

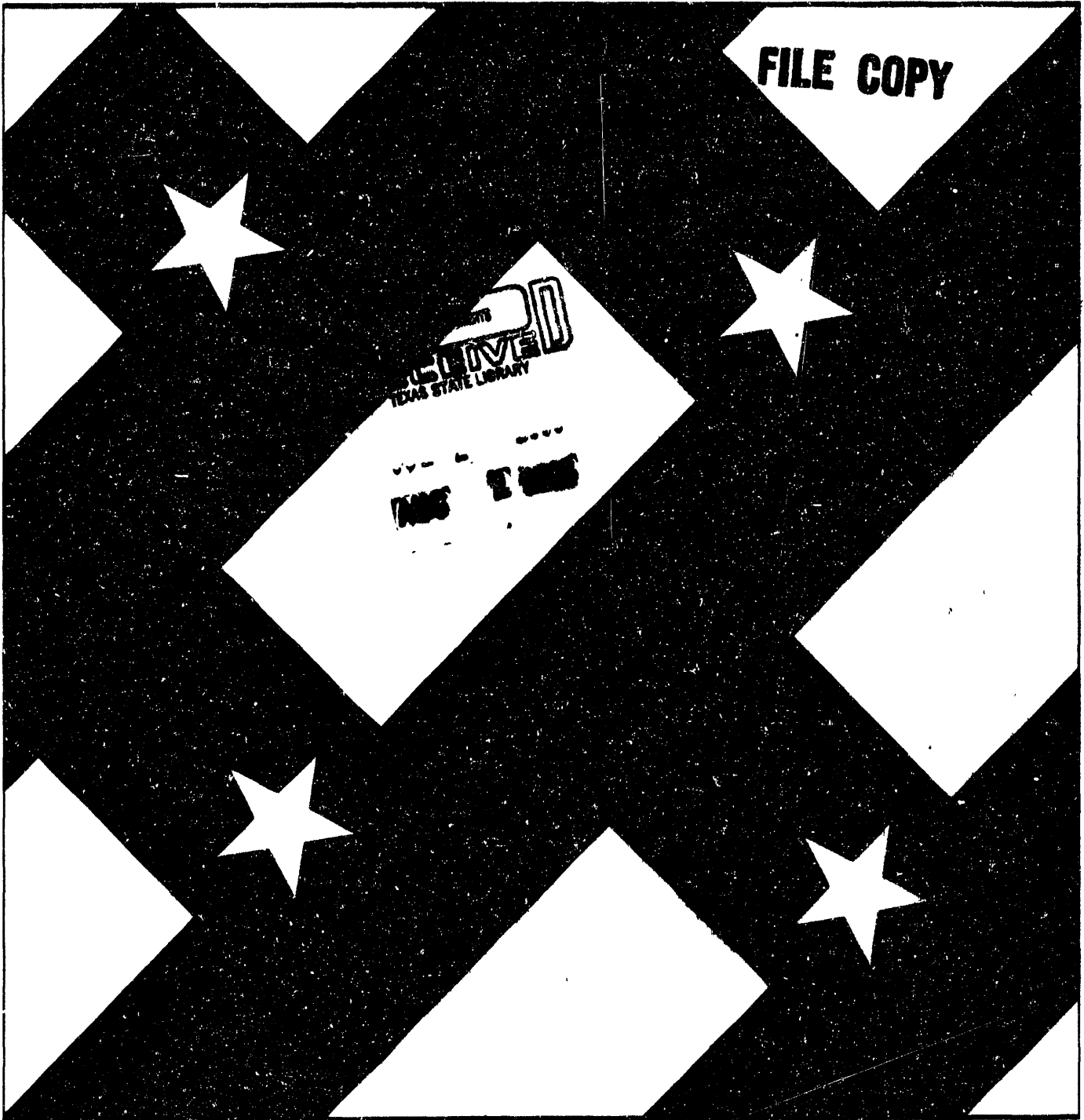
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Texas Register

Volume 11, Number 56, July 25, 1986

Pages 3367-3422



Highlights

The **State Board of Veterinary Medical Examiners** proposes a new section concerning minimum grades on licensing examinations. Earliest possible date of adoption - August 25 **page 3390**

The **Texas Department of Health** proposes an amendment concerning fees for clinical

health services with regards to the poverty income guidelines. Proposed date of adoption - September 20 **page 3390**

The **Texas Department of Human Services** proposes an amendment concerning Income Assistance Services. Earliest possible date of adoption - August 25 .. **page 3394**

**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 1986 with the exception of June 24, September 2, December 2, and December 30 by the Office of the Secretary of State.

