No change.)

(2) any person pursuing a course of study leading to a degree or certificate in occupational therapy in an accredited or approved educational program if such activities and services constitute a part of a supervised course of study, if such person is designated by a title which clearly indicates his or her status as a trainee. A person who has completed the educational requirements for occupational therapy licensure under these rules is not exempt from these rules and may not thereafter practice occupational therapy until a temporary or permanent license has been issued by the board;

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

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

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

Issued in Austin, Texas, on June 27, 1985.

TRD-855852 Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:

August 12, 1985

For further information, please call
(512) 445-8368.

★ ★ ★

Chapter 365. Functions and Organizations of the Board

★40 TAC §365.1, §365.3

The Texas Advisory Board of Occupational Therapy (TABOT) proposes amendments to §365.1 and §365.3, concerning public opportunity to appear before the TABOT and the administration and management policies of the TABOT. Section 365.1 makes it less complicated for persons seeking to address the board, as required in amended Senate Bill 300, §11 (b). Section 365.3 clarifies the relationship of the TABOT to the Texas Rehabilitation Commission and clarifies

administrative responsibilities as required by Senate Bill 300, §2(e) and (m).

Cary Westhause, executive director, 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.

Ms. Westhause also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules is an increased benefit to the consumers of the services of occupational therapy. 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 Cary Westhause, Executive Director, Texas Advisory Board of Occupational Therapy, 118 East Riverside Drive, Austin, Texas 78704.

The amendments are proposed under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to propose rules consistent with this Act to carry out its duties in administering this Act.

§365.1. Meetings.

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

(f) The board intends that the public have a reasonable opportunity to appear and speak on issues that are under the jurisdiction of the board. To accomplish this, any person not invited to appear may request an appearance by delivering a written request to appear with the executive director to the board no later than four days prior to the date of appearance. Any actual appearance requires the prior approval of the chairman of the board, or a majority of the board. [Except upon invitation of the board or the chairman of the board, no person may appear before the board or any committee thereof unless he or she files with the executive director to the board a written request for such appearance at least four days before the date of such appearance and unless the chairman of the board, or a majority of the board, approves the request.] Insofar as possible, any person who appears before the board pursuant to the four-day notice provision or without notice pursuant to the provisions of this subsection will provide a written statement of the substance of such person's presentation to the board, and, insofar as possible, such written statement will be delivered to the executive director to the board in sufficient time for copies to be distributed to the board prior to the meeting.

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

(k) The board makes no decision in the discharge of its statutory authority with regard to any person's race, creed, color, religion, sex, national origin, handicap, or age.

§365.3. Transaction of Official Business.

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

(c) In adopting its rules, the board shall consider any applicable policies and procedures of the commission.

(d) It shall be the responsibility of the board to establish in clear and precise language the policies by which the Occupational Therapy Act, Texas Civil Statutes, Article 8851, shall be administered and managed. These policy responsibilities shall include, but are not limited to, the setting of fees and administrative charges, the levels of staff compensation and budgeting expenditures, the requirements of the continuing education process, the prerequisites and requirements for the several types of licenses, the relationship with the consumer community and the judgmental aspects of all matters affecting the issuance of renewal of licenses, the investigation of complaints, and the hearing and disciplinary process. It shall be the responsibility of the staff to manage and administer the programs of the board within the limitations and guidelines established by these policies.

(e) It shall be the policy of the board to seek and encourage the active involvement of the members of the occupational therapy profession, the professional health care community, and consumers in the policy formulation and administration of the Act.

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

Issued in Austin, Texas, on June 27, 1985.

TRD-855853

Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:

August 12, 1985

For further information, please call
(512) 445-8388.

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Chapter 367. Types of Licenses

★ 40 TAC §367.1

The Texas Advisory Board of Occupational Therapy (TABOT) proposes amendments to §367.1, concerning issuance of licenses to a person certified by a national association. This change is mandated by the amendments contained in Senate Bill 300, §18(b) and §7(a).

Cary Westhause, 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.

Ms. Westhause also has determined that for each year of the first five years the

rule is in effect the public benefit anticipated as a result of enforcing the rule is an increased protection to the consumers of occupational therapy services plus, an increased benefit to the providers of occupational therapy services entering the State of Texas. 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 Cary Westhause, Executive Director, Texas Advisory Board of Occupational Therapy, 118 East Riverside Drive, Austin, Texas 78704.

The amendments are proposed under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to propose rules consistent with the Act to carry out its duties in administering this Act.

§367.1. Types of Licenses.

(a) (No change.)

(b) The board issues a temporary license to:

(1) an applicant who has applied for a license on the form prescribed by the board, paid the prescribed fees, has applied to take his or her first licensing examination, and meets all qualifications for a license except taking the written examination prescribed by the board for licensure. A temporary license expires on notification by the board [a date determined by the board, which will allow the board to consider examination results of the next administered examination and to process and issue a regular license, as appropriate]. After the applicant passes the prescribed examination, a regular license may be [is] issued effective on the date of expiration of the temporary license;

(2) a person who has applied for endorsement of his or her license as provided for in §371.1 of this title (relating to Application for License). The temporary license issued expires on the effective date of a regular license subsequently issued by the board or on notification by the board.

(3) (No change.)

(4) a person who presents proof, on a form prescribed by the board, that he or she is certified by a national association approved by the board and that he or she has been currently practicing in a state that does not require a license or other form of registration. The board may waive the examination and may issue a regular license on such a date determined by the board which will allow the board to consider the proof presented. Any requests for special consideration will be presented to the board in writing.

(c) The board issues a regular license to:

(1) (No change.)

(2) an applicant who held a certification as an occupational therapist regis-

tered or certified occupational therapy assistant by the American Occupational Therapy Association on September 1, 1983, and submits before March 1, 1984, an application in the form prescribed by the board, pays the prescribed license fees, and meets all qualifications for licensure except the written examination. Such applicants are not required to take a written examination; or]

(2)(3) an applicant who is licensed or otherwise registered as an OTR or COTA by another state, the District of Columbia, or a commonwealth or territory of the United States whose requirements for licensing or registration were at the date of licensing or registration substantially equal to the requirements prescribed in the Act. The board will issue a temporary license on payment of endorsement license fee and evidence satisfactory to the board of current out-of-state license, and will issue a regular license on approval of the application and payment of regular license fee; or

(3)(4) a foreign-trained applicant who has furnished proof of good moral character, [and] completion of education and supervised field work requirements substantially equal to those required of other applicants, has paid the prescribed fees, and has passed the written examination. A temporary license may not be issued to any foreign-trained applicant.

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

Issued in Austin, Texas, on July 7, 1985.

TRD-855854 Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:

August 12, 1985

For further information, please call
(512) 445-8388.

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Chapter 369. Requirements for Licensing

★40 TAC §369.1

The Texas Advisory Board of Occupational Therapy (TABOT) proposes an amendment to §369.1, concerning licensing exceptions for persons enrolled in the American Occupational Therapy Association Career Mobility Program. The amendment clarifies the program referred to in Senate Bill 1213, §19, by calling the program by its official title and making the intent of the statute more understandable.

Cary Westhause, 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.

Ms. Westhause also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is an increased understanding of existing law by clarification of language. 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 Cary Westhause, Executive Director, Texas Advisory Board of Occupational Therapy, 118 East Riverside Drive, Austin, Texas 78704

The amendment is proposed under Texas Civil Statutes, Article 8851, §5(a), which provide the Texas Advisory Board of Occupational Therapy with the authority to propose rules consistent with this Act to carry out its duties in administering this Act

§369.1. Requirements for Licensing.

(a) Unless excepted by these rules, an applicant for a license under these rules shall file a written application on the form prescribed by the board showing to the satisfaction of the board that the following requirements are met:

[(1) evidence of good moral character;]

(1)(2) pay prescribed fees;

(2)(3) pass prescribed written examination; and

(3)(4) evidence of satisfactory completion of applicable education and fieldwork.

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

(d) As an exception to the requirements of subsection (b) in this section, certain occupational therapy assistants presently enrolled in the American Occupational Therapy Association Career Mobility Program may be licensed as an occupational therapist if he or she has.

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

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

Issued in Austin, Texas, on July 1, 1985.

TRD-855855 Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:

August 12, 1985

For further information, please call
(512) 445-8388.

★ ★ ★

Chapter 371. Application for License

★40 TAC §371.1

The Texas Advisory Board of Occupational Therapy (TABOT) proposes amendments to §371.1, concerning licensing of applicants who have completed all educational requirements and registered to take the next examination and applicants certified by a national association who are currently practicing in a state.

Cary Westhause, 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.

Ms. Westhause also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is an increased benefit to public health in the regulation and licensing of occupational therapy in Texas. 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 Cary Westhause, Executive Director, Texas Advisory Board of Occupational Therapy, 118 East Riverside Drive, Austin, Texas 78704

The amendments are proposed under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to propose rules consistent with this Act to carry out its duties in administering this Act.

§371.1. Application for License.

(a) (No change.)

(b) Upon receipt of a request for application, the executive director will forward to the applicant the appropriate forms or provide necessary information. Applicants for licenses are considered by the board in the following classifications:

[(1) those present practitioners who held certification as an OTR or COTA by the American Occupational Therapy Association on September 1, 1983. On submission of the prescribed application approved by the board and payment of the prescribed fees on or before March 1, 1984, applicants in this category will be granted a regular license without examination;]

(1)(2) applicants who have completed all educational requirements and training and who have registered to take the next examination [held a certification as either an OTR or COTA by the American Occupational Therapy Association after September 1, 1983, but prior to the date of application for a license. These applicants, upon approval by the board,] will be issued a temporary license [which expires on a date

determined by the board, which will allow the board to consider examination results from the next administered examination];

(2)(3) an applicant who applies for endorsement of his or her license and is licensed or otherwise registered as an OTR or COTA by another state, District of Columbia, or a commonwealth or territory of the United States whose requirements for licensing or registration were at the date of licensing or registration substantially equal to the requirements prescribed by the Act as determined and approved by the board. The applicant will be issued a temporary license based upon the applicant's current out-of-state license and the payment of the prescribed endorsement license fee. The applicant will be issued a regular license without examination upon approval by the board of a properly submitted application form prescribed by the board and payment of the prescribed fees; or

(3)(4) a foreign-trained applicant for licensure who satisfies the requirements of §369.1 of this title (relating to Requirements for Licensing), to include evidence of substantially equal educational and supervised fieldwork requirements and furnishes proof of good moral character;

(4) an applicant who is certified by a national association approved by the board and who is currently practicing in a state that does not require a license or other form of registration. The board may waive examination requirements and may issue a license on approval of the application and payment of the appropriate license fee.

(c) The board may consider as a disqualification for licensure that the applicant made application to the board in excess of 12 months after completing the prescribed examination.

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

Issued in Austin, Texas, on July 1, 1985.

TRD-855856

Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:

August 12, 1985

For further information, please call
(512) 445-8388.

★ ★ ★

Chapter 373. Examinations

★40 TAC §373.1

The Texas Advisory Board of Occupational Therapy (TABOT) proposes amendments to §373.1, concerning the requirement that an applicant submit in writing a petition to extend his or her temporary

license when he or she is unable to take the scheduled examination.

Cary Westhause, 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.

Mrs. Westhause also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is an increased benefit in public health in the provision of occupational therapy services. 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 Cary Westhause, Executive Director, Texas Advisory Board of Occupational Therapy, 118 East Riverside Drive, Austin, Texas 78704.

The amendments are proposed under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to propose rules consistent with this Act to carry out its duties in administering this Act.

§373.1 Examinations.

(a) (No change.)

(b) The following rules apply to all board-approved examinations.

(1) (No change.)

(2) An applicant who fails the examination for licensure may take a second examination on completion of necessary application and payment of applicable fees. The board will not renew the temporary license of an applicant who fails an examination.

(3) An applicant who fails a second examination may apply for reexamination after six months only upon receipt by the board that said applicant has taken appropriate measures to improve his or her proficiency. Such evidence must include one or more of the following:

[(A) an official (raised seal) transcript from an accredited college or university indicating successful completion of coursework related to area(s) of weakness determined by analysis of performance on previous examinations;

[(B) a notarized statement signed by a current licensee that attests to the applicant's completion of appropriate tutoring following submission of an individualized plan of study approved by the board; and/or

[(C) a certificate of course completion or continuing education credit in the area(s) of weakness.]

(2)(4) If an applicant fails to appear for a scheduled examination for reasons of documented illness or other cause beyond the applicant's control, the appli-

cant must reapply for the next scheduled examination and pay the required fee.

(3)(5) Whenever possible, applicants should notify the board in advance of their inability to sit for a scheduled examination. [Written petition by] The applicant must submit a written petition to extend the temporary license [must be received by the board within five days of the date of examination].

(4)(6) The board may approve an extension of a temporary license when a petition clearly indicates that failure to appear was unavoidable.

(5)(7) Upon payment of fees, extension of a temporary license after substantiated failure to appear will be continued for a maximum of 90 days beyond the next scheduled date of examination. In such cases, the applicant will be required to pay appropriate fees.

(6)(8) Failure to appear for a scheduled examination without substantiated reason acceptable to the board will be considered an occasion of failure, and will result in cancellation of the temporary license.

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

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

Issued in Austin, Texas, on July 1, 1985.

TRD-855857

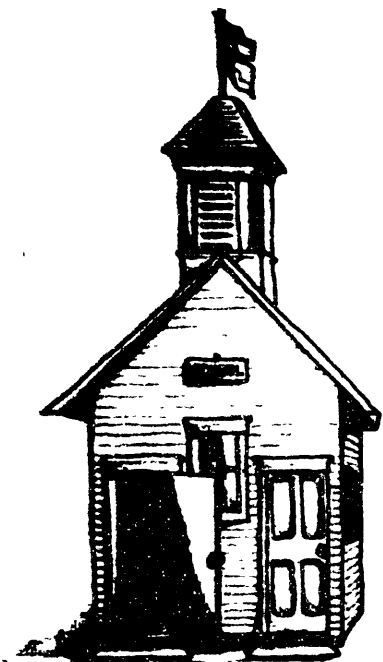
Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:

August 12, 1985

For further information, please call
(512) 445-8388.

★ ★ ★



Chapter 374. Continuing Education

★ 40 TAC §374.1

The Texas Advisory Board of Occupational Therapy proposes new §374.1, concerning the requirement for continuing education by occupational therapists and occupational therapy assistants as a prerequisite for license renewal.

Cary Westhause, 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.

Ms. Westhause also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is an increased benefit to public health by requiring continuing competency from occupational therapists and occupational therapy assistants. 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 Cary Westhause, Executive Director, Texas Advisory Board of Occupational Therapy, 118 East Riverside Drive, Austin, Texas 78704.

The new section is proposed under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to propose rules consistent with this Act to carry out its duties in administering this Act.

§374.1. Continuing Education.

(a) The Act, §5, provides that the board shall prepare and approve continuing education programs for licensees and shall require each licensee to participate in an approved continuing education program in order to renew a license issued under this Act.

(b) The continuing education program is effective September 1, 1985, and the fulfillment of any continuing education requirement related to license renewal will be effective for all licenses expiring after December 31, 1986. Acceptable proof of attendance and completion of required continuing education shall be submitted to the executive director with the licensee's application for renewal of license.

(c) One point per year is required for license renewal. One is equal to 10 contact hours/one continuing education unit/or equivalent as listed.

(d) Any points exceeding the requirements for license renewal may be carried over only to the next renewal date.

(e) Continuing education points may be earned in the following manner with a maximum of one point to be accrued in

each category unless otherwise specified:

(1) formally assigned continuing education units (CEUs) as awarded;

(2) workshops, refresher courses, professional conferences (credit given on an hour-for-hour basis on program content hours only);

(3) publications:

(A) books, chapters in books, professional journal articles, monographs, that have been published or accepted for publication within the last two years of application for credit;

(B) abstracts or book reviews (must be published or accepted for publication)—.05 points each, maximum = 0.5 points;

(C) alternate media (videotape, film, software)—maximum = 0.5 points per year;

(i) development—0.5 points;

(ii) adaptation—0.1 points;

(iii) research—0.1 points;

(4) presentations:

(A) professional inservices, workshops, institutes, etc; hour for hour credit, one hour = 0.1 points, maximum = 0.5 points per year;

(B) community/service organization presentations; one hour = 0.5 points, maximum = 0.2 points per year;

(5) research/grant activities (funded or nonfunded); (any research or grant project may be presented one time only regardless of the length of the project), maximum = one point per year;

(A) development of a research/grant project—0.7 points;

(B) principal investigator—0.5 points;

(C) project director—0.3 points;

(D) support staff (must document level of involvement)—0.1 points;

(E) authorship or shared authorship of results (full length article—not published in professional journal)—0.5 points;

(F) abstract on research/grant project (accepted or published)—0.3 points;

(6) professional activities: maximum = 0.3 points per year;

(A) elected office in national, state district OT organization—0.3 points;

(B) appointed office (chair of committee, council, task force, etc.)—0.3 points;

(C) member of committee in national, state, district organization or appointed liaison to another professional organization—0.2 points;

(D) review proposals/manuscripts for workshops, conferences, etc.—0.1 points;

(7) formal coursework (exclusive of thesis, professional paper, dissertation): three hour credit course = 0.3 points; maximum = 0.6 points per year;

(8) apprenticeships: 0.1 points per 40 hour week, maximum = 0.5 points per year;

(9) self study: formal study package sponsored by agency, association, or university, one hour study = 0.5 points, maximum = 0.3 points;

(10) specialty certification—0.5 points;

(11) other: any request or proposal to receive credit for any other item must be formally submitted to the Texas Advisory Board of Occupational Therapy in writing. Upon application by the licensee any of the point values previously assigned may be increased at the discretion of the board.

(f) In those instances where no continuing education is available to the licensee, or where the licensee is unable to do the continuing education through no fault of the licensee, the licensee may petition the board for a waiver of this requirement. Such a waiver is at the sole discretion of the board.

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

Issued in Austin, Texas, on July 1, 1985.

TRD-855858

Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:

August 12, 1985

For further information, please call
(512) 445-8388.

★ ★ ★

Chapter 375. Fees

★ 40 TAC §375.1, §375.2

The Texas Advisory Board of Occupational Therapy (TABOT) proposes amendments to §375.1 and §375.2, concerning the schedule of fees prescribed by the TABOT before a license is issued. The fee schedule had to be changed because Senate Bill 300 added an inactive status in §25A.

Cary Westhause, executive director, 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.

Ms. Westhause also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules is an increased benefit to occupational therapists and occupational therapy assistants who are not practicing that profession. The anticipated economic cost to individuals who are required to comply with the rules as proposed will be \$50 each year from 1985-1989 for occupational therapists and \$25 each year from 1985-1989 for occupational therapy assistants.

Comments on the proposal may be submitted to Cary Westhause, Executive Director, Texas Advisory Board of Occupational Therapy, 118 East Riverside Drive, Austin, Texas 78704.

The amendments are proposed under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to propose rules consistent with this Act to carry out its duties in administering this Act

§375.1. Fees. The following fees are prescribed by the board and required to be paid before a license is issued. The application fee will be submitted with the application in the form of a check and/or money order and is nonrefundable.

| <u>Application Fees:</u> | <u>OTR</u> | <u>COFA</u> |
|---|---|---|
| Regular License | \$10 | \$10 |
| Temporary License pending: | | |
| Passage of Examination | \$10 | \$10 |
| Endorsement OR UNLICENSED STATE Inquiry | \$15 | \$15 |
| [Foreign Credentials Inquiry] | [\$15] | [\$15] |
| ACTIVE TO INACTIVE STATUS | <u>\$25</u> | <u>\$25</u> |
| INACTIVE TO ACTIVE STATUS | <u>\$50</u> | <u>\$25</u> |
| <u>License Fees-Regular:</u> | | |
| Prorated [and grandfather] | \$9/month | \$6/month |
| Annual | \$100/year | \$75/year |
| <u>License Fees-Temporary:</u> | | |
| Pending passage of examination | \$9/month | \$6/month |
| Pending endorsement inquiry | \$9/month | \$6/month |
| [Foreign Credentials Inquiry] | [\$9/month] | [\$6/month] |
| <u>License Fees-Renewal:</u> | | |
| Regular (on-time) | \$100/year | \$75/year |
| [Late] | [Regular plus \$9/no for each month delinquent] | [Regular plus \$6/no for each month delinquent] |
| LATE - 90 DAYS OR LESS | REGULAR PLUS LATE FEE WHICH IS ONE-HALF OF LICENSE FEE | REGULAR PLUS LATE FEE WHICH IS ONE-HALF OF LICENSE FEE |
| LATE - MORE THAN 90 DAYS BUT LESS THAN 2 YEARS | ALL UNPAID FEES PLUS LATE FEE THAT IS EQUAL TO LICENSE FEE | ALL UNPAID FEES PLUS LATE FEE THAT IS EQUAL TO LICENSE FEE |
| [Practitioners certified as of September 1, 1983, and submitting applications by March 1, 1984.] | [\$9/month] [(from 3-1-84 to end of month preceding the month of birthday in 1985)] | [\$6/month] [(from 3-1-84 to end of month preceding the month of birthday in 1985)] |
| Practitioners submitting AN INITIAL APPLICATION [applications after March 1, 1984] will have total cost prorated to THEIR NEXT birthday [in 1985] | \$9/month | \$6/month |

§375.2. Special Cases, Prorations, and Refunds of Fees.

(a) During 1984, applicants who apply for an initial regular license under the provisions of the Act, §21, ("grandfather clause") pay an application fee plus \$9.00 per month for an occupational therapist license and \$6.00 per month for an occupational therapy assistant license. In such cases, the expiration date of a regular license provided by the board is on the applicant's birthday in 1985, and fees are determined on a pro rata basis.]

(a)(b) Applicants who apply for an initial regular license after their birthday in the year of application, pay an application fee plus the appropriate license fee listed in §375.1 of this title (relating to Fees). If the applicant's birthday is less than six months away that applicant shall have the option of paying for the next full year in addition to the prorated payment [\$9.00 per month for an occupational therapist license, or \$6.00 per month for a certified occupational therapy assistant license for that period of time from acceptance of application to the end of the month prior to the applicant's birthday in the succeeding year].

(b)(c) The board refunds the license fee to any applicant who is denied a license. The application fee is not refundable.

(c)(d) An applicant or licensee who has had his or her license suspended or revoked shall not be entitled to a refund of fees.

(e) If the board makes reductions in fees, it shall, at its discretion, make provisions to adjust the renewal fees of licensees for whom such changes would result in inequity, or refund the difference. Such adjustments or refunds shall be prorated on the basis of the effective date of fee change and the expiration date of the affected licenses.]

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

Issued in Austin, Texas, on July 1, 1985.

TRD-855859 Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:
August 12, 1985
For further information, please call
(512) 445-8368.

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Chapter 379. License Renewal

★ 40 TAC §379.1

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Advisory Board of Occupational

Therapy, 118 East Riverside Drive, Austin, or in the Texas Register office, Room 303E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Advisory Board of Occupational Therapy proposes the repeal of §379.1, concerning the renewal of licenses of occupational therapists and occupational therapy assistants. This repeal and subsequent changes are necessitated by Senate Bill 300, §25.

Cary Westhause, executive director, 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.

Ms. Westhause also has determined that there will be no public benefit for each year of the first five years the repeal is in effect. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Cary Westhause, Executive Director, Texas Advisory Board of Occupational Therapy, 118 East Riverside Drive, Austin, Texas 78704.

The repeal is proposed under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to propose rules consistent with this Act to carry out its duties in administering this Act.

§379.1. License Renewal.

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

Issued in Austin, Texas, on July 1, 1985.

TRD-855861 Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:
August 12, 1985
For further information, please call
(512) 445-8368.

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The Texas Advisory Board of Occupational Therapy proposes new §379.1, concerning the renewal of licenses of occupational therapists and occupational therapy assistants. This change is mandated by Senate Bill 300, §25.

Cary Westhause, 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.

Ms. Westhause also has determined that for each year of the first five years the

rule is in effect the public benefit anticipated as a result of enforcing the rule is an increased benefit to public health in the regulation and licensing of occupational therapy in Texas. 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 Cary Westhause, Executive Director, Texas Advisory Board of Occupational Therapy, 118 East Riverside Drive, Austin, Texas 78704.

The new section is proposed under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to propose rules consistent with this Act to carry out its duties in administering this Act.

§379.1. License Renewal.

(a) The renewal of an unexpired license is issued on submission of an application form prescribed by the board and payment of a renewal fee before the expiration date of the license.

(b) The renewal of a license which has expired for 90 days or less may be renewed by paying to the board the renewal fee plus a late fee in an amount that is one-half of the license fee.

(c) The renewal of a license which has expired more than 90 days but less than two years may be renewed by paying to the board all unpaid fees and a late fee that is equal to the license fee.

(d) The effective renewal date of a license that has expired for 90 days or less will be the date following the expiration date of the prior license. The effective date of other licenses will be the date issued by the board.

(e) Except as provided in subsections (f) and (h) of this section, a license that has been expired for two years or more may not be renewed, but a new license may be obtained by making application therefore, submitting to reexamination, and complying with all requirements and procedures for obtaining an original license.

(f) An expired license may be renewed by the board of a person who was licensed in Texas, moved to another state, and has been legally practicing in the other state for the two years preceding the application for renewal. The person shall pay to the board a renewal fee that is equal to the license fee.

(g) Not later than the 30th day before the expiration date of a person's license, the board shall send written notice of the impending license expiration to the person at the person's latest known address.

(h) An occupational therapist or occupational therapy assistant who holds a license under Texas Civil Statutes, Article 8851, and who is not actively engaged in the practice of occupational therapy may make application to the board in writing on a

form prescribed by the board to be placed on an inactive status list maintained by the board. The application for inactive status must be received by the board before the expiration of the person's license. No refund will be made of any license fees paid prior to application for inactive status.

(1) A person on inactive status is not required to pay the annual renewal fee.

(2) A person on inactive status may not perform any activities regulated under this Act. Both the practice as an occupational therapist and an occupational therapy assistant in any capacity for compensation or as a volunteer is prohibited.

(3) If a person on inactive status desires to reenter active practice, the person shall notify the board in writing. The board shall remove the person from the inactive status list on payment of the administrative fee provided by §375.1 of this title (relating to Fees).

(4) All inactive status list persons shall be required to complete the same continuing education requirements as active licensees.

(5) A licensee reentering active status after more than five years must again pass the American Occupational Therapy Association registry examination.

(i) Unless otherwise provided in these sections, a license expires on the licensee's birthday.

(j) A license may not be renewed if an unresolved complaint is pending against a licensee.

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

Issued in Austin, Texas, on July 1, 1985.

TRD-855860

Vernon H Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:

August 12, 1985
For further information, please call
(512) 445-8368.

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Chapter 381. Denial, Suspension, or Revocation of a License

★ 40 TAC §381.1

The Texas Advisory Board of Occupational Therapy proposes an amendment to §381.1, concerning the right to a hearing of a licensee before his or her license may be denied, suspended, or revoked. This change is mandated by Senate Bill 300, §30(a).

Cary Westhause, executive director, has determined that for the first five-year pe-

riod 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.

Ms. Westhause also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is an increased benefit to public health in the regulation and licensing of occupational therapy in Texas. 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 Cary Westhause, Executive Director, Texas Advisory Board of Occupational Therapy, 118 East Riverside Drive, Austin, Texas 78704.

The amendment is proposed under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to propose rules consistent with this Act to carry out its duties in administering this Act.

§381.1. Denial, Suspension, or Revocation of a License.

(a) If the board proposes to deny a license, or to suspend or revoke a license, the applicant or licensee is entitled to a hearing before the board or before a hearing officer appointed by the board. All final decisions shall be made by the board.

(b)(a) After hearing or waiver of hearing, the board may deny, suspend, or revoke a license or otherwise discipline an applicant or licensee if the applicant or licensee has:

(1) used drugs, [or] intoxicating liquors, or any other substance, whether or not a controlled substance, to an extent that affects his or her professional competence [to include the use of a drug or intoxicating liquor, whether or not controlled, to an extent or] in a manner that is dangerous to the licensee, any other person, or the public; or to an extent that such use impairs the licensee's ability to practice occupational therapy in a safe and responsible manner;

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

(6) practiced occupational therapy in a manner detrimental to the public health and welfare to include:

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

(H) failing to obtain informed consent prior to engaging in scientific research involving patients, or otherwise violating ethical principles of research as defined by Principle 9, "Research with Human Participants," in the *Ethical Principles for Psychologists* published by the American Psychological Association, or other occupational therapy standards; [and]

(I) except as exempted by this chapter, practicing occupational therapy without the license prescribed by this

chapter; and

(J) recommending or prescribing therapeutic devices or modalities sold by a third person for the purpose or with the result of receiving a fee or other consideration from the third person.

(7)-(8) (No change.)

(c)(b) If the board proposes to deny, suspend, or revoke a license of an applicant or licensee, or take other disciplinary action, the board shall notify the applicant or licensee in writing by registered or certified mail:

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

(d)(c) If the applicant or licensee does not request an administrative hearing, the board will determine the matter and take appropriate action.

(e)(d) If the board determines that a license is denied or revoked and administrative appeal rights have been exhausted, the individual concerned may not request reconsideration or reinstatement before the 180th day after the effective date of the denial or revocation. Any such request will be made in the manner and form required by the board and the matter determined by the board.

(f)(e) The license of any person who has not renewed within 90 days of the expiration date is automatically revoked unless the board takes contrary action at any time.

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

Issued in Austin, Texas, on July 1, 1985

TRD-855862

Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:

August 12, 1985
For further information, please call
(512) 445-8368.

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Chapter 383. Referral and Supervision

★ 40 TAC §383.1

The Texas Advisory Board of Occupational Therapy (TABOT) proposes amendments to §383.1, concerning supervision of aides and orderlies. This change clarifies the use of occupational therapy aides in comparison with the work of the occupational therapy assistant.

Cary Westhause, 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.

Ms. Westhause also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is an increased benefit in public health in the regulation and licensing of occupational therapy in Texas. 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 Cary Westhause, Executive Director, Texas Advisory Board of Occupational Therapy, 118 East Riverside Drive, Austin, Texas 78704.

The amendments are proposed under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to propose rules consistent with this Act to carry out its duties in administering this Act.

§383.1. Referral and Supervision.

(a) The Act, §27, specifies that implementation of direct occupational therapy [services] to individuals for their specific medical conditions shall be based on a referral from a physician licensed to practice medicine in the State of Texas.

(b)-(e) (No change.)

(f) It is the responsibility of the occupational therapist to ensure that satisfactory general supervision is being provided for occupational therapy assistants to whom they are delegating patient care responsibilities. The occupational therapist shall not delegate responsibilities to the occupational therapy assistant that are beyond the scope of his or her training as determined by the 1983 *Essentials for an Approved Educational Program for the Occupational Therapy Assistant* published by the American Occupational Therapy Association or any subsequent revision to those standards [guidelines] as adopted by the promulgating body.

(g) (No change.)

(h) In providing occupational therapy services, aides and orderlies will work under the direct and personal supervision of an occupational therapist or occupational therapy assistant.

(1) Aides and orderlies perform routine departmental tasks and may assist with predetermined segments of patient related activities. Aides and orderlies shall not perform functions of licensed occupational therapists or occupational therapy assistants.

(2) The occupational therapist or occupational therapy assistant shall not delegate responsibilities to the aide or orderly that are beyond the scope of their duties as determined by the 1977 *Minimal Occupational Therapy Classification Standards for Staff Level Personnel*, published by the American Occupational Therapy Association.

(i) A person issued a temporary oc-

cupational therapy license under this chapter who is awaiting the results of his or her first [the initial] examination may practice occupational therapy until the regular license is issued [results of the examination are announced] but only under the continuing supervision of a licensed occupational therapist. (See §373.1(b)(2) of this title (relating to Examinations)). The licensee will certify as to the name, license number, and address of his or her supervisor on a form prescribed by the board.

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

Issued in Austin, Texas, on July 1, 1985.

TRD-855863

Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:
August 12, 1985

For further information, please call
(512) 445-8368.

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Chapter 385. Complaints

★40 TAC §385.1

The Texas Advisory Board of Occupational Therapy (TABOT) proposes an amendment to §385.1, concerning the filing and processing of complaints received by the TABOT. This change is mandated by Senate Bill 300, §2(d).

Cary Westhause, 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.

Ms. Westhause also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is an increased benefit in public health in the regulation and licensing of occupational therapy in Texas. 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 Cary Westhause, Executive Director, Texas Advisory Board of Occupational Therapy, 118 East Riverside Drive, Austin, Texas 78704.

The amendment is proposed under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to propose rules consistent with this act to carry out its duties in administering this act.

§385.1. Complaints.

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

(d) The board shall keep an information file about each complaint that is filed with the board relating to a licensee or an entity regulated by the board. If a written complaint is filed with the board relating to a licensee or entity regulated by the board, the board shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an undercover investigation. The board shall notify the parties to the complaint at least as frequently as quarterly until the final disposition of the complaint.

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

Issued in Austin, Texas, on July 1, 1985.

TRD-855864

Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:
August 12, 1985

For further information, please call
(512) 445-8368.

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Chapter 387. Administrative Hearing Procedures

★40 TAC §387.1

The Texas Advisory Board of Occupational Therapy (TABOT) proposes amendments to §387.1, concerning the appointment of a hearing officer by the TABOT. This change is a correction of the administrative hearing procedure.

Cary Westhause, 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.

Ms. Westhause also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is an increased understanding of existing law by clarification of language. 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 Cary Westhause, Executive Director, Texas Advisory Board of Occupational Therapy, 118 East Riverside Drive, Austin, Texas 78704.

The amendments are proposed under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the author-

ity to propose rules consistent with this act to carry out its duties in administering this act.

§387.1. Administrative Hearing Procedures.

(a) (No change.)

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

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

(3) Hearing examiner—An attorney duly designated and appointed by the board who acts as a hearing officer and [commissioner of the Texas Rehabilitation Commission as requested and approved by the board who] conducts hearings under these rules on behalf of the board.

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

(c)-(e) (No change.)

(f) Subpoenas.

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

(3) A party or witness may seek to quash the subpoena or move for a protective order as provided in the Texas Rules of Civil Procedure, Rule 166b [186b].

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

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

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

Issued in Austin, Texas, on July 1, 1985.

TRD-855865

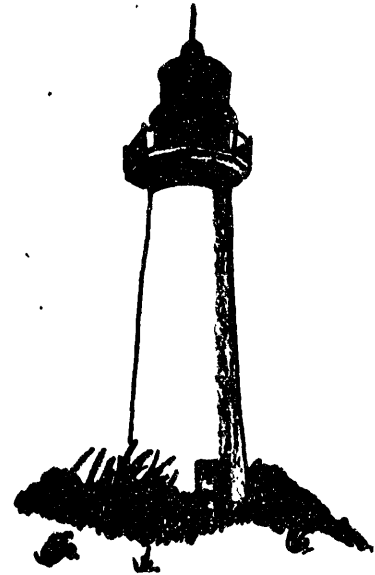
Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:

August 12, 1985

For further information, please call
(512) 445-8388.

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Withdrawn

Rules 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 effective immediately upon filing. 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* office and a notice of the withdrawal will appear in the *Register*.

TITLE 16. ECONOMIC REGULATION Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter H. Tariffs and Schedules

★ 16 TAC §§5.146-5.148

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §§5.146-5.148 submitted by the Railroad Commission of Texas have been automatically withdrawn, effective July 8, 1985. The amendments as proposed appeared in the January 4, 1985, issue of the *Texas Register* (10 TexReg 69).

TRD-856006
Filed: July 8, 1985

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Subchapter Q. Miscellaneous Provisions

★ 16 TAC §5.315

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §5.315 submitted by the Railroad Commission of Texas have been automatically withdrawn, effective July 8, 1985. The amendments as proposed appeared in the January 4, 1985, issue of the *Texas Register* (10 TexReg 69).

TRD-856006
Filed: July 8, 1985

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Subchapter U. General and Special Rules of Practice and Procedure

★ 16 TAC §5.422, §5.423

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §5.422 and §5.423 submitted by the Railroad Commission of Texas have been automatically withdrawn, effective July 8, 1985. The amendments as proposed appeared in the January 4, 1985, issue of the *Texas Register* (10 TexReg 70).

TRD-R56007
Filed: July 8, 1985

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Chapter 7. Gas Utilities Division

Substantive Rules

★ 16 TAC §§7.21, 7.22, 7.24, 7.27, 7.29, 7.31, 7.36, 7.37, 7.39, 7.41

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §§7.21, 7.22, 7.24, 7.27, 7.29, 7.31, 7.36, 7.37, 7.39, and 7.41 submitted by the Railroad Commission of Texas have been automatically withdrawn, effective July 8, 1985. The amendments as proposed appeared in the January 4, 1985, issue of the *Texas Register* (10 TexReg 71).

TRD-856006
Filed: July 8, 1985

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TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 75. Curriculum

Subchapter E. Well-Balanced Curriculum

★ 19 TAC §75.141

The Texas Education Agency has withdrawn from consideration for permanent adoption the proposed amendments to §75.141, concerning a well-balanced curriculum. The text of the amended section as proposed appeared in the July 2, 1985, issue of the *Texas Register* (10 TexReg 2152).

Issued in Austin, Texas, on July 3, 1985.

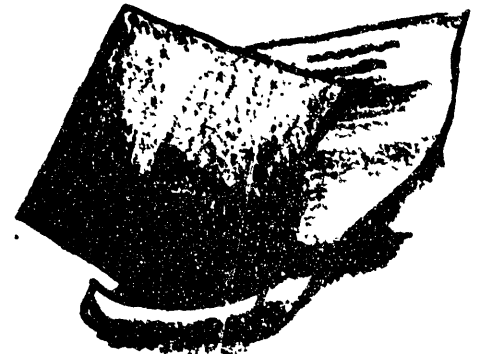
TRD-855840

Beverly J. Bardsley
Director for Policy
Development
Texas Education Agency

Filed: July 3, 1985

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

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Adopted

Rules

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

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. If an agency adopts the rule with changes to the proposed text, the proposal will be republished with the changes.

TITLE 19. EDUCATION

Part I. Texas Education

Agency

Chapter 141. Teacher Certification

Subchapter U. Alternative Teacher Certification

★ 19 TAC §141.481

The Texas Education Agency adopts new §141.481, with changes to the proposed text published in the March 29, 1985, issue of the *Texas Register* (10 TexReg 1058).

In subsection (a)(1), "Central Education Agency" is changed to "commissioner of education" for clarity. In subsection (a)(2), the word "only" is deleted as unnecessary. In subsection (a)(3), the words "on probationary contract status" are changed to "with probationary certification." A reference to level one certification is changed to a more general reference to certification in accordance with §141.2.

In subsection (b), the word "all" is deleted from the phrase "all districts." The words "for the individual being certified" are added for clarification before the list of requirements in the subsection. In subsection (b)(2), a minimum grade-point average requirement is added. In subsection (b)(2)(A), the adopted section specified that, of 24 semester hours in the subject area, at least 12 must be upper division. In subsection (b)(2)(C), the preparation requirements to teach grades prekindergarten-five are amended to emphasize subject area preparation, as well as reading. In subsection (b)(2)(D), requirements for bilingual/English as a second language assignment are edited to place greater emphasis on language proficiency and to specify that at least six semester hours of the required 12 must be completed before assignment as the teacher of record. In subsection (b)(3), authority to determine test equivalency is given to the commissioner of education, rather than the State Board of Education, and the section is edited. Subsection (b)(4) is amended to clarify that in 1986-1987 and thereafter, candidates must pass the state certification tests prior to assignment. In 1985-1986, since the tests are not yet ready, the can-

didates must pass the appropriate test during the year of internship. Subsection (b)(6) is expanded to require an internship of one calendar year, including pre-assignment training, and to include provision for the intern to observe the teaching of the supervising teacher.

There are no changes in subsection (c).

Editorial changes are made for clarity in subsection (d). A new paragraph (2) is added to provide for certification during the internship year. Proposed paragraph (2) is renumbered as (3) and edited to add references to the rules on the appraisal process and to the rules on certification. New paragraph (4) is added to require program evaluation, pre-assignment and screening and follow-up. New paragraphs (5)-(7) provide for a limited number of pilot programs to be approved for the 1985-1986 school year. Districts with approved plans must submit an annual report to the agency and will be subject to review by the agency.

House Bill 72, 68th Legislature, 2nd Called Session, 1984, directed the State Board of Education to provide for the certification as teachers of persons who are not graduates of teacher education programs. This section implements the provisions of House Bill 72 and provides local school districts with an additional capacity to meet staffing needs in critical teacher shortage areas while maintaining quality standards in the spirit of reform efforts.

The section provides for local school districts which have staffing needs which could be filled by persons seeking alternative certification to submit a plan to be approved by the State Board of Education prior to implementation. Persons seeking alternative certification must meet the qualifications set out in subsection (b). Such persons may be hired for a year of supervised internship, after which the local school district may recommend them to the commissioner of education for teacher certification. Each district approved for alternative teacher certification shall annually monitor, review, and evaluate its program and maintain follow-up data to attest to the effectiveness of its teacher interns. As of the effective date of this section, the commissioner of education may approve a limited number of plans for alternative teacher certification to be implemented

for the 1985-1986 school year. Initial approval of alternative teacher certification plans must not extend past August 31, 1986, in subsequent years. After evaluation of the program by the State Board of Education, plans must be approved for a period not to exceed three years and shall be renewable. The local district approved for implementing an alternative teacher certification program shall submit to the commissioner of education an annual report that includes the names of the candidates in the program and other information that may be required. Programs for alternative teacher certification shall be subject to review by the Central Education Agency.

Dr. Charles J. Austin, president, East Texas State University, expressed concern about the possible impact of the proposed section on the future of the teaching profession and the collegiate preparation of teachers. He urged that the alternative route to certification have safeguards and quality assurances adequate to strengthen the teaching profession. Dr. Austin noted that the requirement of 24 semester hours in one academic field for secondary teachers is less academic preparation than that required of most graduates of teacher education programs under the new standards for teacher education. He commented that university-based certification programs require specified hours of upper-division coursework, while the alternative plan specifies none. Dr. Austin noted further that universities must include the essential curriculum elements in their academic teaching field preparation, but that this would not be the case for holders of bachelor's degrees who do not complete teacher education programs. He commented also that there is no broad-based general education requirement for the alternative program, and that while university teacher education program admission requirements include specified grade point averages and personal screening, the admission process for the alternative program does not. He also noted that it is not clear whether candidates for alternate certification will be required to pass the pre-professional skills test or the exit test in the academic teaching field before being assigned a classroom, and that adequate quality assurances for local district plans are not specified in the sec-

tion. In addition, Dr. Austin also commented that the section should be more clearly directed to tap the pool of highly qualified persons prepared in subject areas useful for secondary schools.

The following is the agency's response.