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- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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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: "11 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 11 TexReg 3."

How To Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code*, rule number, or TRD number.

Texas Administrative Code

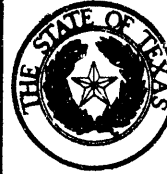
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How To Cite: Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15:

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

TAC stands for the *Texas Administrative Code*;

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



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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) 463-1814.

Appointment Made July 15

Board of Pardons and Paroles

For a term to expire January 31, 1989:

Ruben M. Torres
1565 Ventura Drive
Brownsville, Texas 78520

Mr. Torres is being reappointed.

Issued in Austin, Texas, on July 15, 1986.

TRD-8907100 Mark White
Governor of Texas

★ ★ ★



Executive Order MW-38

Reserving for Housing Bonds a portion of the 1986 state ceiling on nonessential function bonds imposed by House Resolution 3838 and allocating such portions among certain state agencies and other issuing authorities within the state of Texas.

WHEREAS, House Resolution 3838, the Tax Reform Act of 1985, as passed by the United States House of Representatives on December 17, 1985, (House Resolution 3838), if enacted into law, will impose a ceiling on the aggregate principal amount of nonessential function bonds (as defined in House Resolution 3838) that may be issued within the State of Texas during any calendar year; and

WHEREAS, the state ceiling imposed by House Resolution 3838 has an effective date of January 1, 1986, and such effective date, as it applies to nonessential function bonds for housing purposes, is not delayed by the joint statement on the effective dates of pending tax reform legislation issued on March 14, 1986; and

WHEREAS, pursuant to House Resolution 3838, §701(b),

(i) the amount of the state ceiling for each calendar year is \$175 multiplied by the population of the State of Texas;

(ii) the portion of the state ceiling available to state agencies authorized to issue nonessential function bonds during any calendar year is 50% and the portion of the state ceiling available to issuing authorities other than state agencies during any calendar year is the amount which bears the same ratio to 50% of the state ceiling for such calendar year as the population of the jurisdiction of such issuing authority bears to the population of the entire State of Texas; provided, however, that (A) the State of Texas may by law provide a different formula for allocating the state ceiling among state agencies and other issuing authorities within the state, and (B) the Governor of Texas, on an interim basis, may proclaim a different formula for allocating the state ceiling among state agencies and other issuing authorities within the state;

(iii) not less than 50% of the state ceiling, excluding the portion thereof required to be reserved for qualified 501(c)(3) bonds, is required to be reserved for qualified mortgage bonds, qualified veterans' mortgage bonds and exempt facility bonds for qualified residential rental projects (all as defined in House Resolution 3838), and, of the amount so reserved, not less than 1/3 shall be reserved for exempt facility bonds for qualified residential rental projects and not less than 1/3 shall be reserved for qualified mortgage bonds and qualified veterans' mortgage bonds; provided, however, that (A) the State of Texas may by law override the requirements described in this subparagraph, and (B) the governor of Texas, on an interim basis, may override the requirements of House Resolution 3838 described in this subparagraph, so long as, in the aggregate, at least 50% of the state ceiling (excluding the portion required to be reserved for qualified 501(c)(3) bonds) will be reserved for qualified mortgage bonds, qualified veterans' mortgage bonds, and exempt facility bonds for qualified residential rental projects; and

WHEREAS, there exists within the State of Texas a need for the issuance of bonds for housing purposes to assist persons of low and moderate income to afford decent, safe, and sanitary housing; and

WHEREAS, the January 1, 1986, general effective date provisions of House Resolution 3838 are presently inhibiting the ability of certain state agencies and other issuing authorities within the State of Texas to issue such

housing bonds and provide such assistance, and there is no present expectation that such effective date provisions will be revised or delayed in the immediate future; and