The requirement of 24 semester hours in one academic field for secondary teachers is less than the two 24-semester-hour academic fields required of teacher education graduates under the old standards and available as an option under the new standards, however, the law that established alternative certification gave the State Board of Education the flexibility to establish an appropriate number of semester hours credit in the area in which the person is to be teaching and did not require that these hours reflect a traditional teacher education program. The board amended the alternative certification rules in May and has specified that 12 semester hours of the 24-semester-hour academic area required for grades 9-12 be upper-division courses. While the essential curriculum elements are not required to be included in the academic teaching field areas for grades 6-12, the requirements for teaching in grades prekindergarten-five do require that subjects taught in the elementary curriculum be included. The broad-based general education requirement is assumed to be met by the bachelor's degree from a regionally accredited institution. Earlier drafts of the section did not include specific grade point averages; however, the state board did amend its section to require a grade point average of no less than 2.5 on a four-point system in the teaching field areas. The board section as adopted also requires that the school district show evidence in their implementation plan that they will have pre-assignment screening of each intern. The board section specifies that the intern must pass the pre-professional skills test or its equivalent prior to assignment as the teacher of record. During the 1985-1986 school year the exit tests may be passed by the time of completion of the one year of internship, beginning with the 1986-1987 school year and thereafter, the exit tests must be successfully passed prior to assignment as an intern. Quality assurances for local district plans will be guaranteed by the State Board of Education review prior to approval.

Representatives of Sam Houston State University expressed the following concerns. The quality controls proposed are not adequate. Upper division work and a specified grade point average are not required. The section does not address the qualifications of trainees to be used by local school districts who should have, at a minimum, three years of successful teaching experience at the level at which the intern is being trained. There is no requirement for review of proposed plans prior to approval, which should be done

preferably by a cooperative center board. There is no evidence that this program will be cost effective. Funds could be used to provide a year of traditional training, leading to teacher certification. There is no provision to ensure that candidates for alternative certification have covered the essential curriculum elements as listed in Chapter 75. The alternative certification rule does not require the intern to show credit for study of the Texas and federal constitution. The section does not require the school district to determine that candidates do not have a felony record for crimes related to educational responsibilities.

The following is the agency's response. The section as adopted does require a grade point average of 2.5 on a four-point system in the teaching field areas, as well as the requirement that 12 of the 24 semester hours in a teaching subject area for grades nine-12 be upper-division courses. The statement that trainees must have a minimum of three years of successful teaching experience at the level is confusing and needs to be clarified before the response can be given. The state board will personally review proposed school district plans. The question of cost effectiveness is moot, since the state board is mandated by law to provide an alternative method of certification for persons who are not graduates of teacher education programs. The essential curriculum elements listed in Chapter 75 are alluded to in the teaching field requirements for prekindergarten-five teachers. The alternative certification program does not require evidence of Texas and federal constitution as a prerequisite to certification. The section does not specifically require a felony screening of applicants because this is allowed procedurally to districts under the Texas Education Code, §21.917, and is done automatically by the Texas Education Agency under Texas Civil Statutes, Article 6252-13c, and the Texas Administrative Code, §141.5.

Billy R. Reagan, superintendent, Houston Independent School District (HISD), commented in favor of the prompt adoption of the section. He noted that the HISD will need to employ approximately 1,700 new teachers for the 1985-1986 school year at a time when there is a decrease in the number of available teachers from college and university teacher education programs. The district would like very much to fill some of these positions under an alternative certification plan. This plan is already being developed by the district, and area colleges and universities have been included in the planning process. The Houston plan will include strong admission requirements, identified competencies, and expected outcomes, supervised internships, individualized training, direct observation, and assessment, a cooperatively planned program, and an

evaluation component. Mr. Reagan concluded his comments by noting that in the extensive research done on change, they find only one element in the whole family of mankind that looks forward, appreciates, and responds positively to change—babies with wet diapers.

The agency hopes that the alternative certification program in the HISD will be successful.

The new section is adopted under the Texas Education Code, §13.035, which requires the State Board of Education by rule to provide for the certification of persons who are not graduates of teacher education programs.

§141.481. Requirements for the Alternative Certification of Teachers.

(a) General provisions. Approval of alternative certification of teachers by the State Board of Education shall be based on the following requirements:

(1) that alternative certification of teachers is to be a school-directed function of Texas public school districts whereby an individual may be recommended to the commissioner of education for teacher certification based upon satisfactory completion of specified requirements;

(2) that the implementation of this procedure for the training and certifying of teachers be precipitated by staffing needs for which the district has actual or projected teaching positions to be filled; and

(3) that the year of supervised internship as the teacher of record shall be creditable as a year of teaching experience on probationary contract status for purposes of the teacher career ladder and that full appraisal requirements of the state and the local district be implemented as prerequisite for recommendation for certification in accordance with §141.2(a) of this title (relating to Classes of Certificates)

(b) Requirements for an approved plan. Effective with the 1985-1986 school year, districts choosing to staff positions via the alternative certification process shall be required to submit a plan to be approved by the State Board of Education prior to implementation. The district plan for alternative certification must include, but need not be limited to, the following statutory and State Board of Education quality assurances for the individual being certified:

(1) a bachelor's degree from a regionally accredited institution of higher education;

(2) appropriate semester hours with a grade point average of no less than 2.5 on a four-point system for those semester hours in a subject or combination of subjects as required in this paragraph for purposes of alternative certification:

(A) grades 9-12—24 semester hours in the subject; 12 semester hours must be upper division;

(B) grades six-eight—18 semester hours in the subject;

(C) grades prekindergarten-five—24 semester hours in a combination of subjects taught in the elementary school which must include English, mathematics, natural science, and history or political science; and six semester hours of reading which must be completed prior to placement as a teacher of record; or

(D) bilingual/English as a second language (ESL)—evidence of oral and written language proficiency for bilingual education assignments; 12 semester hours in a subject; and 12 semester hours, six semester hours of which must be completed prior to assignment as a teacher of record for the 1985-1986 school year in language study, language acquisition, bilingual/ESL methodology, and culture (concepts, patterns, contribution). The remaining six semester hours must be completed no later than the completion of the internship;

(3) possession of basic skills in mathematics, reading, and writing, prior to assignment as a teacher of record, as evidenced by acceptable scores on the state-mandated basic skills test or its equivalent as determined by the commissioner of education;

(4) possession of acceptable scores, by the time of completion of the one year of internship during the 1985-1986 school year, on the state-mandated certification test or tests for the subject or subjects that are to be taught; possession of acceptable scores prior to assignment as an intern, for the 1986-1987 school year and thereafter, on the state-mandated certification test or tests for the subject or subjects that are to be taught;

(5) teaching methods and classroom management training provided during the year of classroom assignment as an intern, which includes, but need not be limited to:

(A) knowledge and skills concerning the unique needs of special learners, such as the impact of cultural, ethnic, language, and social differences upon the instructional processes as well as the characteristics, assessment, least restrictive alternatives, and admission, review, and dismissal processes for special students requiring individualized or specialized education programs;

(B) legal and ethical aspects of teaching;

(C) instructional methods and strategies that emphasize practical applications of the teaching-learning process; and

(D) curriculum organization, planning, and evaluation which focus upon the curriculum to be taught, especially the essential elements to be included; and

(6) an internship of one calendar year, inclusive of pre-assignment training and student contact experiences supervised by the district prior to assignment as a teacher of record and under the supervision of a teacher or teachers in the subject area or areas and/or at the level for which the

intern is to be certified; provisions shall be made for each intern to have released time during the internship to observe the teaching of the supervising teacher or teachers.

(c) Supervising teacher. The supervising teacher shall be identified on the career ladder as level two or higher and shall be provided released time during the school day to observe and evaluate the actual teaching of the intern.

(d) Procedures for approval of district plans and recommendation for certification.

(1) School districts choosing to staff positions by means of the alternative certification process shall submit to the commissioner of education, prior to implementing a program, a district plan that specifies its means of fulfilling requirements for school district plans in accordance with subsection (b) and subsection (c) of this section.

(2) An individual admitted into a district alternative teacher certification program that has been approved in accordance with the requirements of this section shall be issued a probationary teacher certificate, upon receipt of application and appropriate fee, that is valid for one calendar year and may be extended for one additional year only in accordance with provisions set forth in the Texas Education Code, §13.306.

(3) Upon completion of the one-year internship and satisfactory appraisal in accordance with Chapter 149, Subchapter C, of this title (relating to Appraisal of Certified Personnel), the school district shall recommend the teacher to the commissioner of education for certification in accordance with §141.2(a) of this title (relating to Class of Certificates).

(4) Each district approved for alternative teacher certification shall annually monitor, review, and evaluate its program and maintain follow-up data to attest to the effectiveness of its teacher interns. Each plan shall provide for pre-assignment screening and preparation as well as post-internship appraisal and preparation with remediation as needed.

(5) As of the effective date of this section, the commissioner of education may approve a limited number of plans for alternative teacher certification to be implemented for the 1985-1986 school year. Initial approval of alternative teacher certification plans shall not extend past August 31, 1986. In subsequent years, after evaluation to the program by the State Board of Education, plans may be approved for a period not to exceed three years and shall be renewable.

(6) The local district approved for implementing an alternative teacher certification program shall submit to the commissioner of education an annual report that includes the names of candidates in the program and other information that may be required.

(7) Programs for alternative teacher certification shall be subject to review by the Central Education Agency.

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

Issued in Austin, Texas, on July 5, 1985.

TRD-855980

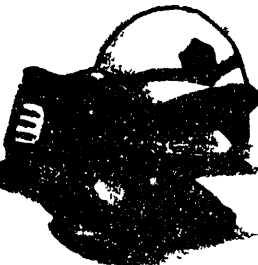
W. N. Kirby
Commissioner of
Education

Effective date: July 26, 1985

Proposal publication date: March 28, 1985

For further information, please call

(512) 475-7077.



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**TITLE 34. PUBLIC
FINANCE
Part I. Comptroller of Public
Accounts**

**Chapter 1. Central
Administration
Practice and Procedures**

★ 34 TAC §1.9

The Comptroller of Public Accounts adopts amendments to §1.9, without changes to the proposed text published in the February 26, 1985, issue of the *Texas Register* (10 TexReg 687). The amendments delete specific reference to the number of days within which a position letter will be issued and correct minor grammatical errors.

One comment was received in response to the proposal. Sander W. Shapiro suggested that, since the agency proposes to delete specific reference to the time within which a position letter will be issued, the agency should relax certain time requirements concerning the filing of certain documents and motions for continuance by taxpayers. The comptroller responded that although this section did not relate to the areas suggested for change by Mr. Shapiro, consideration will be given to amending the appropriate sections.

These amendments are adopted under the Texas Tax Code, §111.002, which pro-

vides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the Tax Code, Title 2.

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

Issued in Austin, Texas, on July 2, 1985

TRD-855901 Bob Bullock
 Comptroller of Public
 Accounts

Effective date: July 23, 1985
Proposal publication date: February 26, 1985
For further information, please call
(512) 475-1913

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★ 34 TAC §1.28

The Comptroller of Public Accounts adopts an amendment to §1.28, without changes to the proposed text published in the April 26, 1985, issue of the *Texas Register* (10 TexReg 1317). The amendment deletes the requirement that decisions be sent by certified mail. These documents will be sent by regular mail at a substantially reduced cost per mailing.

One comment was received. W. W. Zaugg of Owens-Corning Fiberglas opposed the change. He expressed concerns that lost or misdelivered mail might result in taxpayers not being timely advised of adverse decisions, with resulting loss of rights of appeal. The comptroller responded that while loss or misdelivery of mail is certainly possible, no substantial problem has arisen with regard to numerous other documents sent by regular mail. No other comments were received.

The amendment is adopted under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the Tax Code, Title 2.

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

Issued in Austin, Texas, on July 2, 1985.

TRD-855902 Bob Bullock
 Comptroller of Public
 Accounts

Effective date: July 23, 1985
Proposal publication date: April 26
For further information, please call
(512) 475-1913.

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Part IV. Employees Retirement System of Texas Chapter 67. Hearings and Disputed Claims

★ 34 TAC §67.1

The Employees Retirement System of Texas adopts amendments to §67.1, with changes to the proposed text published in the May 14, 1985, issue of the *Texas Register* (10 TexReg 1529).

The rights of persons who wish to appeal agency decisions will be protected better through the extension of time to file an appeal and the adoption of more concise language describing rights and responsibilities. The only substantive change from the proposal is the extension of time to file appeals from 15 days to 30 days.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Title 110B, §25.102, which provide the Employees Retirement System of Texas with the authority to adopt rules for the eligibility of membership in and the administration of funds of the retirement system.

§67.1. Appeal of Denied Claims.

(a) When the executive director denies a claim, the applicant has 30 days from the date the executive director's letter is mailed by certified mail to file written notice of the appeal. The denial letter will inform the applicant of this right. In most cases, administrative hearing of the appeal will be held in Austin, Texas.

(b) As used in this section, the term "applicant" includes any duly authorized representative of such person.

(c) In computing time under this section, the day after any mailing by the executive director shall be counted as the first day of the time period. A document is considered to be filed with the executive director when it is received by the executive director or when it is postmarked, whichever is earlier.

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

Issued in Austin, Texas, on July 1, 1985

TRD-855803 Clayton T. Garrison
 Executive Director
 Employees Retirement
 System of Texas

Effective date: July 22, 1985
Proposal publication date: May 14, 1985
For further information, please call
(512) 478-6431, ext. 212.

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Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Register*.

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

Posting of open meeting notices. All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

Texas Department of Community Affairs

Wednesday-Friday, July 31-August 2, 1985, 1:30 p.m. daily Wednesday and Thursday and 8:30 a.m. Friday. The Older Worker Task Force of the Texas Department of Community Affairs will meet at the Dallas Marriott Park Central, 7750 LBJ Freeway at Coit Road, Dallas. Items on the agenda summary include a program progress report, an update on statewide initiatives, a briefing by evaluation consultants, the Criteria Committee report, a tour of the Dallas project, and planning for program year 1985.

Contact: Clyde McQueen, P.O. Box 13166, Austin, Texas 78711, (512) 443-4100.

Filed: July 3, 1985, 11:07 a.m.
TRD-855910

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Texas Corn Producers Board

Thursday, July 18, 1985, 9 a.m. The Texas Corn Producers Board of the Texas Department of Agriculture will meet at the board office, 218 East Bedford, Dimmitt. According to the agenda, the board will review the financial statement; discuss the U.S. Feed and Grain Council annual meeting and chemical clearance on azodrin; and hear an update of the Texas Agricultural Energy Users Association.

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

Filed: July 8, 1985, 2:38 p.m.
TRD-856047

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Coordinating Board, Texas College and University System

Thursday, July 18, 1985. Committees of the Coordinating Board, Texas College and University System will meet in Boardroom 200, Bevington A. Reed Building, 200 East

Riverside Drive, Austin. Times, committees, and agendas follow.

9:30 a.m. The Senior College and University Committee will consider matters relating to nonexempt private degree-granting institutions operating in Texas and matters relating to senior colleges and universities.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: July 8, 1985, 9:39 a.m.
TRD-856022

10:30 a.m. The Financial Planning Committee will consider matters relating to administration and finance.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: July 8, 1985, 9:39 a.m.
TRD-856021

11:45 a.m. The Legislative Liaison Committee will discuss legislative matters with the board.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: July 8, 1985, 9:39 a.m.
TRD-856020

2 p.m. The Student Services Committee will consider matters relating to student services.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: July 8, 1985, 9:39 a.m.
TRD-856019

2:30 p.m. The Community Junior Colleges Committee will consider emergency adoption of proposed amendments to the rules and regulations for public junior colleges (Public Junior Colleges, Chapter 9, Subchapter A and B) to implement legislation delegating additional authority to the board.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: July 8, 1985, 9:40 a.m.
TRD-856018

2:45 p.m. The Health Affairs Committee

will consider matters relating to health affairs.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: July 8, 1985, 9:40 a.m.
TRD-856017

3:30 p.m. The Campus Planning Committee will consider matters relating to facilities and campus planning.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: July 8, 1985, 9:40 a.m.
TRD-856016

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Texas Department of Corrections

Monday, July 8, 1985, 9 a.m. Subcommittees of the board and the full board of the Texas Department of Corrections revised agendas and rescheduled on an emergency basis meetings held in the Hazel D. Kerper Courtroom, Criminal Justice Center, Sam Houston State University, 815 16th Street at Avenue I, Huntsville. The meetings originally were scheduled to be held at 815 11th Street. Times, subcommittees, and agendas follow

9 a.m. The Operations Subcommittee discussed Operations Division items including an activity summary for inmate affairs, concerning chaplaincy, agency reports, and release programs; inmate activity reports, concerning disciplinary, inmate strength, and received-released; escapes; the furlough program, and a food services report. The emergency status was necessary because the number of persons needed to conduct business of this meeting grew subsequent to the board agenda posting.

Contact: O. L. McCotter, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

Filed: July 3, 1985, 4:21 p.m.
TRD-855924

9 a.m. The Health Services Subcommittee discussed Medical Division items including monthly clinic statistics, emergency medical costs, professional contract proposal, deaths, and pending autopsies. The emergency status was necessary because the number of persons needed to conduct business of this meeting grew subsequent to the board agenda posting.

Contact: O. L. McCotter, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

Filed: July 3, 1985, 4:22 p.m.
TRD-855925

9 a.m. The Finance Subcommittee discussed Finance Division items concerning agriculture, business, construction, and industries. The emergency status was necessary because the number of persons needed to conduct business of this meeting grew subsequent to the board agenda posting.

Contact: O. L. McCotter, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

Filed: July 3, 1985, 4:22 p.m.
TRD-855926

10 a.m. The board discussed operations, inmate affairs, medical, finance, agriculture, business, construction, industries, director's items, and the Windham School System. The board also met in executive session. The emergency status was necessary because the number of persons needed to conduct business of this meeting grew subsequent to board agenda posting, an agenda item requiring immediate action developed subsequent to the board agenda posting, and an agenda item not ready for board consideration was deleted subsequent to the board agenda posting.

Contact: O. L. McCotter, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

Filed: July 3, 1985, 4:21 p.m.
TRD-855923

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Texas Commission for the Deaf

Saturday, July 13, 1985, 9:30 a.m. The Board for Evaluation of Interpreters of the Texas Commission of the Deaf (TCD) will meet in Room 212, 510 South Congress Avenue, Austin. According to the agenda, the board will consider action on the previous meeting minutes; receive a report from the TCD; receive committee reports concerning recertification, facilities, and criteria; review and discuss the morphemic sign system (MSS); discuss a board member replacement; and receive the chairperson's report. The board also will meet in executive session to review certification applications and evaluations.

Contact: Fred R. Tammen, P.O. Box 12904, Austin, Texas 78711, (512) 475-2402.

Filed: July 5, 1985, 3:55 p.m.
TRD-855993

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Texas Education Agency

Thursday, July 11, 1985. Committees of the State Board of Education and the full board of the Texas Education Agency (TEA) met in the TEA North Building, 1200 East Anderson Lane, Austin. Times, rooms, committees, and agenda summaries follow.

8 a.m. In Room 101-E, the board discussed the exit level Texas educational assessment of minimum skills (TEAMS) test. To ensure security of the test, that portion of the meeting where individual items, which by law must be kept secure, are discussed was closed under the provisions of the Texas Education Code, §21.556.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: July 3, 1985, 3:45 p.m.
TRD-855934

10 a.m. In the boardroom, the Committee of the Whole considered the Texas educational assessment of minimum skills and considered the adoption of tests and minimum performance requirements in Grades 3, 5, 7, 9, and the exit level. To ensure security of the test, that portion of the meeting where individual items, which by law must be kept secure, were discussed, was closed under the provisions of the Texas Education Code, §21.556. The committee also considered the agency's organization, the annual operating plan and budget for 1985-1986; and personnel matters. The consideration of personnel matters may have been in executive session in accordance with the provisions of Texas Civil Statutes, Article 6252-17, §2(g), concerning personnel matters.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: July 2, 1985, 1:21 p.m.
TRD-855867

2 p.m. In Room 101-E, the Committee for Personnel considered proposed new 19 TAC §149.24, concerning in-service training in management skills for district administrators; a proposed amendment to Chapter 141, Subchapter B, concerning certificate issuance procedures for teacher certification; proposed new §145.48, concerning a duty-free lunch; proposed new Chapter 143, concerning assignment of personnel; a proposed amendment to §81.111, concerning State Textbook Committee meetings, compensatory per diem, and expenses; proposed new §145.2, concerning paperwork reduction; a proposed amendment to Chapter 141, Subchapter S, con-

cerning the testing program; a proposed amendment to §75.141, concerning the description of a well-balanced elementary curriculum; a proposed amendment to Chapter 137, concerning teacher education; proposed new §157.65, concerning hearings concerning complaints made to the Teachers' Professional Practices Commission (TPPC); the proposed repeal of §157.65, concerning proceedings concerning recommendations made to the commissioner by the TPPC; proposed new §141.300, concerning a noncertified instructor's permit; a recommendation for appointment to the Advisory Committee on Statewide Standards on the Duties of a School Board Member; a request for approval of job domain objectives for the Texas Educators Initial Certification Testing Program; a request for authority to contract for the purchase of an Appraisal Training Program and appraisal materials; large type textbooks for the visually handicapped; allocation of funds for the purchase and distribution of textbooks; a request for approval for the commissioner of education to investigate the market for textbooks in visual communications technology industrial arts for grade seven (TEC 12.24) and to amend the schedule of adoption for Proclamation 61; new in-service education requirements; training for administrators to recognize and respond to signs of abuse and neglect in students; a summary of paperwork required of school districts; Chapter 75 and House Bill 72; a request for approval of distribution of a legislative issues document and summary document, information on testing requirements that apply to hearing-impaired teacher education students; information on the preprofessional skills test longitudinal data from March 1984 to the present; a review of the Texas examination of current administrators and teachers (TECAT) job-related vocabulary; information on the legal review of the Houston Independent School District (HISD) request to substitute the functional academic skills tests for the TECAT; a request for approval of an alternative certification plan by the HISD; and hold a discussion with representatives of the Teacher Appraisal Advisory Committee concerning the progress of development of teacher appraisal instruments. If time did not permit completion of the agenda, the committee recessed and reconvened at 8:30 a.m. on Friday, July 12, at the same location.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: July 2, 1985, 1:21 p.m.
TRD-855868

Addition to the previous agenda:

Request for approval of an alternative certification plan by the HISD. This item appeared on the original notice for this meeting as an information item only; however, this has been changed to an action

item, and this committee and the full board will take action on this item.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: July 3, 1985, 3:40 p.m.
TRD-855936

2 p.m. In the boardroom, the Committee for Finance and Programs considered a presentation on the permanent school fund (PSF) by representatives from InterFirst; review of PSF securities transactions; review of the PSF investment portfolio; a recommended PSF investment program for July and August; estimated funds from the PSF available for the July and August program; discussion of investment adviser services; a report of the investment officer regarding the PSF; a proposed amendment to 19 TAC Chapter 89, Subchapter G, concerning special education; proposed amendments to Chapter 69, concerning proprietary schools and veterans' education, a proposed amendment to §85.22, concerning school-community guidance centers; a proposed amendment to Chapter 78, Subchapter D, concerning secondary school vocational education; a proposed amendment to §129.61, concerning requirements for student attendance accounting for state funding purposes; proposed new §61.2, concerning the school district annual performance report; the proposed repeal of §105.49, concerning allocation of personnel units to the Texas Department of Corrections, proposed new §105.49, concerning the Windham Independent School District allotment, a proposed amendment to §85.214, concerning the operation of school buses; a proposed amendment to §85.171, concerning regular student eligibility for transportation, the proposed repeal of §85.184, concerning contracted transportation; proposed new §85.184, concerning contract with a transportation company or system, a proposed amendment to §78.122, concerning specific program requirements, a proposed amendment to §75.168, concerning summer school programs; a proposed amendment to §75.141, concerning the description of a well-balanced elementary curriculum, a proposed amendment to §78.103, concerning specific requirements for vocational education student eligibility, the proposed repeal of §125.61, concerning the guide for determining indirect cost rates for federal grants and contracts; the per capita apportionment for the 1985-1986 school year, the proposed TEA electronic bulletin board; a proposed preliminary plan for a coordinated data base for accountability, TEA organization and the annual operating plan and budget for 1985-1986; the contracted school transportation services contract; options for Foundation School Program funding for community education for fiscal years 1986 and 1987; the authority to utilize resources in support of the state labor market information (LMI) plan; recommendations of

the Apprenticeship and Training Advisory Committee; a proposed Job Training Partnership Act discretionary project concerning a continuation of the State Occupational Information Coordinating Committee's toll-free career and occupational information service; a proposal for a grant under bilingual vocational training; a request for approval of distribution of a legislative issues document and summary document; a request for approval to count Texas Sesquicentennial Day as a day of instruction; and review of the mission statement, goals, objectives, and activities developed by the Task Force for the Long-Range Master Plan for Vocational Education in Texas for fiscal years 1986-1990. If time did not permit the completion of the agenda, the committee recessed and reconvened on Friday, July 12, at the same location.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: July 2, 1985, 1:20 p.m.
TRD-855869

2 p.m. In Room 111, the Committee for Students considered a proposed amendment to 19 TAC Chapter 75, Subchapter F, concerning graduation requirements; a proposed amendment to §129.2, concerning kindergarten; a proposed amendment to Chapter 133, Subchapter B, concerning discipline management, a proposed amendment to Chapter 89, Subchapter E, concerning general educational development; a proposed amendment to §89.235, concerning special education general program requirements; the proposed repeal of Chapter 81, Subchapter F, concerning instructional resources adoptions by reference; proposed new Chapter 81, Subchapter F, concerning library media standards, a proposed amendment to Chapter 77, Subchapter R, concerning bilingual education and other special language programs; a proposed amendment to Chapter 75, concerning curriculum; a proposed amendment to Chapter 89, Subchapter C, concerning educational programs for gifted and talented students; a proposed amendment to Chapter 75, concerning curriculum; a proposed amendment to Chapter 75, Subchapter H, concerning promotion and alternatives to social promotion; proposed new §77.362, concerning a bilingual education allotment, the proposed repeal of §77.362, concerning bilingual education allotments for operational expenses; third reading and final adoption of a proposed amendment to Chapter 133, Subchapter B, concerning discipline management; nominees for the good neighbor scholarship for the 1985-1986 academic year; update three on questions and answers relating to extracurricular activities; a review of the Competency Based High School Diploma Program; a request for approval of distribution of a legislative issues document and summary document; mid-term Texas educational assessment of min-

imum skills for migrant students; review of graduation requirements for transcript programs; and review of a State Board of Education rule on materials available for use with textbooks. If time did not permit completion of the agenda, the committee recessed and reconvened at 8:30 a.m. on Friday, July 12, at the same location.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: July 2, 1985, 1:14 p.m.
TRD-855870

Friday, July 12, 1985, 3 p.m. The Committee for Long-Range Planning of the State Board of Education of the TEA will meet in Room 101-E, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will consider proposed new 19 TAC §61.2, concerning the school district annual performance report; discuss limitations on board expenses as a result of the General Appropriations Act, 69th Legislature, 1985; consider goals and objectives for the board's long-range plan and public meetings for input; a status report on the accreditation of school districts; the 1984-1985 summary and analysis of accreditation; and the TEA and mental health and mental retardation work relationship for deinstitutionalization of students.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: July 2, 1985, 1:14 p.m.
TRD-855871

Saturday, July 13, 1985, 8:30 a.m. The State Board of Education of the Texas Education Agency will meet in the boardroom, TEA North Building, 1200 East Anderson Lane, Austin. Items on the agenda summary include Texas educational assessment of minimum skills—adoption of tests and minimum performance requirements, grades 3, 5, 7, 9, and exit level (to ensure security of the test, that portion of the meeting where individual items, which by law must be kept secure, are discussed, may be closed under the provisions of the Texas Education Code, §21.556); the permanent school fund July/August investment program; rules for special education; proprietary schools; school-community guidance centers; vocational education; student attendance accounting; school district annual performance report; Windham Independent School District allotment, transportation; summer school programs; funding for pre-kindergarten programs; per capita apportionment for the 1985-1986 school year; a proposed electronic bulletin board; a preliminary plan for a coordinated database for accountability; TEA organization and annual operating plan/budget for 1985-1986; funding for community education for fiscal years 1986 and 1987; state labor market information (LMI) plan; recommendations of the Apprenticeship and Training Advisory Committee; State Oc-

Occupational Information Coordinating Committee's toll-free career and occupational information service; a grant under bilingual vocational training; rules on graduation requirements; kindergarten; discipline management; general educational development; library media standards; bilingual education; curriculum; educational programs for gifted and talented students; promotion and alternatives to social promotion; the good neighbor scholarship for 1985-1986; in-service training in management skills for district administrators; teacher certificate issuance procedures; duty free lunch, assignment of personnel, the State Textbook Committee; paperwork reduction; teacher testing program, teacher education; hearings concerning complaints made to the Teachers' Professional Practices Commission, a noncertified instructor's permit, the Advisory Committee on Statewide Standards on the Duties of a School Board Member; job domain objectives for Texas Educators Initial Certification Testing Program; and teacher appraisal training.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: July 2, 1985, 1:14 p.m.
TRD-855872

Addition to the previous agenda:

Request for approval of an alternative certification plan by the Houston Independent School District.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: July 3, 1985, 3:45 p.m.
TRD-855935

Monday-Wednesday, July 15-17, 1985, 10 a.m. daily. The State Textbook Committee of the Texas Education Agency will meet in the board room, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will conduct public hearings on textbooks being considered for adoption in 1985

Contact: J. Henry Perry, 201 East 11th Street, Austin, Texas 78701, (512) 834-4065.

Filed: July 5, 1985, 2:19 p.m.
TRD-855973

Wednesday, July 17, 1985, 9 a.m. The Task Force for the Development of the Long-Range Master Plan for Vocational Education of the Texas Education Agency will meet in Room 101-E, 1200 East Anderson Lane, Austin. Items on the agenda include a discussion of the presentation of the mission statement, goals, objectives, and activities for vocational education to the State Board of Education Committee for Finance and Programs on July 11, 1985; recommendations for a schedule of activities for the development of the master plan for vocational education; and discussion of the con-

tent of the master plan for vocational education.

Contact: R. D. Bristow, 201 East 11th Street, Austin, Texas 78701, (512) 475-3273.

Filed: July 2, 1985, 1:14 p.m.
TRD-855873

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Texas Employment Commission

Monday, July 15, 1985, 8:30 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 actions, if any, resulting from executive session and speak with Chairman Grisham via conference call. The commission also will meet in executive session to consider *Martinez v. TEC* and related cases.

Contact: C. Ed Davis, TEC Building, 15th Street and Congress Avenue, Room 660, Austin, Texas 78778, (512) 463-2291.

Filed: July 5, 1985, 10:40 a.m.
TRD-855951

Tuesday, July 16, 1985, 8:30 a.m. The Texas Employment Commission (TEC) will meet via conference call in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. Items on the agenda include prior meeting notes; internal procedures of commission appeals; consideration and action on higher level appeals in unemployment compensation cases on commission Docket 29; and setting the date of the next meeting.

Contact: Courtenay Browning, 15th Street and Congress Avenue, Room 608, Austin, Texas 78778, (512) 463-2226.

Filed: July 8, 1985, 10:03 a.m.
TRD-856009

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State Finance Commission

Thursday, July 11, 1985. The Banking Section of the State Finance Commission and the full commission met at 2601 North Lamar Boulevard, Austin. Times and agendas follow.

9 a.m. According to the agenda summary, the Banking Section considered final adoption of the rules; discussed acceptance of self-directed employee benefit accounts by state banks, discussed fidelity coverage or insurance on the officers and employees of state banks; discussed the purchase of stock issued by a corporation organized solely for the purpose of making agricultural loans; considered new legislation; considered proposed comments on FDIC market discipline

proposals; and reviewed departmental operations and personnel.

11 a.m. According to the agenda, the commission considered the election of a chairman and received reports from the Consumer Credit Department, the Savings and Loan Department, and the Banking Department of Texas concerning new legislation and departmental operations. The commission also met in executive session to receive personnel reports and litigation reports.

Contact: Hubert Bell, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Filed: July 3, 1985, 3:32 p.m.
TRD-855921, 855920

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Texas Department of Health

Friday, July 19, 1985, 10 a.m. The Texas Emergency Medical Services (EMS) Advisory Council of the Texas Department of Health (DOH) will meet at the Executive Motor Inn, 925 East Anderson Lane, Austin. According to the agenda summary, the council will consider approval of the minutes; hear remarks about the EMS from Clift Price, M.D.; consider bylaws governing council attendance (25 TAC §157.113); receive committee reports concerning education ad hoc, EMS providers ad hoc, medical director ad hoc, and poison control ad hoc; receive a legislative update; consider final adoption of rules concerning medical direction/supervision and EMS certification of the RN and LV. and proposed rules mandated by the 69th Legislature, 1985, concerning fees and staffing and an amendment to rules concerning vehicle safety recommended by the Provider Committee; make recommendations on ad hoc committee membership; consider council goals and priorities; receive a report from the DOH Helicopter Ad Hoc Committee and a report on variances; receive comments and announcements (no council action required); and set the October meeting date.

Contact: Gene Weatherall, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2601.

Filed: July 5, 1985, 3:45 p.m.
TRD-855990

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Texas Historical Commission

Monday, July 22, 1985, 9:30 a.m. The Texas Historical Commission will meet at Indian Lodge, Fort Davis. According to the agenda, the commission will receive reports from the chairman, the Main Street Committee, the Sesquicentennial Committee, the Archeology Committee, the State Historic Preservation Office Committee, the Publi-

cations Committee, the Marker Committee, and the Museums and Field Services Committee.

Contact: Curtis Tunnell, P.O. Box 12276, Austin, Texas 78711, (512) 475-3092.

Filed: July 5, 1985, 3:46 p.m.
TRD-855991

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Texas Housing Agency

Thursday, July 11, 1985. The Programs and Legislation Committee and the Board of Directors of the Texas Housing Agency met in Suite 700, 411 West 13th Street, Austin. Times and agendas follow.

9 a.m. The Programs and Legislation Committee considered and possibly acted on approval for financing of grandfathered developments complying with all interim procedures and revisions to the Mortgage Loan Guaranty Multifamily Housing Program.

10 a.m. The Board of Directors considered and possibly acted on establishing the ceiling on single family mortgage revenue bonds to be issued in Texas during calendar year 1985; a proposal for the sale of tax-exempt single family mortgage revenue bonds; and investment contracts for certain funds, including without limitation the debt service reserve fund, mortgage revenue loan proceeds fund, cash flow, and mortgage reserve fund.

Contact: Earline Jewett, P.O. Box 13941, Austin, Texas 78711, (512) 475-0812.

Filed: July 3, 1985, 4:51 p.m.
TRD-855941, 855942

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University of Houston System

Wednesday, July 10, 1985, 9:30 a.m. The Executive Committee of the Board of Regents of the University of Houston System met in Room 510, Enterprise Bank Building, 4600 Gulf Freeway, Houston. According to the agenda, the committee discussed and possibly approved the proposed purchase of real estate and the evaluation of university officers and the food service contract.

Contact: Michael T. Johnson, 4600 Gulf Freeway, Suite 501, Houston, Texas 77023, (713) 749-7545.

Filed: July 3, 1985, 10:33 a.m.
TRD-855909

Addition to the previous agenda:

The committee discussed and possibly approved entering into a food service contract with ARA and a fund raising contract with R. R. Dini and Associates.

Contact: Michael T. Johnson, 4600 Gulf Freeway, Suite 501, Houston, Texas 77023, (713) 749-7545.

Filed: July 5, 1985, 3:57 p.m.
TRD-855992

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Texas Commission on Human Rights

Friday and Saturday, July 19 and 20, 1985, 1 p.m. and 9 a.m. respectively. The Texas Commission on Human Rights will meet in Room 215, State Capitol, Austin. Items on the agenda summary include administrative reports; discussion of a worksharing agreement; the 1986 charge resolution contract; EEO training for state agencies; personnel matters; the status of emergency funds; commission subcommittee reports; a report on the IAOHRA annual conference; a report on communication with the Texas Council on Developmental Disabilities; commissioner issues; a speech for commissioners; and unfinished business.

Contact: William M. Hale, P.O. Box 13493, Austin, Texas 78711, (512) 475-4444.

Filed: July 3, 1985, 1:51 p.m.
TRD-855919

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State Board of Insurance

Wednesday, July 3, 1985, 9 a.m. The State Board of Insurance met in emergency session in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the commission conducted a public hearing to consider a motion for stay of Commissioner's Order 85-1780, filed by True People of America Fraternal Benefit Society. The emergency status was necessary because statutory requirements require that matters of this nature be heard at the earliest possible time.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: July 2, 1985, 3:30 p.m.
TRD-855885

Thursday, July 11, 1985, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance met in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section conducted a public hearing to consider Docket 9021—whether policy forms submitted by Commercial State Life Insurance Company, Louisville, Kentucky, should be approved.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: July 2, 1985, 4:36 p.m.
TRD-855887

Tuesday, July 16, 1985, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 9029—application of Foster R. Brewer to acquire control of Texas Insurance Company, Austin.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: July 8, 1985, 1:23 p.m.
TRD-856024

Tuesday, July 16, 1985, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Items on the agenda include final action on proposed amendments to Rule 059.21.49.007 and .009 and the proposed repeal of Rule 059.21.49.008; adoption of the 1985 National Fire Protection Association's Pamphlet 13; installation of automatic sprinkler systems and amendments to the State Board of Insurance supplemental sprinkler rules; board orders on several different matters as itemized on the complete agenda; the fire marshal's report, concerning personnel; the commissioner's report, concerning litigation; personnel; and a data system for continuation operation under group health insurance.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: July 8, 1985, 9:40 a.m.
TRD-856012

Addition to the previous agenda:

Consideration of a contract for production of an employee orientation slide show.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: July 8, 1985, 3:12 p.m.
TRD-856052

Tuesday, July 16, 1985, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 8014—whether disciplinary action should be taken against Winter Garden Abstract and Guaranty Company, Inc., Pearsall, which holds a title insurance agent's license issued by the State Board of Insurance.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: July 8, 1985, 1:23 p.m.
TRD-856025

Tuesday, July 16, 1985, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the section will meet with representatives of the Texas Chiropractic Association.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: July 8, 1985, 9:41 a.m.
TRD-856013

Tuesday, July 16, 1985, 3 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 9026—application by Northwestern Mutual Life Insurance Company, Milwaukee, for authority to issue variable insurance contracts.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: July 8, 1985, 1:23 p.m.
TRD-856026

Tuesday, July 16, 1985, 3 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 8016—whether disciplinary action should be taken against Twin City Title Company, Inc., Texarkana, which holds a certificate of authority issued by the board.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: July 8, 1985, 1:23 p.m.
TRD-856027

Wednesday, July 17, 1985, 8 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will hold a public hearing to consider a request by the Texas Nurses Association to establish registered nurses, certified registered nurse anesthetists, and certified nurse midwives as eligible categories for medical professional liability insurance issued by the Texas Medical Liability Insurance Underwriting Association (Texas JUA). In addition, the board will also consider any rules, rates and policy forms, and endorsements necessary to provide medical professional liability coverage in the Texas JUA for these proposed categories.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: July 8, 1985, 9:41 a.m.
TRD-856014

Wednesday, July 17, 1985, 9 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will hold a public hearing to consider the appeal of True People of America Fraternal Benefit Society from commissioner's Order 85-1780.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: July 8, 1985, 9:41 a.m.
TRD-856015

The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Dates, times, rooms, and agendas follow.

Wednesday, July 17, 1985, 9 a.m. In Room 342, a public hearing in Docket 9020—whether disciplinary action should be taken against Lauphlin William Ethridge, Jr., Lubbock, who holds a Group I, legal reserve life insurance agent's license issued by the board.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: July 8, 1985, 1:23 p.m.
TRD-856028

Wednesday, July 17, 1985, 1:30 p.m. In Room 342, a public hearing in Docket 9001—whether disciplinary action should be taken against Philip Craig Shaffer, Dallas, who holds a Group I legal reserve life insurance agent's license and local recording agent's license issued by the board.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: July 8, 1985, 1:23 p.m.
TRD-856029

Thursday, July 18, 1985, 1:30 p.m. In Room 353, a public hearing in Docket 8015—whether disciplinary action should be taken against Tigor Title Insurance, Dallas, which holds a certificate of authority issued by the board.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: July 8, 1985, 1:23 p.m.
TRD-856030

Friday, July 19, 1985, 3 p.m. In Room 342, a public hearing in Docket 8017—whether disciplinary action should be taken against Runnels County Abstract Company, Balinger, which holds a title insurance agent's license, issued by the board.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: July 8, 1985, 1:23 p.m.
TRD-856031

Monday, July 22, 1985, 9 a.m. In Room 342, a public hearing in Docket 9012—whether North American Indemnity Company, Grand Turk, British West Indies, has complied with commissioner's Order 85-1562, dated May 23, 1985.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: July 8, 1985, 1:23 p.m.
TRD-856032

Monday, July 22, 1985, 1:30 p.m. In Room 342, a public hearing in Docket 9013—whether Robert Earle Holberg, doing business as Holberg Insurance Agency and doing business as Holberg and Company, Houston, has complied with commis-

sioner's Order 85-1563, dated May 23, 1985.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: July 8, 1985, 1:23 p.m.
TRD-856033

Monday, July 22, 1985, 1:30 p.m. In Room 353, a public hearing in Docket 7990—approval of the restated articles of agreement with amendments providing for substitution of attorney in fact and increasing the guaranty fund of Universal Underwriters Lloyds, and for the acquisition of Universal Underwriters Lloyds, Dallas.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: July 8, 1985, 1:23 p.m.
TRD-856034

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Texas Department of Labor and Standards

Friday, July 19, 1985, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, E. O. Thompson Building, 920 Colorado, Austin. According to the agenda, the division will discuss license and registration and suspensions and alleged violations of various rules and regulations of the department.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 475-0155.

Filed: July 9, 1985, 8:38 a.m.
TRD-856066

Wednesday, July 31, 1985, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, E. O. Thompson Building, 920 Colorado, Austin. According to the agenda, the division will discuss license and registration and suspensions and alleged violations of various rules and regulations of the department.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 475-0155.

Filed: July 9, 1985, 8:38 a.m.
TRD-856065

Friday, August 16, 1985, 10 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Suite 209, 4615 North Freeway, Houston. According to the agenda, the division will discuss license and registration and suspensions and alleged violations of various rules and regulations of the department.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 475-0155.

Filed: July 8, 1985, 2:30 p.m.
TRD-856045

Monday, August 19, 1985, 10 a.m. The Manufactured Housing Division of the

Texas Department of Labor and Standards will meet in Suite 313, 5353 Maple Avenue, Dallas. According to the agenda, the division will discuss license and registration and suspensions and alleged violations of various rules and regulations of the department.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 475-0155.

Filed: July 8, 1985, 2:30 p.m.
TRD-856044

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Lamar University

Tuesday, July 9, 1985, 1985. Committees of the Board of Regents of Lamar University (LU) met in the Lamar Room, Gray Library, Lamar University, Beaumont. Times, committees, and agendas follow.