WHEREAS, House Resolution 3838, if enacted into law in its current or a similar form will reduce significantly the annual aggregate volume of housing bonds permitted to be issued within the State of Texas, thereby making it imperative that this valuable state resource be preserved and allocated in a manner which will permit maximum flexibility, efficiency, and cost-effectiveness in the utilization thereof; and

WHEREAS, unless action is taken immediately to establish and implement a volume allocation system to reserve a portion of the state ceiling on nonessential function bonds imposed by House Resolution 3838 for housing bonds and to allocate such portion among such state agencies and other issuing authorities, thereby enabling them to issue bonds in accordance with the provisions of House Resolution 3838, a valuable state resource may not be fully utilized during calendar year 1986; and

WHEREAS, until it is known whether and when House Resolution 3838 will become effective it is necessary that any reservation and allocation under House Resolution 3838 be coordinated and consistent with existing state statutes and procedures governing the allocation of housing bond authority;

NOW, THEREFORE, I, Mark White, Governor of Texas, under the authority vested in me, do hereby order and proclaim that:

§1. The following terms, as used herein, shall have the respective meanings set forth.

"Agency" shall mean the Texas Housing Agency.

"Allocation statute" shall mean Texas Civil Statutes, Article 12691-8, as amended.

"Executive administrator" shall mean the executive administrator of the Texas Housing Agency.

"Housing finance corporation" or "Housing finance corporations" shall mean one or more, as the case may be, housing finance corporations created pursuant to Texas Civil Statutes, Article 12691-7, as amended.

"Housing portion" shall mean the portion of the House Resolution 3838 state ceiling reserved pursuant to §2 hereof for qualified mortgage bonds, qualified veterans' mortgage bonds, and exempt facility bonds for qualified residential rental projects.

"Single family portion" shall mean the portion of the housing portion reserved for qualified mortgage bonds.

"Multifamily portion" shall mean the portion of the housing portion reserved for exempt facility bonds for qualified residential rental projects.

"House Resolution 3838 state ceiling" shall mean the state ceiling on nonessential function bonds imposed by House Resolution 3838, §701(b).

"103A ceiling" shall mean the qualified mortgage bonds imposed by the Internal Revenue Code, §103A(g), as amended.

§2. A portion of the House Resolution 3838 ceiling equal to \$75 multiplied by the population of the State of Texas shall be reserved during calendar year 1986 for qualified mortgage bonds, qualified veterans' mortgage bonds, and exempt facility bonds for qualified residential rental projects (the Housing Portion).

§3. For calendar year 1986, the housing portion shall be \$1,227,750,000, which amount is based on the Bureau of Census estimate of the population of the State of Texas of 16,370,000, issued in July 1985.

§4. For calendar year 1986, the housing portion shall be reserved and allocated as follows.

(a) \$613,875,000 of the housing portion is hereby reserved for qualified mortgage bonds (the single family portion) to be issued by the agency or by housing finance corporations to be made available in accordance with the allocation statute.

(b) The remaining balance of the 1986 housing portion of \$613,875,000 is hereby reserved for exempt facility bonds for qualified residential rental projects (the multifamily portion) to be issued by the agency and by housing finance corporations. The amount allocated to the agency to be used for exempt facility bonds for qualified residential rental projects is \$184,162,500 for calendar year 1986. The amount allocated to housing finance corporations to be used for exempt facility bonds for qualified residential rental projects is \$429,712,500 for calendar year 1986, provided that the following requirements are met with respect to any such issue of bonds.

(1) Upon the determination of the 1986 state ceiling, a housing finance corporation may reserve a portion of the amount allocated for qualified residential rental projects by filing a reservation request with the executive administrator. The reservation request shall:

- (i) identify the issuer of such bonds;
- (ii) identify the bonds which are the subject of the reservation request;
- (iii) state the aggregate principal amount of the bonds;
- (iv) provide a copy of the inducement resolution for the project; and
- (v) provide evidence of having held a TEFRA hearing on the project.

Upon the filing of a reservation request which complies with the requirements set forth herein, and to the extent that the amount allocated to housing finance corporations for qualified residential rental projects has not been exhausted, the executive administrator shall promptly issue a reservation certificate. The executive administrator shall issue certificates according to the date upon which the requests are filed in such calendar year. If two or more reservation requests are filed on the same date, certificates shall be issued in an order determined by lot, unless otherwise agreed by the affected housing finance corporations. No more than one reservation request may be filed on behalf of the same project unless a reservation certificate issued with respect to a prior reservation request has lapsed as provided by §4(b)(2) this executive order.

(2) Any reservation of a portion of the amount allocated to housing finance corporations for qualified residential rental projects shall lapse and no longer be effective upon the expiration of 60 days following the date of issuance of the reservation certificate by the executive administrator, if prior thereto the issuer has failed for whatever reason to file with the executive administrator a certificate evidencing that the bonds for which the reser-

vation was filed have been delivered and paid for along with a final official statement or disclosure document relating to such bonds.

(c) Notwithstanding the provisions of §4(a) and §4(b) of this executive order, the governor shall in his discretion during the remainder of calendar year 1986 periodically adjust either upward or downward the amounts reserved for qualified mortgage bonds (the single family portion) and for qualified residential rental projects (the multifamily portion) based upon factors, including but not limited to, the number of reservation requests received and the amount of bonds actually sold as of the date of the adjustment; provided, however, that any adjustment to amounts reserved shall not operate so as to nullify any outstanding reservation certificate, and further provided that in no event shall the sum of amounts reserved for the single family portion and the multifamily portion exceed the amount of the housing portion set forth in §3 of this executive order.

(d) Contingent upon the enactment into law of House Resolution 3838 with an effective date prior to January 1, 1987, and notwithstanding any other provision of this executive order or the allocation statute, all outstanding reservation certificates shall lapse and no longer be effective as of 5 p.m. on December 15, 1986, if prior thereto the issuer has failed for whatever reason to file with the executive director or the executive administrator, as appropriate, a certificate evidencing that the bonds for which the reservation was filed have been delivered and paid for along with the final official statement or disclosure document relating to such bonds. Any unused authority remaining as of 5 p.m. on December 15, 1986, shall revert to the Agency. This unused authority may be allocated by the Agency as 1986 carryforward authority or may be utilized for mortgage credit certificates to be issued by the agency, according to procedures to be set forth in a subsequent amendment to this executive order.

(e) Every filing with the agency shall be mailed or delivered in duplicate originals to the agency at its office during normal business hours. The executive administrator, or his designee, shall (i) endorse on each original the words "received for filing" and the year, month, day, and time of the receipt thereof, and (ii) certify under penalty of perjury that the endorsement, and the allocation afforded thereby, was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution of any political campaign. One of such originals shall be filed with the agency and the other original shall be returned to the housing finance corporation or its representative designated by the housing finance corporation.

(f) The executive administrator of the agency, or his designee, shall compile and cause to be published in the *Texas Register* a monthly summary setting forth (i) the unallocated principal amount of multi-family portion bonds authorized to be allocated by this proclamation; (ii) a comprehensive listing of multifamily portion bond issues, including the issuer, location of the project, project owner, and the allocated principal amounts, which have received a reservation date hereunder since the prior publication in the *Texas Register*; and (iii) a comprehensive listing of all such bonds which have been issued since the prior publication in the *Texas Register*.

(g) The executive administrator of the agency, or his designee, shall adopt such forms and further procedures, consistent with the intent of this executive order, as may be necessary, including the establishment of an appropriate fee system, consistent with the agency's statutory authority, to promote the efficiency, fairness, and effectiveness of allocations for qualified residential rental projects.