9 a.m. The Finance/Audit Committee met jointly with the Personnel Committee to consider LU-System items including an overview of proposed budgets for 1985-1986, proposed budgets for 1985-1986 for the LU-System, LU-Beaumont, LU-Orange, LU-Port Arthur, and the John Gray Institute; and consideration of the May 1985 financial report; LU-Orange items, including recommendations to purchase mini-computers to support networking of component campuses and fees at the Brown Center; LU-Port Arthur items, including a recommendation to purchase mini-computers to support networking; and LU-Beaumont items, including a recommendation to purchase mini-computers to support networking of component campuses, a recommendation for a lab fee for the physical education activity course in golf, and a recommendation for fees in dental hygiene clinic services. The committees also met in emergency session to consider personnel matters.

1 p.m. The Buildings and Grounds Committee considered LU-Orange items, including a request to negotiate for use portions of Cove School (primarily the gymnasium) owned by West Orange Cove CISD; bids and the awarding of a contract to repair damage to Pier 12; an amendment to the agreement with the architectural firm of Gordy Huffhines; a progress report on repairs to the second floor of the Brown Center; authorization by the federal government to sell river front properties to the Orange County Navigation and Port District and authorization to an executive sales agreement with the port; and the designation of a residence for the president; LU-Beaumont items, including the ratification of committee action on bids for seating improvements at Cardinal Stadium and for repaving Georgia Street; authorization to construct the Cardinal Club Room in Montagne Center; and bids and the awarding of a contract to pave the north section of the sta-

dium parking lot. The committee also met in executive session.

1:30 p.m. The Development/Public Relations Committee considered a recognition program and a gift deed from New Mexico Federal Savings and Loan.

Contact: Dr. George McLaughlin, Lamar University System, P.O. Box 552, Beaumont, Texas 77710, (409) 880-2304.

Filed: July 5, 1985, 11:23 a.m.
TRD-855953-855955

Thursday, July 11, 1985, 10 a.m. The Board of Regents of Lamar University met in the student activities area, Lamar University—Orange campus, 410 Front Street, Orange. According to the agenda, the board considered the chancellor's reports and announcements and the approval of recommendations from the Finance/Audit Committee, the Buildings and Grounds Committee, and the Public Relations Committee. The board also met in executive session.

Contact: Dr. George McLaughlin, Lamar University System, P.O. Box 552, Beaumont, Texas 77710, (409) 880-2304.

Filed: July 5, 1985, 11:23 a.m.
TRD-855956

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State Board of Morticians

Tuesday and Wednesday, July 9 and 10, 1985, 8:30 a.m. daily. The State Board of Morticians made an emergency addition to the agenda of a meeting (that was held at 1513 IH 35 South, Austin) The addition concerned an applicant for reinstatement of apprenticeship. The emergency status was necessary because all credentials were not received until after the final deadline.

Contact: John W. Shocklee, 1513 IH 35 South, Austin, Texas 78741, (512) 442-6721.

Filed: July 5, 1985, 4:02 p.m.
TRD-856023

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Texas Optometry Board

Wednesday and Thursday, July 10 and 11, 4 p.m. and 8 a.m. respectively. The Texas Optometry Board met at the Dallas Hilton Inn, 5600 North Central Expressway, Dallas. According to the agenda summary, the board conducted a grading session to determine successful candidates for the exam given June 14-16, 1985; held committee meetings; considered reports of the secretary-treasurer, legal counsel, the executive director, and committee chairmen; considered old business concerning adoption of 22 TAC §275.2(e) and (f) concerning continuing education, an advertising matter, and acceptance of national board ex-

ams; and new business including a presentation by a faculty member of the University of Houston regarding provisional licenses. The board also met in executive session in compliance with the Open Meetings Act, §2(e), Article 6252-17.

Contact: Lois Ewald, 1300 East Anderson Lane, Suite C-240, Austin, Texas 78752, (512) 835-1938.

Filed: July 2, 1985, 1:53 p.m.
TRD-855866

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Board of Pardons and Paroles

Monday-Friday, July 15-19, 1985, 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 and 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: July 5, 1985, 10:26 a.m.
TRD-855949

Tuesday, July 16, 1985, 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 and 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: July 5, 1985, 10:26 a.m.
TRD-855950

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State Property Tax Board

Thursday, July 11, 1985, 9 a.m. The State Property Tax Board (SPTB) met in the conference room, 9501 IH 35 North, Austin. Items on the agenda included the approval of the June 21, 1985, meeting minutes; consideration of proposed revisions to the *General Appraisal Manual* concerning easements; consideration of an appeal by Coastal States Crude Gathering Company concerning the intangible value of its transportation operation; consideration of proposed amendments to the fiscal year 1985 operating budget; consideration of the

fiscal year 1986 operating budget; a discussion of proposed amendments to SPTB rules and model forms; and a discussion of drafting standard examinations for SPTB approved education courses. The board also met in executive session.

Contact: Ron Patterson, 9501 IH 35 North, Austin, Texas 78767, (512) 834-4800.

Filed: July 3, 1985, 3:46 p.m.
TRD-855927

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Texas Department of Public Safety

Thursday, July 18, 1985, 10 a.m. The Public Safety Commission of the Texas Department of Public Safety will meet in the commission room, 5805 North Lamar Boulevard, Austin. According to the agenda, the commission will approve the minutes, conduct an appeal hearing of a discharged employee; and consider budget matters, personnel matters, and other unfinished business.

Contact: James B. Adams, 5805 North Lamar Boulevard, Austin, Texas 78773, (512) 465-2000, ext. 3700.

Filed: July 5, 1985, 9:19 a.m.
TRD-855943

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Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and agendas follow.

Friday, July 12, 1985, 10 a.m. A prehearing conference in Docket 5798—application of Sabine River Authority for a rate increase.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 2, 1985, 2:48 p.m.
TRD-855880

Tuesday, July 16, 1985, 10 a.m. Consideration of Dockets 6027, 6114, 6190, 6252, 5705, 5868, 5343, 5365, 5368, 5370, 5392, 5396, 6135, 5259, 5633, 6251, 6254, 5650, 5690, 6267, 5731, 5821, 6091, 5998, 6094, 6139, 6140, 6247, 6097, 6150, 6193, and 6215. The division will also meet in executive session to consider pending litigation and personnel matters.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 8, 1985, 2:42 p.m.
TRD-856049

Tuesday, July 16, 1985, 1:30 p.m. A prehearing conference in Docket 6367—petition of West Texas Utilities for approval of a fuel refund.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 5, 1985, 2:33 p.m.
TRD-855981

Tuesday, July 16, 1985, 4 p.m. A telephone prehearing conference in Docket 6178—application of the City of Kyle to amend a water and sewer certificate of convenience and need within Hays County.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 5, 1985, 2:33 p.m.
TRD-855982

Wednesday, July 17, 1985, 6:30 p.m. The Hearing Division of the Public Utility Commission of Texas will meet at the auditorium, Lakeview Elementary School, Village Trail Drive, Trophy Club. According to the agenda, the division will conduct a regional meeting to consider Dockets 6117, 6170, 6171 and 6172—application of Texas Utilities Electric Company to obtain a certificate of convenience and need for the Trophy Club-Coppell-Ueless 138 KV transmission line; Docket 6170—appeal of Brazos Electric Power Cooperative, Inc.; and Docket 6172—appeal of Tri-County Electric Cooperative, Inc., and the Texas Utilities Electric Company for an ordinance of the Town of Westlake.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 5, 1985, 2:33 p.m.
TRD-855983

Monday, July 22, 1985, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission will conduct hearing on the merits in Docket 6326—complaint of Orion Homes of Texas, Inc., against the City of Austin.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 2, 1985, 2:47 p.m.
TRD-855881

Monday, July 22, 1985, 1:30 p.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 select a management auditor for Gulf States Utilities.

Contact: Rhonda Colbert Ryan, 7800 Shoal

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

Filed: July 2, 1985, 2:49 p.m.
TRD-855882

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and agendas follow.

Tuesday, July 23, 1985, 1:30 p.m. A telephone prehearing conference in Docket 6360—petition of Utilities Operations, Inc., to terminate service.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 8, 1985, 2:44 p.m.
TRD-856050

Friday, July 26, 1985, 1:30 p.m. A hearing in Docket 6321—application of the Shores Utility Water System for a \$43(h) rate increase within Hood County.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 8, 1985, 2:43 p.m.
TRD-856051

Tuesday, August 6, 1985, 1:30 p.m. A prehearing conference in Docket 6297—application of T.K.R. Inc. Water System for a water certificate of convenience and need within Tarrant County.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 3, 1985, 2:58 p.m.
TRD-855916

Monday, August 26, 10 a.m. A prehearing conference in Docket 6264—petition of the general counsel for initiation of an evidentiary proceeding to establish telecommunications submarkets.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 2, 1985, 2:48 p.m.
TRD-855883

Monday, September 16, 1985, 10 a.m. A hearing on the merits in Docket 6264—petition of the general counsel for initiation of an evidentiary proceeding to establish telecommunications submarkets.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 2, 1985, 2:48 p.m.
TRD-855884

Tuesday, September 24, 1985, 10 a.m. A hearing on the merits in Docket 6313—application of Crystal Clear Water Supply Corporation to amend its certificate of convenience and need within Hays County and

Docket 6344—application of the City of San Marcos to amend its certificate of convenience and need within Hays County and Caldwell County.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 3, 1985, 2:58 p.m.
TRD-855917

Monday, October 7, 1985, 10 a.m. A hearing on the merits in Docket 6359—application of Coleman Telephone Cooperative for authority to implement private coin phone service.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 3, 1985, 1:55 p.m.
TRD-855918

Monday, January 6, 1986, 10 a.m. A hearing on the merits in Docket 6325—petition of Central Power and Light Company and Houston Lighting and Power Company for a declaratory order regarding the South Texas Nuclear Project.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 5, 1985, 2:33 p.m.
TRD-855984

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Railroad Commission of Texas

Monday, July 8, 1985, 9 a.m. The Oil and Gas 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 revised agenda, the commission considered the use of state funds to plug an actively leaking, unidentified and uncased wellbore on the Goat Mayo, Parker CSL Survey, A-374, in Clay County. The emergency status was necessary because the well was leaking two to four barrels of oil per day and could be harmful to the public's health, safety, and welfare.

Contact: Willis Steed, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1301.

Filed: July 5, 1985, 1:05 p.m.
TRD-855965

Monday, July 15, 1985, 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: July 5, 1985, 1:05 p.m.
TRD-855970

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: July 5, 1985, 1:01 p.m.
TRD-855958

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: July 5, 1985, 1:03 p.m.
TRD-855960

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: July 5, 1985, 1:02 p.m.
TRD-855964

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, (512) 445-1231.

Filed: July 5, 1985, 1:05 p.m.
TRD-855966

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters; the signing of final orders in LP-gas Docket 357—Jackson Hill Park and Marina, Docket 384—Acme Rental Center, Docket 385—Getty Trading and Transportation Company, Docket 386—Algas Industries, Inc., and Docket 387—Squibb-Taylor, Inc.; a motion for a rehearing in Docket 359—Texas Camper Corral; and consider for publication 16 TAC §9.29, concerning uniform notice requirements, and consideration for adoption of amendments to §9.31 and the repeal of §9.32, concerning odorization.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301.

Filed: July 5, 1985, 1:01 p.m.
TRD-855959

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1283.

Filed: July 5, 1985, 1:05 p.m.
TRD-855968

Additions to the previous agenda:

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: July 5, 1985, 1:07 p.m.
TRD-855971

Consideration of casing perforation practices and applicable rules and laws and possible enforcement action.

Contact: Susan Cory, P.O. Drawer 12967, Austin, Texas 78701, (512) 445-1285.

Filed: July 5, 1985, 1:07 p.m.
TRD-855969

A commission-called hearing in Docket 3-84,145—to afford John Littlejohn and Douglas Glass an opportunity to show cause why they should not be referred to the attorney general of Texas or any other appropriate authority.

Contact: Meredith Kawaguchi, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1293.

Filed: July 5, 1985, 1:06 p.m.
TRD-855967

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: July 5, 1985, 1:03 p.m.
TRD-855961

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, (512) 445-1391.

Filed: July 5, 1985, 1:03 p.m.
TRD-855963

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 Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: July 5, 1985, 1:03 p.m.
TRD-855962

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: July 5, 1985, 1:01 p.m.
TRD-855957

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: July 5, 1985, 1:08 p.m.
TRD-855972

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Texas Rehabilitation Commission

Thursday, July 18, 1985, 10 a.m. The Monitoring and Evaluation Committee of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet in Room 302, 118 East Riverside Drive, Austin. Items on the agenda include perfection of the agenda; approval of May 21, 1985, minutes; grants management and grants funding process reports; a grant monitoring process discussion; council member grant visits; and committee recommendations for fiscal year 1987-1989 developmental disabilities state plan goals.

Contact: Joellen F. Simmons, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867.

Filed: July 8, 1985, 4:28 p.m.
TRD-856061

Friday, July 19, 1985, 9:30 a.m. The Executive Committee of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet in Room 302, 118 East Riverside Drive, Austin. Items on the agenda include perfection of the agenda; approval of the March 26, 1985, minutes; chairman's report; development disabilities public forum report; parliamentary procedures items; proposed council policy revisions; conflict of interest statement; management agreement with the commission; commission-supported employment grant application; council planning activities, including long-range planning strategies and the process for developmental disabilities state plan for fiscal year 1987-1989; council representation on other task forces; and the developmental disabilities university affiliated facilities proposal. The committee will also meet in executive session under Texas Civil Statutes, Article 6252-17, §2(e) and §2(g), to discuss personnel matters.

Contact: Joellen F. Simmons, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867.

Filed: July 8, 1985, 4:28 p.m.
TRD-856062

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Texas Real Estate Commission

Monday, July 15, 1985, 9:45 a.m. The Texas Real Estate Commission (TREC) will meet in the boardroom, Ramada Hotel, 3100 West Wall, Midland. Items on the

agenda summary include minutes of the June 13, 1985, meeting; staff reports for May 1985; consideration of complaint information regarding Jerry Ray Buckingham; consideration of motions for rehearing and/or probation; discussion of new legislation; education matters; and Texas Real Estate Research Center and TREC matters. The commission also will meet in executive session to discuss pending litigation pursuant to Texas Civil Statutes, Article 6252-17, §2(c).

Contact: Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 465-3900.

Filed: July 3, 1985, 1:53 p.m.
TRD-855922

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Texas Savings and Loan Department

Thursday, July 11, 1985, 1 p.m. The Savings and Loan Section of the Texas Savings and Loan Department met at 2601 North Lamar Boulevard, Austin. Items on the agenda summary included final adoption of new 7 TAC §64.1, concerning location of books and records; §64.2, concerning accounting practices; §64.3, concerning reproduction and destruction of records; §64.4, concerning financial statements and annual reports; §64.5, concerning misdescription of assets; §64.6, concerning charging off or setting up reserves against bad debts; the proposed repeal of Chapter 65, concerning loans and investments; the proposed new Chapter 65, concerning loans and investments, including §65.1, concerning types of loans, letters of credit, and investments authorized; §65.2, concerning definitions; §65.3, concerning limitations on loans to one borrower; §65.4, concerning residential real estate loans; §65.5, concerning commercial real estate loans; §65.6, concerning unimproved real estate loans; §65.7, concerning personal property loans; §65.8, concerning oil and gas loans; §65.9, concerning wrap-around real estate loans; §65.10, concerning loans to officers, directors, and employees; §65.11, concerning unsecured loans; §65.12, concerning loan documentation; §65.13, concerning letters of credit; §65.14, concerning investments in real property; §65.15, concerning investments in deferred payment obligations; §65.16, concerning investments in securities; proposed new §51.1(b), concerning requirements for capital stock and paid-in surplus or for savings liability and expense fund payment before opening for business; a proposed new rule on net worth requirements; a proposed amendment to §51.2, concerning application for charter; a proposed new §61.5, concerning confidentiality of financial information; and approval of the appointment of a deputy savings and loan commissioner. The section also will meet in executive ses-

sion to consider personnel and supervisory matters.

Contact: L. L. Bowman III, 2601 North Lamar Boulevard, Austin, Texas, (512) 479-1250.

Filed: July 3, 1985, 12:02 p.m.
TRD-855915

Monday, August 5, 1985, 10 a.m. The Texas Savings and Loan Department will meet at 2601 North Lamar Boulevard, Austin. According to the agenda, the department will call all applications, and if no protest is registered and existing when called, further hearing will be dispensed with. If a protest is registered and existing when called, the hearing on the application(s) will be continued to a later date.

Contact: Russell R. Oliver, 1004 Lavaca, Austin, Texas 78701, (512) 475-7991.

Filed: July 8, 1985, 4:15 p.m.
TRD-856060

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School Land Board

Tuesday, July 16, 1985, 10 a.m. The School Land Board will meet in Room 831, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the previous board meeting minutes; pooling applications; consideration and approval of tracts to be offered for lease, bidding methods, minimum per acre bonus, royalty, rental and primary term for the October 1, 1985, lease sale; excess acreage applications; good faith claimant applications; and coastal public lands easement and lease applications.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 837, Austin, Texas 78701, (512) 475-0219.

Filed: July 8, 1985, 4:52 p.m.
TRD-856063

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Texas State Soil and Water Conservation Board

Thursday, July 18, 1985, 8 a.m. The Texas State Soil and Water Conservation Board will meet in the conference room, 311 North Fifth, Temple. Items on the agenda summary include review and appropriate action on the May 16, 1985, minutes; district director appointments; allocation of 1986 fiscal year conservation assistance funds and technical assistance funds; establishment of procedures for supplemental allocation of 1985 fiscal year conservation assistance funds and for supplemental allocations of technical assistance funds; adoption of an operating budget for the 1986 fiscal year; re-

view of the employee performance plan and agency employee manual; discussion of the Agriculture Code, §201.019(i); review conservation related legislation passed by the 69th Legislature, 1985; the procedure for appointing soil and water conservation district (SWCD) directors in accordance with Senate Bill 229, §21(b), 69th Legislature, 1985; the 1985 statewide meeting of SWCD directors; review of state board travel policy; review of Technical Assistance Program guidelines; sales tax; the Conservation Awards Program; a resolution pertaining to the management of forests; the S-C area meeting to be held July 28-30, 1985; problems with district audits; comments from guests and agencies; the state auditor's management letter for the 1984 fiscal year audit; future state meeting sites; and the next board meeting scheduled for September 19, 1985.

Contact: Harvey Davis, P.O. Box 658, Temple, Texas 76503, (817) 773-2250.

Filed: July 2, 1985, 1:46 p.m.
TRD-855875

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University System of South Texas

Wednesday, July 10, 1985, 8:30 a.m. The Finance Committee of the Board of Directors of the University System of South Texas submitted an emergency revised agenda for a meeting held in the Founders' Room, Lewis Hall. Texas A&I University, Kingsville. According to the revised agenda summary, the committee considered budgets for the system and institutions for the 1985-1986 fiscal year. The committee also met in executive session to discuss personnel matters within the system. The emergency status was necessary because the item concerning the executive session was omitted from the original submission form.

Contact: William C. English, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: July 5, 1985, 1:59 p.m.
TRD-855989

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Commission on Standards for the Teaching Profession

Committees of the Commission on Standards for the Teaching Profession and the full commission will meet at the Texas Education Agency North Building, 1200 East Anderson Lane, Austin. Days, times, rooms, committees, and agendas follow.

Thursday, July 18, 1985, 9:30 a.m. In Room 101-E, the Interim Reports Committee will review interim reports from Lamar University and Sul Ross University (Alpine and Uvalde campuses).

Thursday, July 18, 1985, 10:30 a.m. The Committee on Standards for Institutional Approval will review a response from Schreiner College relative to initial approval as a teacher education institution; review a request from Texas A&M University for approval of pilot programs in generic special education, elementary, Option III and secondary, Option II, initial certificate; and discuss cooperative relationships among approved teacher education institutions.

Thursday, July 18, 1985, noon. The Teacher Education Conference Planning Committee will discuss preliminary plans for the 1985 conference on teacher education, October 24-26, Hyatt-Regency Hotel, San Antonio.

Thursday, July 18, 1985, 1 p.m. In Room 101-E, the Committee on Certification Programs and Requirements will review individual programs from Lamar University (1984 standards) and Laredo State University (1972 standards); and review teacher education programs under the 1984 standards for the University of Dallas, University of Texas—Austin, Texas Tech University, Concordia Lutheran College, Austin College, East Texas State University—Commerce, Sul Ross State University—Alpine, Sul Ross State University—Uvalde, University of Texas—El Paso, University of Houston—Victoria, Pan American University—Brownsville, Texas A&I University, Dallas Baptist University, Bishop College, Texas Southern University, Southwestern University, University of Texas—Dallas, Paul Quinn College, University of Mary Hardin-Baylor, and Wayland Baptist University.

Friday, July 19, 1985, 8:15 a.m. In Room 105, the Executive Committee will discuss agenda items with committee chairpersons as posted for each committee.

Friday, July 19, 1985, 9 a.m. In Room 101, the commission will consider the summary of State Board of Education actions, and hear a report from the Interim Reports Committee concerning interim reports from Lamar University and Sul Ross State University (Alpine and Uvalde), hear a review from the Committee on Standards and Procedures for Institutional Approval on a response from Schreiner College relative to initial approval as a teacher education institution; consider a request from Texas A&M University for approval of pilot programs in generic special education; discuss cooperative relationships among approved teacher education institutions; hear a report from the Committee on Certification Programs and Requirements on the status of certification test development and review teacher education programs from 22 institutions; and hear a report from the Teacher Education Conference Planning Committee on preliminary plans for the 1985 teacher education conference, October 24-26, Hyatt Regency Hotel, San Antonio.

Contact: Dr. Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: July 5, 1985, 2:19 p.m.
TRD-855977, 855976, 855975,
855979, 855974, 855978

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Advisory Council for Technical-Vocational Education in Texas

Tuesday, July 9, 1985, 9:30 a.m. The Executive Committee of the Advisory Council for Technical-Vocational Education in Texas met in emergency session in Suite 424, TEC Annex Building, 12th and Trinity Streets, Austin. According to the agenda, the committee discussed short and long-range council goals, functions, and activities; established schedules for future meetings of the council and its committees; discussed the impact of overlapping federal and state fiscal years on the council's budgetary planning; discussed the reorganization of the Texas Education Agency; discussed the master plan for vocational education; and conducted other business. The emergency status was necessary because the recommendations regarding the master plan for vocational education needed to be submitted to the State Board of Education prior to its meeting on July 12 and 13, and council leadership was to discuss issues to be addressed in a meeting with the chairman of the board on July 9.

Contact: Val Blaschke, P.O. Box 1886, Austin, Texas 78767, (512) 475-2046.

Filed: July 2, 1985, 2:26 p.m.
TRD-855879

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Texas Tourist Development Agency

Wednesday and Thursday, July 24 and 25, 1985, 8:45 a.m. daily. The Board of the Texas Tourist Development Agency (TTDA) will meet at the Hilton Inn, 6000 Middle Fiskville Road, Austin. Items on the agenda include advertising agency presentations and election of a successful candidate for the TTDA's media account, to be effective September 1, 1985; and discussion of the status of and future plans for an annual Texas conference on tourist development.

Contact: Margaret Younger, P.O. Box 12008, Austin, Texas 78711, (512) 475-4326.

Filed: July 5, 1985, 9:30 a.m.
TRD-855947

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Texas Southern University

Friday, July 12, 1985, 9 a.m. Committees of Texas Southern University will meet in Room 117, Hannah Hall, 3100 Cleburne Avenue, Houston. Committees and agendas follow.

The Student Affairs Committee will consider the adoption of policies on the allocation of student scholarship funds for the 1985-1986 school year and reports on student organizations and activities.

The Personnel and Academic Affairs Committee will consider the appointment of summer school instructional personnel, academic personnel changes, requests for leave, enrollment projections, and the instructional budget for 1985-1986.

The Finance Committee will consider monthly financial reports on university operations, approve short-term university investments, receive and consider bids on contracts involving university sales and services, and review and consider the 1985-1986 university budgets.

The Building and Grounds Committee will consider approval of payments for construction contracts, approve and ratify building contracts, construction change orders, improvements to land, sale of improvements, a report on central plant expansion and renovation, a progress report on on-going construction projects, special reports on new construction, and bids on construction projects.

The Development Committee will receive reports from the administration on university fund raising efforts and reports on the special funds budgets, and review information on the university and the media.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: July 3, 1985, 1:51 p.m.
TRD-855932, 855931, 855930,
855929, 855928

Friday, July 12, 1985, 1:30 p.m. The Board of Regents of Texas Southern University will meet in Room 302, Sterling Student Life Center, 3100 Cleburne Avenue, Houston. Items on the agenda include reports from the Finance Committee, Building and Grounds Committee, Personnel and Academic Affairs Committee; Development and Student Affairs Committee; and reports from the president. The board also will meet in executive session.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: July 3, 1985, 1:52 p.m.
TRD-855933

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Texas State Technical Institute

Sunday and Monday, July 21 and 22, 1985, 10 a.m. and 8 a.m. respectively. The Board of Regents of Texas State Technical Institute will meet in the Monterrey Room, Embassy Suites, 6100 Gateway East, El Paso. Items on the agenda include approval of minutes; reports and recommendations for fiscal affairs, instruction, human resources, and facilities; and president's recommendations.

Contact: Theodore A. Talbot, TSTI System, Waco, Texas 76705, (817) 799-3611, ext. 3910.

Filed: July 8, 1985, 9:36 a.m.
TRD-856011

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Texas Water Commission

Thursday, July 11, 1985, 2 p.m. The Texas Water Commission revised the agenda for a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the revised agenda, the commission considered the Alaska conference and the reorganization of the commission.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 2, 1985, 2:12 p.m.
TRD-855876

Thursday, July 11, 1985. The Texas Water Commission met in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Times, rooms, and agendas follow.

2 p.m. The commission considered Application RE-0239 by Denton County Levee Improvement District 1 for approval of a plan of reclamation, and an application by Harry J. Glauser III for a minor amendment to Permit 13020-01, Harris County, San Jacinto River Basin.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 2, 1985, 10:09 a.m.
TRD-855848

3 p.m. The commission considered an application by Houston Lighting and Power Company, P.O. Box 1700, Houston, Texas 77001, to the Texas Department of Water Resources for a temporary order to authorize the discharge of 5.76 million gallons per day of stormwater contained in an ash pond and also in a fluegas desulphurization sludge pond (Class II solid waste disposal area) from its W. A. Parish steam electric station located adjacent to Smithers Lake and Dry Creek, southwest of the Town of Thompsons in Fort Bend County. The applicant has stated that such a request is necessary to allow the applicant to release water from

two diked Class II solid waste disposal areas which have accumulated excessive amounts of rainfall and rainfall runoff. The water presently contained by the dikes is of relatively high quality and should not present a significant hazard to the present uses of the receiving waters or otherwise significantly affect water quality downstream.

Contact: Ken Petersen, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: July 2, 1985, 10:09 a.m.
TRD-855849

3 p.m. The commission considered an application by the City of Baird, 328 Market Street, Baird, Texas 79504, to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated sewage at a volume not to exceed an average flow of 180,000 gallons per day from its wastewater treatment facilities which are located immediately to the east of the Baird Railroad Lake Dam and immediately south of the Texas-Pacific Railroad right-of-way in Callahan County. The applicant proposes that the request for an extension of time allotted in temporary Order 85-10E to complete repairs to its plant is necessary because, during the first phase of the repair work in which the clarifier was to be overhauled, the applicant encountered a greater amount of sludges in the clarifier than anticipated. Consequently, drying these sludges took longer than expected; wet weather added to the delay. As a result, the second phase, cleaning and repairing the spirogester, could not be undertaken on schedule.

Contact: Claire Patterson, P.O. Box 13087, Austin, Texas 78711, (512) 463-8079.

Filed: July 2, 1985, 10:10 a.m.
TRD-855850

Friday, July 12, 1985, 10 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application by Harris County Water Control and Improvement District 74, 4901 Sandydale, Houston, Texas 77039, to the Texas Department of Water Resources for a temporary order to alternately bypass its two contact stabilization treatment units which currently operate in parallel at its wastewater treatment facilities which are approximately 600 feet northeast of the intersection of Vickrey Street and Winfield Road and immediately southeast of Hambrick Junior High School, which is located on the 4300 block of Aldine Mail Road in Harris County. The applicant states that removal of the large accumulation of sand is necessary to restore volume and solids balance and thereby achieve proper treatment and proposes to bypass each treatment unit for seven days so that sand and solid materials can be removed from the systems.

Contact: Scott Peterson, P.O. Box 13087, Austin, Texas 78711, (512) 463-8079.

Filed: July 3, 1985, 11:25 a.m.
TRD-855911

Monday, July 29, 1985, 3 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 conduct a hearing to determine whether emergency Order 85-27E, granted by the commission on June 27, 1985, to Jetco Chemicals, Inc., P.O. Box 1898, Corsicana, Texas 75110, should be affirmed, modified, or set aside by the commission. The order permitted Jetco Chemicals, Inc., to inject 600,000 gallons of waste per month more than the volume authorized by WDW-117, into the Woodbine Formation by the injection well authorized by WDW-117, which is located 2,875 feet southwest of the northeast line and 5,295 feet northwest of the southeast line of the John Peoples Survey, Abstract A-9, Navarro County. The applicant had stated that the request was necessary to ensure that proper freeboard was maintained in the ponds at its facility, and to prevent the discharge of contaminated stormwater.

Contact: Jim Haley, P.O. Box 13087, Austin, Texas 78711. (512) 463-8087.

Filed: July 5, 1985, 2:50 p.m.
TRD-855985

Wednesday, July 31, 1985, 9:30 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 conduct a hearing on Application TA-5240 of E. E. Hood and Sons, Inc., to divert and use 15 acre-feet of water for an 18-month period from a reservoir on tributary unnamed creek, tributary Chacon Creek, tributary San Miguel Creek, tributary Frio River, tributary Nueces River, Nueces River Basin, for industrial purposes in Medina County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 8, 1985, 1:48 p.m.
TRD-856036

Additions to the previous agenda:

A hearing on Application TA-5250 for Allan Construction Company, Inc., to divert and use 100 acre-feet of water for a two-year period from Spanish Oak Creek, tributary South Brushy Creek, tributary Brushy Creek, tributary Little River, tributary Brazos River, Brazos River Basin, for industrial purposes in Williamson County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 8, 1985, 1:46 p.m.
TRD-856037

A hearing on Application TA-5257 for G. E. Bingham to divert and use 10 acre-feet of water for a three-month period from a private reservoir on an unnamed tributary Martin Branch, tributary Copperas Creek, tributary Leon River, tributary Little River, tributary Brazos River, Brazos River Basin, for irrigation purposes in Comanche County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 8, 1985, 1:45 p.m.
TRD-856038

A hearing on Application TA-5236 for Coastal Oil and Gas Corporation to divert and use 10 acre-feet of water for a one-year period from Rio Grande, Rio Grande Basin, for mining purposes in Zapata County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898

Filed: July 8, 1985, 1:44 p.m.
TRD-856039

A hearing on Application TA-5239 for Reynolds-Land, Inc., to divert and use 30 acre-feet of water for a one-year period from Purts Creek, tributary South Creek, tributary Cedar Creek; Dry Creek, tributary North Twin Creek, tributary Cedar Creek, and Southbuck Branch, tributary West Lacy Creek, tributary Lacy Fork, tributary Cedar Creek, tributary Trinity River, Trinity River Basin, for industrial purposes in Van Zandt County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 8, 1985, 1:44 p.m.
TRD-856040

A hearing on Application TA-5258 of J. D. Abrams, Inc., for a permit to divert and use 63 acre-feet of water for two years from Weatherly Lake, on Rock Creek, tributary Canadian River, Canadian River Basin, for industrial purposes in Hutchinson County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 8, 1985, 1:43 p.m.
TRD-856041

A hearing on Application TA-5242 of Text-Struct, Inc., to divert and use 10 acre-feet of water for two years from Luce Bayou, tributary of San Jacinto River, San Jacinto River Basin, for industrial purposes in Harris County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 8, 1985, 1:43 p.m.
TRD-856042

A hearing on Application TA-5247 of Johnson Brothers Corporation, for a permit to divert and use 175 acre-feet of water for a three-year period from San Jacinto River, San Jacinto River Basin, for in-

dustrial purposes in Harris County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 8, 1985, 1:42 p.m.
TRD-856043

Wednesday, July 31, 1985, 2 p.m. The Texas Water Commission made an addition to the agenda of meeting to be held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerns an application by Tyler Independent School District for proposed Permit 13109-01, Smith County, Neches River Basin.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 3, 1985, 11:25 a.m.
TRD-855912

Monday, August 5, 1985, 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 by the City of Stamford, P.O. Drawer 191, Stamford, Texas 79553, to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated wastewater effluent from its wastewater treatment plant which is approximately 8,400 feet northeast of the intersection of FW&D Railroad and State Highway 6 and adjacent to Stink Creek in Stamford, Jones County. The applicant has stated that the temporary order is necessary to replace one of two rotor units on its oxidation ditch facility. During the bypass period, not to exceed 15 days, the flows will be routed from the bar screen to the clarifier to the contact chamber. Except as otherwise specifically authorized by the order, the applicant would be required to comply with all provisions of Permit 10472-02.

Contact: Claire Patterson, P.O. Box 13087, Austin, Texas 78711, (512) 463-8079.

Filed: July 3, 1985, 11:26 a.m.
TRD-855913

Monday, August 12, 1985, 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 by Grimes County Municipal Utility District (MUD) 1, in care of Stubbeman, McRae, Sealy, Laughlin, and Browder P.O. Box 61149, Houston, Texas 77208, to the Texas Department of Water Resources for a temporary order to authorize the discharge of treated domestic wastewater at a volume not to exceed an average flow of 25,000 gallons per day (75,000 daily maximum) from its existing activated sludge wastewater treatment plant which is located approximately 0.2 mile north of FM Road 2445 and ap-

proximately 2.5 miles west of the intersection of FM Road 2445 and FM Road 1774 in Grimes County. The proposed order, if issued, would authorize the Grimes County MUD 1 to discharge treated domestic wastewater effluent at a volume not to exceed an average flow of 5,000 gallons per day (10,000 daily maximum) into Bluebonnet County Lake, thence to Caney Creek, thence to Lake Creek, thence to the West Fork of the San Jacinto River in Segment 1004 of the San Jacinto River Basin.

Contact: Scott Peterson, P.O. Box 13087, Austin, Texas 78711, (512) 463-8079.

Filed: July 5, 1985, 2:50 p.m.
TRD-855986

Wednesday, August 14, 1985, 9 a.m. The Texas Water Commission will meet in commissioners Courtroom 308, Brazoria County Courthouse, Angleton. According to the agenda summary, the commission will consider an application by Realsec Communities Corporation, 50 Briar Hollow West, Suite 120, Houston, Texas 77027, to the Texas Department of Water Resources for Permit 13113-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 125,000 gallons per day from the proposed Park Green Wastewater Treatment Plant which is to serve the proposed Park Green Subdivision.

Contact: Kevin McCalla, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 5, 1985, 2:51 p.m.
TRD-855987

Thursday, August 15, 1985, 9 a.m. The Texas Water Commission will meet in Room 618, Stephen F Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission considered an application by Darold Havard, 4823 East Riverside, Austin, Texas 78741, to the Texas Department of Water Resources for proposed Permit 13170-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 300,000 gallons per day from the proposed Oak Lakes Estates Sewage Treatment Plant which is to serve a mobile home park.

Contact: Robert A. Caine, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 3, 1985, 11:25 a.m.
TRD-855914

Friday, August 16, 1985, 9:30 a.m. The Texas Water Commission will meet in the Leon Valley Room, third floor, Kelly Bank Tower, 6100 Bandera Road, San Antonio. According to the agenda summary, the commission will consider an application by the City of San Antonio, P.O. Box 1771, San Antonio, Texas 78296, to the Texas Department of Water Resources for proposed Permit 10137-38 to authorize a dis-

charge of treated domestic wastewater effluent at a volume not to exceed an average flow of 120,000 gallons per day from the proposed Air Force Village II sewage treatment plant which the applicant proposes to construct in phases to serve the needs of a retirement community and nursing care facility.

Contact: Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: July 5, 1985, 2:51 p.m.
TRD-855988

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West Texas State University

Thursday, July 11, 1985, 9 a.m. The Board of Regents of West Texas State University met in Room 211, Virgil Henson Activities Center, West Texas State University, Canyon. According to the agenda, the board will review the bids to construct a residence for the president; and announce the award of the contract for construction of the president's residence in accordance with board Action 84-63 of the meeting held November 14, 1985. The board also will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2f, concerning real estate.

Contact: Texas Smith, P.O. Box 997, Canyon, Texas 79016, (806) 656-3962.

Filed: July 3, 1985, 8:13 a.m.
TRD-855903

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Regional Agencies Meetings Filed July 2

The Bexar-Medina-Atascosa Counties Water Control and Improvement District 1, Board of Directors, met at the district office, Highway 81, Natalia, on July 8, 1985, at 8 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Blanco County Central Appraisal District, Board of Directors, met at the Blanco County courthouse annex, Johnson City, on July 8, 1985, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

The Brazos Valley Development Council, Regional Review Committee, met at the Brazos Center, 3232 Briarcrest Drive, Bryan, on July 9, 1985, at 1 p.m. Information may be obtained from Glenn Cook, P.O. Drawer 4128, Bryan, Texas 77805, (409) 822-7421

The Comal Appraisal District, Appraisal Review Board, met at: 644 Loop 337 North,

New Braunfels, on July 8-12, 1985, at 9 a.m. daily. The board also will meet at the same location on July 15-19 and July 22-25, 1985, at 9 a.m. daily. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The Coryell County Appraisal District, Appraisal Review Board, met at 105 North Seventh Street, Gatesville, on July 9, 1985, at 9:30 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Eastland County Appraisal District, Appraisal Review Board, met in the commissioners courtroom, Eastland County Courthouse, Eastland, on July 11, 1985, at 10 a.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448.

The Central Appraisal District of Erath County, Board of Directors, met at 1390 Harbin Drive, Stephenville, on July 10, 1985, at 10 a.m. Information may be obtained from James Bachus, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Fannin County Appraisal District, Board of Directors, met at the Peeler Building, 401 North Main, Bonham, on July 9, 1985, at 7 p.m. Information may be obtained from Pat Pickett, 401 North Main, Bonham, Texas 75418, (214) 583-9546.

The Hamilton County Appraisal District will meet at the Hamilton County Courthouse, Hamilton, on July 15, 1985, at 9 a.m. The district also will meet at the same location on July 22-26, 1985, at 9 a.m. daily. Information may be obtained from Doyle Roberts, P.O. Box 446, Hamilton, Texas 76531, (817) 386-8945.

The Hays County Central Appraisal District, Board of Directors, met at the Hays County Courthouse Annex, San Marcos, on July 9, 1985, at 6:30 p.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Courthouse Annex, third floor, San Marcos, Texas 78666, (512) 396-4777

The Liberty County Central Appraisal District, Appraisal Review Board, met at 1820 Sam Houston, Liberty, on July 10, 1985, at 9 a.m. Information may be obtained from Sherry Greak, P.O. Box 712, Liberty, Texas 77575.

The Middle Rio Grande Development Council, Texas Review and Comment System Committee, met in the commissioners courtroom, Zavala County Courthouse, Crystal City, on July 9, 1985, at 11 a.m. Information may be obtained from Oralia Saldua, Del Rio National Bank Building, Room 307, Del Rio, Texas 78840, (512) 774-4949.

The Nolan County Central Appraisal District, Appraisal Review Board, met in Suite 317A, Nolan County Courthouse, Sweetwater, on July 8, 1985, at 2 p.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The Central Appraisal District of Rockwall County, Board of Directors, met in emergency session in the small courtroom, Rockwall County courthouse, Rockwall, on July 2, 1985, at 7 p.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

The Tyler County Tax Appraisal District, Board of Review, will meet at 103 Pecan, Woodville, on July 12, 1985, at 9 a.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas, (409) 283-3736.

The Upshur County Appraisal District, Board of Directors, met at the district office, Warren and Trinity Streets, Gilmer, on July 8, 1985, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3041.

TRD-855846

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Meetings Filed July 3

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees, met in the boardroom, 1430 Collier Street, Austin, on July 10, 1985, at 4:30 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Bastrop County Appraisal District, Appraisal Review Board, met at 1200 Cedar Street, Bastrop, on July 8-12, 1985, at 7:30 p.m. daily. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on July 12, 1985, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Bosque County Appraisal Board met at the Bosque County courthouse, Meridian, on July 11, 1985, at 7 p.m. Information may be obtained from David G. Cooper, P.O. Box 393, Meridian, Texas 76665, (817) 435-2019.

The East Texas Council of Governments, Regional Review Committee, met at the Rodeway Inn, Lufkin, on July 11, 1985, at 9 a.m. Information may be obtained from

Randy Blanks, P.O. Box 1423, Lufkin, Texas 75901, (409) 634-2247.

The Garza County Appraisal District, Board of Directors, met at the appraisal office, courthouse, Post, on July 11, 1985, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

The Grayson Appraisal District, Appraisal Review Board, met at 124 South Crockett, Sherman, on July 10-12, 1985, at 9 a.m. daily. Information may be obtained from Sandra Bollier, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.

The Appraisal District of Jones County, Appraisal Review Board, met at 1137 East Court Plaza, Anson, on July 9, 1985, at 5 p.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422.

The Lamar County Appraisal District, Board of Directors, met at 1523 Lamar Avenue, Paris, on July 8, 1985, at 4 p.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Texas Municipal Power Agency, Board of Directors, met in the administration building, Gibbons Creek steam electric station, 2½ miles north of Carlos on FM Road 244, on July 11, 1985, at 10 a.m. Information may be obtained from Jim Bailey, P.O. Drawer 7000, Bryan, Texas 77805, (409) 873-2013.

The West Central Texas Council of Governments, Regional Alcoholism and Drug Abuse Advisory Council, will meet at 1025 East North 10th Street, Abilene, on July 16, 1985, at noon. Information may be obtained from Sue Smith, 1025 East North 10th Street, Abilene, Texas, (915) 672-8544. TRD-855906

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Meetings Filed July 5

The Brazos Higher Education Service Corporation, Inc., Board of Directors, met at 2600 Washington, Waco, on July 11, 1985, at noon. Information may be obtained from Murray Watson, Jr., P.O. Box 1308, Waco, Texas 76703, (817) 753-0913.

The Concho Valley Council of Governments, Executive Committee, met at 5002 Knickerbocker Road, San Angelo, on July 10, 1985, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

The Coryell County Appraisal District, Board of Directors, met in the council

chambers, City Hall, Copperas Cove, on July 11, 1985, at 7 p.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The East Texas Council of Governments, Regional Review Committee, met at the Ramada Hotel, 5701 South Broadway, Tyler, on July 11 and 12, 1985, at 8:30 a.m. daily. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641

The Region XVII Education Service Center, Board of Directors, will meet in Room 217, 4000 22nd Place, Lubbock, on August 5, 1985, at 10 a.m. Information may be obtained from Ray Lanier, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000.

The Edwards County Appraisal District, Board of Directors will meet at the new county office building, Rocksprings, on July 16, 1985, at 10 a.m. Information may be obtained from Sondra Madden, P.O. Box 378, Rocksprings, Texas 78880.

The Henderson County Appraisal District, Board of Directors, met at 101 East Corsicana, Athens, on July 8, 1985, at 7:30 p.m. Information may be obtained from Ron Groom, 101 East Corsicana, Athens, Texas, (214) 675-9296.

The Kendall County Appraisal District, Board of Review, will meet at 207 East San Antonio Street, Boerne, on July 15, 1985, at 8 a.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Lampasas County Appraisal District met at 403 East Second Street, Lampasas, on July 10, 1985, at 3 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Lower Rio Grande Valley Development Council, Board of Directors, met in emergency session at the chamber of commerce, 311 East Tyler, Harlingen, on July 9, 1985, at 1:30 p.m. Information may be obtained from Robert A. Chandler, Suite 707, Texas Commerce Bank Building, McAllen, Texas 78501, (512) 682-3481.

The Texas Municipal Power Agency, Audit and Budget Committee, met in the Pecan Room, second level, Hilton, 801 University Drive East, College Station, on July 10, 1985, at 7:30 p.m. Information may be obtained from Jim Bailey, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.

The Palo Pinto Appraisal District, Appraisal Review Board, met at the courthouse, Palo Pinto, on July 9-11, 1985, at 1:30 p.m. daily. The board also will meet

at the same location on July 17-19, 1985, at 1:30 p.m. daily and on July 23, 1985, at 10 a.m. Information may be obtained from Edna Beaty, Palo Pinto, Texas 76072, (817) 659-3651, ext. 208.

The Central Appraisal District of Rockwall County, Board of Directors, met in the small courtroom, county courthouse, Rockwall, on July 9, 1985, at 7:30 p.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

The South Plains Association of Governments, Executive Committee, met at 3424 Avenue H, Lubbock, on July 9, 1985, at 9 a.m. The Board of Directors met at the same location on the same day at 10 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 2787, Lubbock, Texas 79408, (806) 762-8721.

The South Texas Development Council, STED Corporation Board of Trustees, met in the Falcon Room, Zapata National Bank, Zapata, on July 9, 1985, at 11:30 a.m. The Board of Directors met at the same location on the same day at 1 p.m. Information may be obtained from Robert Mendiola, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995.

The Upsher County Appraisal District, Appraisal Review Board, will meet in the district office, Warren and Trinity Streets, Gilmer, on July 18, 1985, at 8:30 a.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3041.

TRD-855948

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Meetings Filed July 8

The Texas Association of Regional Councils, Board of Directors, will meet at the Hyatt Regency, Austin, on July 12, 1985, at 10 a.m. Information may be obtained from Jim Ray, 508 West 12th Street, Austin, Texas 78701, (512) 478-4715.

The Bexar Appraisal District, Board of Directors, will meet at 535 South Main, San Antonio, on July 15, 1985, at 5 p.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Brazos Higher Education Authority, Inc., Board of Directors, met at 2600 Washington, Waco, on July 11, 1985, at 11:30 a.m. Information may be obtained from Murray Watson Jr., P.O. Box 1308, Waco, Texas 76703, (817) 753-0913.

The Dallas Area Rapid Transit, Budget and Finance Committee, met in emergency ses-

sion at 601 Pacific Avenue, Dallas, on July 8, 1985, at 4 p.m. The Legal Committee, the Legislative Committee, and the board also met at the same location on July 9, 1985, at 8 a.m., 5:30 p.m., and 6:30 p.m., respectively. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Deep East Texas Council of Governments Area Agency on Aging, Aging Advisory Council Technical Review Committee, will meet at the Angelina County Senior Citizens Center, 2801 Valley Avenue, Lufkin, on July 17, 1985, at 1:30 p.m. Information may be obtained from Martha Jones, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704

The Ellis County Tax Appraisal District met at 406 Sycamore Street, Waxahachie, on July 11, 1985, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Grayson County Appraisal District, Board of Directors, will meet at 205 North Travis, Sherman, on July 17, 1985, at noon. Information may be obtained from Sandra Bollier, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.

The Hays County Central Appraisal District, Board of Review, will meet at the Hays County Courthouse annex, San Marcos, on July 12, 1985, at 9 a.m. Information may be obtained from Lynnell Sedlar, 102 LBJ, Third Floor, Courthouse Annex, San Marcos, Texas 78666, (512) 396-4777.

The Hood County Appraisal District, Board of Directors, will meet at the district office, 1902 West Pearl, Granbury, on July 16, 1985, at 7:30 p.m. Information may be obtained from Ben H. Griffin, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471.

The Hunt County Tax Appraisal District, Board of Directors, met in the boardroom, 4815-B King Street, Greenville, on July 11, 1985, at 7 p.m. Information may be obtained from Henry J. Popp, 4815-B King Street, Greenville, Texas 75401, (214) 454-3510

The Appraisal District of Jones County, Board of Directors, will meet at 1137 East Court Plaza, Anson, on July 19, 1985, at 9 a.m. Information may be obtained from John Steele, P.O. Box 348, Anson, Texas 79501, (915) 823-2422.

The Lamb County Appraisal District, Board of Directors, will meet at 318 Phelps Avenue, Littlefield, on July 18, 1985, at 8:30 p.m. Information may be obtained from Jack Samford, P.O. Box 552, Littlefield, Texas 79339.

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, will meet at 3232 Briarcrest Drive, Bryan, on July 18, 1985, at 1:30 p.m. Information may be obtained from Ann Pye-Shively, 707 Texas Avenue, Suite 225C, College Station, Texas 77840

The Middle Rio Grande Development Council, Alcoholism Advisory Committee, will meet in the district courtroom, Carrizo Springs, on July 17, 1985, at 10 a.m. The Regional Health Planning Advisory Committee will also meet at the same location on the same day at 1 p.m. The Area Advisory Council on Aging will meet in the reading room, Uvalde Civic Center, Uvalde, on July 26, 1985, at 10 a.m. Information may be obtained from Ramon S. Johnston and Estella Hernandez, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The Nolan County Central Appraisal District, Board of Directors, will meet at the Holiday Inn restaurant, Sweetwater, on July 12, 1985, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556.

The West Central Texas Council of Governments, Regional Health Planning Advisory Council, will meet at the 1025 East North 10th Street, Abilene, on July 16, 1985, at 10 a.m. Information may be obtained from Sue Smith, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-855999

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Meetings Filed July 9

The Dallas Area Rapid Transit, Real Estate Committee, met in emergency session at 601 Pacific Avenue, Dallas, on July 9, 1985, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Eastland County Appraisal District, Board of Directors, will meet in the commissioners courtroom, county courthouse, Eastland, on July 17, 1985, at 1 p.m. Information may be obtained from Steve Thomas, Box 914, Eastland, Texas 76448, (817) 629-8597

The Jasper County Appraisal District, Appraisal Review Board, will meet at the Jasper County Courthouse Annex, 102 North Austin, Jasper, on July 17, 1985, at 9 a.m. Information may be obtained from David W. Luther, County Courthouse Annex, Jasper, Texas 75951, (409) 384-2544.

The Lamar County Appraisal District, Appraisal Review Board, will meet at 1523 Lamar Avenue, Paris, on July 16, 1985, at 9 a.m. Information may be obtained from

**Rodney Anderson, 1523 Lamar Avenue,
Paris, Texas 75460, (214) 785-7822.**

**The Lubbock Regional Mental Health and
Mental Retardation Center, Board of
Trustees, will meet at 3800 Avenue H, Lub-
bock, on July 15, 1985, at noon. Informa-
tion may be obtained from Gene Menefee,
1210 Texas Avenue, Lubbock, Texas 79401,
(806) 763-4213**

**The San Antonio River Authority, Board
of Trustees, Employees Retirement Trust,
will meet in the conference room, 100 East
Guenther Street, San Antonio, on July 17,
1985, at 1.30 p.m. The board of directors
will meet at the same location on the same
day at 2 p.m. Information may be obtained
from Fred N Pfeiffer, P O Box 9284, San
Antonio, Texas 78204, (512) 227-1373**

**The West Texas Municipal Power Agency,
Board of Directors, will meet at the
emergency operation center, old city hall,
Lubbock, on July 15, 1985, at 2 p.m. Informa-
tion may be obtained from R. Michael
Simmons, 8240 MoPac, Suite 298, Austin,
Texas 78759, (512) 346-4011
TRD-856067**



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In Addition

The *Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of June 24-28, 1985.

Information relative to the following applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously mentioned address, and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Texaco Refining, Port Arthur; isomerization unit; North End Houston Avenue, Jefferson County; 9785; new source

Mark Buster, Detroit; hot mix asphalt; Highway 4582, Red River County; 9786; new source

Custom Grain Dryers, Olton; grain dryer; Highway 70, Lama County; 3704A; modification

Standard Brake Shoe and Foundry, Marshall; gray iron; 605 Greenwood Avenue, Harrison County; 422A; modification

American Norit Company, Marshall; Australian char-pneumatic system; end of University Avenue, Harrison County; 2265A; modification

American Norit Company, Marshall; Australian char process; end of University Avenue, Harrison County; 2266A; modification

American Norit Company, Marshall; dust collection and packaging; end of University Avenue, Harrison County; 3068A; modification

American Norit Company, Marshall; channel black beads fracturing; end of University Avenue, Harrison County; 4039A; modification

American Norit Company, Marshall; raymond mill dust collector; end of University Avenue, Harrison County; 4040A; modification

American Norit Company, Marshall; activated carbon kiln; end of University Avenue, Harrison County; 5725A; modification

American Norit Company, Marshall; briquettes manufacturing; end of University Avenue, Harrison County; 4497A; modification

American Norit Company, Marshall; briquettes storage bin; end of University Avenue, Harrison County; 4497A; modification

American Norit Company, Marshall; tempering unit; end of University Avenue, Harrison County; 8386A; modification

Issued in Austin, Texas, on July 2, 1985.

TRD-855945 Paul M Shinkawa
Director of Hearings
Texas Air Control Board

Filed: July 5, 1985
For further information, please call (512) 451-5711, ext. 354.

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Public Hearing

Notice is hereby given that pursuant to the requirements of the Texas Clean Air Act (TCAA), §3.09, Texas Civil Statutes, Article 4477-5; 40 Code of Federal Regulations §51.4 of the Environmental Protection Agency regulations concerning state implementation plans; the Administrative Procedure and Texas Register Act, §5, Texas Civil Statutes, Article 6252-13a; and 31 TAC §103.11(4) of the procedural rules of the Texas Air Control Board (TACB), the TACB will conduct a public hearing to receive testimony concerning revisions to its rules and to the state implementation plan.

Specifically, the TACB is proposing to revise Regulation VI, control of air pollution by permits for new construction or modification, and to revise the TACB general rules. These revisions are proposed in response to amendments to the TCAA adopted by the 69th Legislature, 1985. These amendments require fees to be charged for inspections performed in enforcement of the TCAA, require the registration of facilities constructed prior to the implementation of the TACB permitting program and the payment of a fee for such registration, increase the maximum amount of the fees that may be charged by the TACB, and require the TACB to recover at least 50% of the agency's permitting and enforcement expenses.

The proposed revisions to the general rules add new §101.24, concerning inspection fees, and new §101.25, concerning fees for registration of nonpermitted facilities. The proposed new §101.24 requires accounts with emissions greater than 50 tons per year to remit an annual inspection fee and specifies the fees to be charged for late payment. The proposed new §101.25 requires, for each facility that must be registered with the TACB in accordance of the TCAA, §3.28(h), payment of a \$50 fee in

connection with such registration. In addition, the proposed revisions to the general rules amend §101.1, concerning definitions, to clarify that the definition of major facility/stationary source applies only to determinations under federal new source review requirements.

The proposed revisions to TACB Regulation VI amend §116.7, concerning special permits, and §116.11, concerning permit fees. The amendments to §116.7 delete the phrase which provides that fees shall not be charged for special permits. The amendments to §116.11 expand the applicability of permit fees to include special permits and permit amendments and increase the maximum permit fee to \$25,000.

The hearing will be held at 10 a.m. on August 12, 1985, in the auditorium of the Texas Air Control Board located at 6330 Highway 290 East, Austin. Public comment, both oral and written, on the proposed amendments is invited at the public hearing. The hearing is structured for the receipt of narrative comments. The hearing is structured for the receipt of narrative comments. Interrogation or cross-examination is not permitted; however a TACB staff member will be available to answer questions informally immediately before and after the hearing.

Written comments not presented at the hearing may be submitted to the TACB central office in Austin up to an including August 13, 1985. Materials received by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Five copies of all written comments would be helpful to the board in making its review.

Copies of the proposed revisions are available for inspection at the central office of the TACB located at 6330 Highway 290 East, Austin, Texas 78723, and at the regional offices of the agency. For further information, call Barry Irwin at (512) 451-5711.

Issued in Austin, Texas, on July 2, 1985

TRD-856003 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: July 8, 1985
For further information, please call (512) 451-5711, ext. 354.

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State Banking Board Cancellation of Hearing

As no opposition has been noted in the application for domicile change by the Bank of Robstown, Robstown, the hearing previously scheduled for Friday, July 5, 1985, has been canceled. This application will be scheduled for banking board action at its July meeting.

Issued in Austin, Texas, on June 28, 1985

TRD-855809 William F. Aldridge
Acting Deputy Commissioner
State Banking Board

Filed July 1, 1985
For further information, please call (512) 475-4451.

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Banking Department of Texas Application to Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On July 2, 1984, the banking commissioner received an application to acquire control of TexFirst Bancshares, Inc., Houston, by Jerald W. Witten, Boyce V. Jones, and Timothy D. Witton, all of Houston.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on July 2, 1985.

TRD-855905 William F. Aldridge
Director of Corporate
Activities
Banking Department of
Texas

Filed: July 3, 1985
For further information, please call (512) 475-4451.

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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⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000 | Commercial ⁽⁴⁾ over \$250,000 |
|---|---|--|
| Indicated (Weekly) Rate—Article 1.04(a)(1) 07/15/85-07/21/85 | 18.00% | 18.00% |
| Monthly Rate— Article 1.04(c) ⁽¹⁾ 07/01/85-07/31/85 | 18.00% | 18.00% |
| Standard Quarterly Rate—Article 1.04(a)(2) 07/01/85-09/30/85 | 18.00% | 18.00% |
| Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 07/01/85-09/30/85 | 18.00% | N/A |
| Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 07/01/85-09/30/85 | 16.50% | N/A |
| Standard Annual Rate— Article 1.04(a)(2) ⁽²⁾ 07/01/85-09/30/85 | 18.00% | 18.00% |
| Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 07/01/85-09/30/85 | 18.00% | N/A |

Type of Rate Ceilings Effective Period (Dates are Inclusive)

| Consumer ⁽³⁾ /Agricultural/Commercial ⁽⁴⁾ thru \$250,000 | Commercial ⁽⁴⁾ over \$250,000 |
|--|--|
| 06/01/85-09/30/85 | 18.42% |
| 07/01/85-07/31/85 | 10.00% |

Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from

Judgment Rate—Article 1.05, §2 07/01/85-07/31/85

- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statute, Article 9069-1 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 July 8, 1985.

TRD-855998 Sam Kelley
Consumer Credit
Commissioner

Filed: July 8, 1985
For further information, please call (512) 475-2111.

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Texas Economic Development Commission Private Activity Bond Allocation Report

Private activity bonds (FABs) which were induced on or after June 19, 1984, are subject to a cap, as stipulated in the Federal Deficit Reduction Act of 1984. This cap is equal to \$150 per capita or approximately \$2.3 billion for the State of Texas for calendar year 1985.

Executive Order MW-27B states that the procedure for allocating this cap will be on a first-come, first-served basis, with the Texas Economic Development Commission (TEDC) being the tracking agency for the program. The information that follows is a summary report of the allocation activity for the week of June 24-28, 1985.

Total allocated principal amount of private activity bonds authorized to be allocated by MW-27B through June 28, 1985:

\$199,342,667.88

Comprehensive listing of bond issues which have received a reservation date as per MW-27B during the week of June 24-28, 1985:

| Issuer | User | Amount |
|---|------------------------------------|---------------|
| Guadalupe-Blanco River Authority Industrial Development Corporation | Advanced Textiles, Inc. | \$1.5 million |
| Weslaco Industrial Development Corporation | Weber-Mitchell Gin Company Project | \$750,000 |

Total principal amount of Private Activity Bonds issued in accordance with MW-27B through June 28, 1985:
\$166,124,667.88

Comprehensive listing of bonds issued as per MW-27B during the week of June 24-28, 1985:

| Issuer | User | Amount |
|--|---|-----------------|
| Longview Health Facilities Development Corporation | GPI/MedPlex | \$750,000 |
| Gulf Coast Industrial Development Authority | Amoco Oil Company | \$14.35 million |
| The Austin Industrial Development Corporation | Cattlemen's State Bank Building Partnership | \$2 million |
| Weslaco Industrial Development Corporation | Weber-Mitchell Gin Company Project | \$750,000 |

Issued in Austin, Texas, on July 3, 1985.

TRD-855908 Rebecca J. Hefflin
Acting Executive Director
Texas Economic Development Commission

Filed: July 3, 1985
For further information, please call (512) 472-5050.

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Requests for Proposals

This request for proposals is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The Texas Economic Development Commission (TEDC) requests offers from qualified individuals to serve under contract as the manager, State of Texas office, Mexico city, D.F. The services requested are a continuation of services being performed by Luis A. Morales under a contract expiring August 31, 1985. The TEDC is satisfied with the services of Mr. Morales and intends to award the contract to him unless a better offer is received.

The individual selected for the position of manager must possess the minimum qualification listed in the qualifications section and will be required to perform the various services listed in the scope of services section.

Qualifications. Each individual submitting an offer must present evidence or otherwise demonstrate to the satisfaction of TEDC that such individual is a U.S. citizen and preferably a resident of Texas; is bilingual in the English and Spanish languages; has a minimum of two years business experience in management, accounting, and international trade; possesses Mexican working papers with FM-2 visa status for self, personal property, and automobile; must be insurable for use of automobile in Mexico; has an in-depth knowledge of the organization and function of the government of Mexico and its agencies, and the U.S. Embassy and its sections; and has a working knowledge of international finance, reverse investment, joint venture, acquisition, trade missions, trade shows and trade fair activities, industrial development activities, and the general conduct of business in Mexico and Latin America.

Scope of Services. The individual serving as manager will be required to render the following services as the same may from time to time be required: manage the day-to-day operations of the State of Texas office, including the supervision of other contract personnel and employees of such office, simple accounting functions and the translation and composition of correspondence concerning trade and foreign investment in Mexico, Central and South America; advise and assist Texas manufacturers

and businessmen in making contacts and appointments with Mexican government officials, U.S. Embassy officials, and Mexican, Central and South American industry importers who may be interested in products, services, and/or materials offered by Texas businesses; conduct or assist in conducting an ongoing public relations program within Mexico, Central and South America to promote the sale, lease, or rental of products, services, and/or materials offered by Texas businesses; advise and assist or participate in the advising and assistance of Texas businessmen in displaying their products, services, and/or materials at trade fairs, trade shows, or otherwise, to enhance and encourage the rental, lease, or sale thereof to users in Mexico, Central and South America; research and locate, or assist in the research and location of Mexican, Central and South American suppliers of products, services, and/or materials, on request, for Texas businessmen; assist Mexican, Central and South American exporters, manufacturers, and suppliers in making contact with Texas businessmen who inquire about the importation of manufactured products, raw materials or services and/or who inquire about joint ventures, licensing agreements, and transfers of technology; when requested, to advise and assist State of Texas officials in the conduct of their duties in Mexico, Central and South America, including the making and monitoring of appointments; and supervise and provide all necessary support for Texas state agencies as may be required under existing or future interagency agreements between TEDC and other state agencies.

The TEDC reserves the right to accept or reject any or all offers submitted in response to this request and to negotiate modifications necessary to improve the quality or cost effectiveness of any offer received. The TEDC is under no legal obligation to enter into a contract with any offeror on the basis of this request and intends any material provided herein only as a means of identifying the scope of services requested. Further, TEDC will not reimburse any offeror for expenses incurred by such offeror in the preparation and/or submission of an offer. Any contract entered into by TEDC pursuant to this request will be subject to the availability of appropriated funds, will contain a cancellation clause giving either party to such contract the right to terminate all obligations thereunder upon 30 days written notice to the other party, and will be for a period of one year beginning September 1, 1985, and ending August 31, 1986.

Offer Submission. Offers must be submitted to: Texas Economic Development Commission, P.O. Box 12728, Austin, Texas 78711, Attention: International Development Section, by 5 p.m., C.D.T., on August 19, 1985.

Contact. Further information may be obtained by contacting the International Development Section of TEDC, P.O. Box 12728, Austin, Texas 78711, 512/472-5059.

Issued in Austin, Texas, on June 28, 1985.

TRD-855096

Rebecca J. Hefflin
Acting Executive Director
Texas Economic Development
Commission

Filed: July 8, 1985

For further information, please call (512) 472-5060.

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This request for proposals is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The Texas Economic Development Commission (TEDC) requests offers from qualified individuals to serve under contract as the administrative assistant, State of Texas office, Mexico City, D.F. The services requested are a continuation of services being performed by Graciela Letayf under a contract expiring August 31, 1985. The TEDC is satisfied with the services of Ms. Letayf and intends to award the contract to her unless a better offer is received.

The individual selected for the position of administrative assistant must possess the minimum qualification listed in the qualifications section and will be required to perform the various services listed in the scope of services section.

Qualifications. Each individual submitting an offer must present evidence or otherwise demonstrate to the satisfaction of TEDC that such individual is a Mexican citizen and a resident of Mexico; is bilingual in the English and Spanish languages; has a minimum of five years experience in administration as an executive secretary with management experience, accounting, and international trade background; has an in-depth knowledge of the organization and function of the government of Mexico and its agencies, and the U.S. Embassy and its sections; has a working knowledge of international finance, reverse investment, joint venture, acquisition, trade missions, trade show and trade fair activities, industrial development activities, and the general conduct of business in Mexico and Latin America; and must be insurable for use of automobile in Mexico.

Scope of Services. The individual serving as administrative assistant will be required to render the following services as the same may from time to time be required: advise and assist Texas manufacturers and businessmen in making contacts and appointments with Mexican government officials, U.S. Embassy officials, and Mexican, Central and South American industry importers who may be interested in products, services, and/or materials offered by Texas businesses; conduct or assist in conducting an ongoing public relations program within Mexico, Central and South America to promote the sale, lease, or rental of products, services, and/or materials offered by Texas businesses; advise and assist or participate in the advising and assistance of Texas businessmen in displaying their products, services, and/or materials at trade fairs, trade shows, or otherwise, to enhance and encourage the rental, lease, or sale thereof to users in Mexico, Central and South America; research and locate, or assist in the research and location of Mexican, Central and South American suppliers of products, services, and/or materials, on request, for Texas businessmen; assist Mexican, Central and South American exporters, manufacturers, and suppliers in making contact with Texas businessmen who inquire about the importation of manufactured products, raw materials, or services or who inquire about joint ventures, licensing agreements, and transfers of technology; when requested, to advise and assist State of Texas officials in the conduct of their duties in Mexico, Central and South America, including the making and monitoring of appointments; and supervise and provide all necessary support for Texas state agencies as may be required under existing or future interagency agreements between TEDC and other state agencies.

The TEDC reserves the right to accept or reject any or all offers submitted in response to this request and to

negotiate modifications necessary to improve the quality or cost effectiveness of any offer received. The TEDC is under no legal obligation to enter into a contract with any offeror on the basis of this request and intends any material provided herein only as a means of identifying the scope of services requested. Further, TEDC will not reimburse any offeror for expenses incurred by such offeror in the preparation and/or submission of an offer. Any contract entered into by TEDC pursuant to this request will be subject to the availability of appropriated funds, will contain a cancellation clause giving either party to such contract the right to terminate all obligations thereunder upon 30 days' written notice to the other party, and will be for a period of one year beginning September 1, 1985, and ending August 31, 1986.

Offer Submission. Offers must be submitted to Texas Economic Development Commission, P.O. Box 12728, Austin, Texas 78711, Attention: International Development Section, by 5 p.m., C.D.T., on August 19, 1985.

Contact. Further information may be obtained by contacting the International Development Section of TEDC, P.O. Box 12728, Austin, Texas 78711, 512/472-5059.

Issued in Austin, Texas, on June 28, 1985

TRD-855997 Rebecca J. Hefflin
Acting Executive Director
Texas Economic Development
Commission

Filed: July 8, 1985
For further information, please call (512) 472-5059.

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Texas Education Agency Amendment to Contract Award

On October 15, 1984, pursuant to the provisions of Texas Civil Statutes, Article 6252-11c, a consultant contract was awarded by the Texas Education Agency (TEA) to National Evaluation Systems, Inc., to develop the Texas Teacher Certification Testing Program and for continuing administration of the testing program. Notice is hereby given of the modification of the existing contract.

The proposed modification requires the contractor to develop additional certification tests and provide for their administration along with the tests in the original contract.

The name and business address of the contractor is National Evaluation Systems, Inc., 30 Gatehouse Road, P.O. Box 226, Amherst, Massachusetts, 01004.

As proposed, this modification increases the amount of the original award by \$1,730,955. The ending date of the contract is extended to May 31, 1987. The original consultant proposal request appeared in the October 23, 1984, issue of the *Texas Register* (9 TexReg 5491).

Issued in Austin, Texas, on July 3, 1985.

TRD-855939 W. N. Kirby
Commissioner of Education
Texas Education Agency

Filed: July 3, 1985
For further information, please call (512) 475-7077.

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Texas Department of Health Intent to Revoke Radioactive Material Licenses

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, filed a complaint against American Safety Company, Inc., 11999 Katy Freeway, Suite 150, Houston, Texas 77079, holder of Radioactive Material License 11-2554, pursuant to *Texas Regulations for Control of Radiation* (TRCR), Part 13.8, on June 3, 1985. The agency intends to revoke Radioactive Material License 11-2554, order the licensee to cease and desist using radioactive material, and require transfer of all radioactive material in its possession to a properly licensed recipient prior to the date of revocation. The complaint is as follows.

This notice affords the opportunity for a hearing to show cause why the radioactive material license should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Director, Radiation Control Program 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the radioactive material license will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m., Monday through Friday (except holidays).

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against American Safety Company, Inc., 11999 Katy Freeway, Suite 150, Houston, Texas (the licensee) holder of Radioactive Material License 11-2554.

I

Texas Regulations for Control of Radiation, Part 41.31(c), requires that each person licensed by the agency shall confine his use and possession of the material licensed to the locations and purposes authorized in the license. During an inspection conducted on February 23, 1981, the agency determined that the licensee was possessing and storing licensed radioactive material at 11999 Katy Freeway, Suite 385, Houston, although this was not a location authorized by Condition 9 of the license. During a subsequent agency inspection on March 19, 1984, the agency determined that the licensee was storing radioactive material at 1181 Brittmore, Suite 500, Houston, although this was again not a location authorized for storage of radioactive material.

II

Texas Regulations for Control of Radiation, Part 21.407, requires each licensee to notify the agency, no less than 30 days before vacating or relinquishing possession or control of premises which have been used as a place of storage or use of radioactive materials as a result of his activities, of the intent to vacate. During the inspections conducted on February 23, 1981, and March 19, 1984, the agency determined that the licensee had vacated locations where radioactive materials had been stored and used without providing the agency with 30 days' notice of the intent.

III

On February 12, 1985, by certified mail, return receipt requested, the agency pursuant to the *Texas Regulations for Control of Radiation*, Part 13.8(b), offered the licensee the opportunity to attend an enforcement conference to discuss with the agency methods and schedules of correcting the violations and to show compliance with the agency methods and schedules of correcting the violations and to show compliance with the Radiation Control Act, the rules (regulations), and license conditions. The conference was scheduled to be conducted on March 12, 1985, at 1:30 p.m., in the Bureau of Radiation Control offices, 1212 East Anderson Lane, Austin. The certified mail receipt indicates the letter and notice was received by Carla Akers on February 22, 1985.

At 1:30 p.m., on March 12, 1985, the agency convened the scheduled enforcement conference in the bureau of offices. The licensee failed to acknowledge or appear. The licensee's violation of the *Texas Regulations for Control of Radiation*, and his failure to correct deficiencies constitute a threat to the public health and safety and the environment.

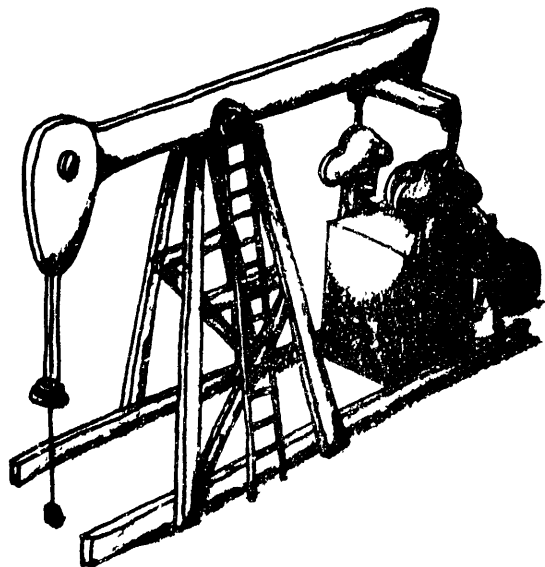
Therefore, the agency, as provided in *Texas Regulations for Control of Radiation*, Part 13.8(c), requests that an order be issued revoking Radioactive Material License 11-2554, ordering the licensee to cease and desist from using radioactive material, and requiring transfer of all radioactive material in his possession to a properly licensed recipient prior to the date of revocation.

Done this the seventh day of June, 1985, by Richard A. Ratliff, P. E., Director, Division of Compliance and Inspection, Bureau of Radiation Control.

Issued in Austin, Texas, on June 1, 1985

TRD-855937 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: July 3, 1985
For further information, please call (512) 458-7236.



The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Radioactive Material License 11-2665, issued to Consolidated Maveric Industries, Inc., because the agency determined that the licensee is no longer located at 5652 Savoy Lane, Houston, Texas 77036. The licensee has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the licensee by telephone, by mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the radioactive material license be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* Part 13.8, this notice affords the opportunity for a hearing to show cause why the radioactive material license should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Director, Radiation Control Program, 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a hearing be timely filed, the radioactive material license will be revoked 14 days after the end of the 30-day period of notice.

Issued in Austin, Texas, on June 27, 1985.

TRD-855806 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: July 1, 1985
For further information, please call (512) 835-7000.



Radioactive Material License Revocation

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, having duly filed a complaint against Regional Well Service, holder of Radioactive Material License 11-1763, pursuant to *Texas Regulations for Control of Radiation*, Part 13.8, and having received no answer or notice of corrective action taken by the licensee, ordered that Radioactive Material License 11-1763 be revoked. It is further ordered that the licensee cease and desist using radioactive material and immediately surrender to the agency for impoundment all radioactive material in its possession.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas, from 8 a.m. to 5 p.m., Monday-Friday (except holidays).

A copy of the order is as follows.

Complaint against Regional Well Service, having been duly filed with the Texas Department of Health pursuant to *Texas Regulations for Control of Radiation*, Part 13.8, and no answer received or corrective action taken, the agency determines that an emergency exists.

It is therefore ordered that Radioactive Material License 11-1763 be and is hereby revoked and further, that Regional Well Service cease and desist using radioactive material and shall immediately surrender to the agency

for impoundment all radioactive material in its possession.

This order takes effect immediately.

Issued in Austin, Texas, on June 27, 1985.

TRD-855805 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: July 1, 1985
For further information, please call (512) 835-7000.

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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 PHICO Insurance Company, a foreign casualty insurance company. The home office is in Mechanicsburg, Pennsylvania.

(2) Application for a name change by Delta America Insurance Company, a foreign fire and casualty insurance company. The home office is in Concord, New Hampshire. The proposed new name is North American Specialty Insurance Company.

(3) Application for admission to do business in Texas of Mid-South Insurance Company of North America, a foreign life insurance company. The home office is in Fayetteville, North Carolina.

Issued in Austin, Texas, on July 1, 1985.

TRD-855874 James W. Norman
Chief Clerk
State Board of Insurance

Filed: July 2, 1985
For further information, please call (512) 475-2950.

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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 American Sun Life Insurance Company, a foreign life insurance company. The home office is in Winter Park, Florida.

(2) application for admission to do business in Texas of Beaver Insurance Company, a foreign fire and casualty insurance company. The home office is in San Francisco, California.

(3) application for admission to do business in Texas of GW Insurance Company, a foreign fire and casualty insurance company. The home office is in St. Louis Park, Minnesota.

(4) application for admission to do business in Texas of Summit Reassurance Corporation, a foreign life insurance company. The home office is in Nashville, Tennessee.

(5) application for admission to do business in Texas of Southwest International Reinsurance Company of New York, a foreign fire and casualty insurance company. The home office is in New York, New York.

(6) application for incorporation of American Guardian Life Assurance Company of Texas, to be a domestic life insurance company. The home office is proposed to be in Waco, Texas.

(7) application for a name change by Transport Indemnity Company, a foreign fire and casualty insurance company. The home office is in Los Angeles, California. The proposed new name is Mission American Insurance Company.

(8) application for a name change by Verex Indemnity Corporation, a foreign fire and casualty insurance company. The home office is in Madison, Wisconsin. The proposed new name is AMBAC Indemnity Corporation.

(9) application for a name change by AMBAC Indemnity Corporation, a foreign fire and casualty insurance company. The home office is in Madison, Wisconsin. The proposed new name is WMBIC Indemnity Corporation.

Issued in Austin, Texas, on June 28, 1985

TRD-855807 James W. Norman
Chief Clerk
State Board of Insurance

Filed: July 1, 1985
For further information, please call (512) 475-2950.

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Public Hearing

The State Board of Insurance gives notice of a public hearing to be held at 9 a.m. on Tuesday, July 23, 1985, in the hearing room, DeWitt C. Greer Building, 11th and Brazos Streets, Austin. The purpose of the hearing is to consider amendments to the *Texas Basic Manual of Rules, Classifications and Employers Liability Insurance* and the *Texas Experience Rating Plan Manual Workers' Compensation Insurance* which will include amendments to manual rules, endorsements, classifications, rating plans, and such other matters as may be properly brought before the board pursuant to the provisions of the Insurance Code, Articles 5.55-5.76-1 and 5.96. The board also will consider rates at the hearing. The rate portion of the hearing is the subject of a separate and different notice under a different procedure. The items to be considered by the board are as follows.

Agenda Item 85.1. The staff of the State Board of Insurance as supported by the Underwriting Subcommittee of the Texas Classification and Rating Committee requests that the board consider and adopt an amendment to the *Texas Experience Rating Plan Manual Workers' Compensation Insurance* to increase the eligibility requirements for the Experience Rating Plan by \$750 to bring the average for two or more years to \$2,500 and to increase the one year eligibility by \$1,500 to a total of \$5,000. This item brings the eligibility requirements for experience rating for Texas in line with the eligibility requirements for other states.

Agenda Item 85.2. The National Council on Compensation Insurance requests the board consider and adopt an amendment to Rule VI-E-2 Expense Constant of the *Texas Basic Manual of Rules, Classifications and Rates for Workers' Compensation and Employers' Liability Insurance* to increase the expense constant to \$85. The purpose of this item is to update the reallocation of the ex-

pense dollar to make the expense provision more equitable by size of risk.

Issued in Austin, Texas, on July 5, 1985.

TRD-855952 James W. Norman
Chief Clerk
State Board of Insurance

Filed: July 5, 1985
For further information, please call (512) 475-2950.

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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 serves notice of invitation for a continuation of services currently performed by George L. Jenkins and other related services. The Texas Department of Mental Health and Mental Retardation intends to award the contract to the present contractor unless a better offer is submitted.

Description of Services. The consultant will provide consultation in pharmacy management and operations; will help direct, advise, and consult with the pharmacy staff of the Texas Department of Mental Health and Mental Retardation on a computerized system for dispensing drugs more effectively; and will consult with staff on pharmacy policies and standards.

Evaluation Criteria. The contractor must have a minimum of a bachelor's degree in pharmacy, be licensed by the Texas State Board of Pharmacy to practice pharmacy in the State of Texas, and have a minimum of 10 years experience, at least five of which must have been as director of a hospital pharmacy. Subject to the provisions of the opening paragraph of this notice, the consultant demonstrating the most relevant experience and background and having the greatest and most expert knowledge of the services to be performed will be awarded the contract.

Closing Date for Offers. The closing date for receipt of offers is August 5, 1985.

Contact Person. Prospective offerors should contact Ann M. Valdez, Coordinator, Office of Medical Services, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, (512) 465-4667.

Issued in Austin, Texas, on July 2, 1985

TRD-855886 Gary E. Miller, M D
Commissioner
Texas Department of Mental Health
and Mental Retardation

Filed: July 2, 1985
For further information, please call (512) 465-4591.

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Board of Nurse Examiners Bid Request

The Board of Nurse Examiners for the State of Texas is accepting bids for a test administration service to administer the licensing examination in February and July of 1986 and 1987.

The test administration services works with staff of examination site regarding arrangements; receives and secures test booklets at test site or transport booklets to site; inventories test booklets at test site; provides testing supplies not supplied by board; provides personnel to administer the examination including an examiner—one per site, assistant examiner—one per site, and proctors—total of one for every 20 candidates assigned, one for every 35 seated candidates, doorkeepers, miscellaneous personnel including proctors supervisors; escorts to restroom; orients personnel to security measures and testing procedures; checks test booklets and verify that candidate identifying information is recorded correctly; prepares necessary forms; returns test booklets to testing service; and return specified test materials to board office.

The Board of Nurse Examiners obtains examination sites; provides board liaison person to work with examiners; orders test booklets; provides number of candidates expected at each site approximately 30 days in advance; issues admission cards; provide alpha candidate rosters, test booklet/candidate record in alpha order—one for each proctor, seating labels; provides guidelines for emergency, late arrivals, etc.; provides copy of security measures and information to orient proctors; provides one copy of test administration manual for each site (to be treated as secure material); and provides dialogue of necessary information to be read to candidates (information not in manual).

Deadline for Submission. Bids will be accepted through September 1, 1985.

Contact Person. Should there be any questions regarding the services, please contact Margaret L. Rowland, 1300 East Anderson Lane, Building C, Suite 225, Austin, Texas 78752 or call (512) 835-4880.

Issued in Austin, Texas, on July 2, 1985.

TRD-855904 Margaret L. Rowland, R N
Executive Secretary
Board of Nurse Examiners

Filed: July 3, 1985
For further information, please call (512) 835-4880.

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Texas State Technical Institute Consultant Proposal Request

In accordance with the provisions of Texas Civil Statutes, Article 6252-11c, the Waco Campus of Texas State Technical Institute is requesting proposals for services of a consultant to conduct a review of its campus business office services.

Specifically, the consultant will analyze campus business office present organization and work flow to make recommendations for improving the business offices services for accounts payable, accounts receivable, purchasing, and receiving; provide timely fiscal spending statistics for use by management and supervisory personnel; accumulate fiscal data for use in annual financial reports and

audit records and processes; and capture of audit information in a readily usable manner as required for consolidated TSTI-System Financial Reports.

Contact. Individuals or firms interested in submitting the proposals may contact A. L. Freeman, Jr., Manager of Campus Services, Campus Administration, TSTI-Waco, Waco, Texas 76705, (817) 799-3611, ext. 2080.

Submission of Proposal. A proposal sent by mail should be addressed to A. L. Freeman, Jr., Manager of Campus Services, Campus Administration, TSTI-Waco, Waco, Texas 76705. One original and six copies of the proposal are required. The due date for proposals is 5 p.m. on Thursday, August 1, 1985. Proposals received after that time will not be considered.

Proposal Requirements. To be evaluated, the consultant's proposal must include the proposed plan of work for the engagement; references from similar consulting engagements; names of people to be used in this engagement; and a proposed fee for the engagement.

Evaluation Criteria. Criteria to be used to evaluate proposals will include, but not necessarily be limited to, thorough knowledge and experience with state agencies and state institutions of post secondary education; experience in successfully evaluating, designing, and developing, and implementing accounting and fiscal systems applications in a similar environment; thorough understanding of internal control techniques; staff experience of the people assigned to the project; references from recent similar previous clients; technical approach to accomplish project requirements; and reasonableness of proposed cost of services in relation to work described.

Contract Award Procedures. Final selection will be made by the Board of Regents of Texas State Technical Institute, based upon evaluations and recommendations provided by a panel of Texas State Technical Institute personnel. Texas State Technical Institute will award a contract to the firm or organization which is considered to be best able to perform the services requested. However, Texas State Technical Institute reserves the right to reject, in total or part, any and/or all proposals received if it is considered to be in the best interest of the institute. Issuance of this request in no way constitutes a commitment by the institute to award a contract.

Texas State Technical Institute will not be responsible for any cost incurred by any unsuccessful respondent to this RFP and will not be responsible for any cost incurred by the individual or firm selected prior to the effective date of the contract.

Issued in Waco, Texas, on July 3, 1985.

TRD-856004 Theodore Talbot
Vice President for Human Resources
Texas State Technical Institute

Filed: July 8, 1985
For further information, please call (817) 799-3611, ext. 2080.

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of June 24-28, 1985.

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

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678.

Listed is the name of the applicant and the city in which each facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Week ending June 28, 1985

Brookeland Independent School District, Brookeland; sewage treatment facility; on the east side of State Highway Loop 149 approximately 1,000 feet north of the Jasper County line in Sabine County; 13092-01; new permit

Jerry Miller, Rhome; sewage treatment plant; on the west side of U.S. Highway 287 approximately 4,500 feet southeast of its junction with State Highway 114 in Wise County; 13142-01; new permit

West Texas Boys Ranch, San Angelo; child care center; approximately 0.4 mile southeast of the intersection of U.S. Highway 67 and FM Road 2335 in southwestern Tom Green County; 13140-01; new permit

The City of Fairfield; wastewater treatment plant; approximately 4,000 feet north of the intersection of U.S. Highway 84 and FM Road 488, approximately 5,000 feet northeast of the intersection of U.S. Highway 75 and Highway 84 in Freestone County; 10168-01; amendment

Nash Phillips/Copus, Inc., and Emile Jamail Properties, Inc., Austin; wastewater treatment plant; approximately 3,000 feet north of FM Road 620, approximately 2.6 miles northeast of the intersection of FM Road 620 and U.S. Highway 183 in Williamson County; 12840-01; amendment

Texas Department of Highways and Public Transportation, Beaumont; wastewater treatment plant; adjacent to IH 10 at a point approximately 0.97 mile southwest of FM Road 365 in Jefferson County; 12202-01; renewal