(h) In order to coordinate the implementations of this §4:

(i) the agency is hereby requested and directed to take action, as soon as may be practicable, in accordance with §2 of the allocation statute, to determine the 103A ceiling for calendar year 1986 in an amount equal to the amount of the single family portion specified in §4(a) hereof, and thereafter to adjust the 103A ceiling from time to time as necessary to reflect any adjustments in the amount of the single family portion pursuant to §4(d) hereof;

(ii) the Texas Department of Community Affairs is requested and directed to take prompt action to implement the provisions of the allocation statute by preparing and issuing reservation certificates. The Texas Department of Community Affairs is further directed to enclose a copy of this executive order with each reservation certificate issued pursuant to §5 of the Allocation Statute during calendar year 1986; and

(iii) the executive director of the Texas Department of Community Affairs is hereby authorized and shall provide with each reservation certificate issued pursuant to the allocation statute, and the executive administrator of the agency is hereby authorized and shall provide with each reservation certificate issued pursuant to §4(b) hereof, a certification to the effect that the bonds described in such reservation certificate comply with the ceiling on nonessential function bonds imposed by House Resolution 3838, §701(b).

§5. This executive order shall have no application or effect with respect to any portion of the House Resolution 3838 state ceiling other than that portion reserved for qualified mortgage bonds, qualified veterans mortgage bonds, and exempt facility bonds for qualified residential rental projects; such other portions shall be dealt with, to the extent deemed appropriate by the governor of Texas, in one or more separate executive orders.

§6. This executive order shall remain in full force and effect until modified, amended, or rescinded by me provided, however, that if the effective date of House Resolution 3838, as enacted into law, is January 1, 1987, or thereafter, or if House Resolution 3838 is withdrawn from or defeated by the United States Congress, or if the 99th Congress adjourns without having enacted House Resolution 3838, then this executive order shall automatically terminate and shall be of no further force or effect.

Given under my hand this 6th day of June, 1986.

TRD-8607099

Mark White
Governor of Texas

**Office of the Governor
Proclamation 41-2074**

WHEREAS, the Texas Government Code, §26.012, provides that if a county judge be disqualified to act in any probate matter she shall forthwith certify her disqualification therein to the governor, and the governor shall thereupon appoint some qualified person to act in her stead as special judge in said case; and

WHEREAS, pursuant to the Texas Government Code, §26.012, the Honorable Carla Field, county judge of Sutton County, has certified that she is disqualified to act in Probate Case Number 889, *In the Matter of the Estate of Iva Mitchell Hale*, in the county court of Sutton County, Texas, and has therefore requested that the governor appoint some qualified person to act as special judge in said case; and

WHEREAS, Judge Fields has recommended that the governor appoint the Honorable Randol L. Stout to act as special judge in said Probate Cause Number 889 in the county court of Sutton County; and

WHEREAS, I have satisfied myself that Judge Stout possesses all of the qualifications required by law to act as special judge in said Probate Cause Number 889 in the county court of Sutton County.

NOW, THEREFORE BY THE AUTHORITY VESTED IN ME AS GOVERNOR, I do hereby appoint the Honorable Stout to serve as special judge for so long as the regular county judge is disqualified to act in Probate Cause Number 889 in the county court of Sutton County.

WITNESS MY HAND AND SEAL OF THE STATE OF TEXAS, this the 30th day of May, 1986.

TRD-8607086

*Mark White
Governor of Texas*

Proclamation 41-2075

TO ALL TO WHOM THESE PRESENTS SHALL COME:

This proclamation supersedes and takes the place of proclamation by the governor 41-2059 dated December 18, 1985.

WHEREAS, the Texas Animal Health Commission adopted amendments to the Texas bovine brucellosis regulations during its meeting held May 2, 1986. The regulations were adopted in accordance with provisions of the Administrative Procedure Act. A copy of the amended regulations are attached hereto and marked Exhibit A.

NOW, THEREFORE, I, MARK WHITE, Governor of Texas, under the authority vested in me, do hereby proclaim that the Texas Animal Health Commission adopted amended Texas bovine brucellosis regulations on May 2, 1986, during a regularly called meeting of the commission.

The effective date of this proclamation is May 26, 1986.

IN WITNESS THEREOF, I have hereunto set my hand and caused the seal of the State of Texas to be affixed in Austin, Texas, this the 17th day of June, 1986.

TRD-8607095

*Mark White
Governor of Texas*

The following amendments were adopted May 2, 1986, and became effective May 26, 1986.

§35.4(b)—Class B area. The amendment to this section adds Dimmit County to the Class B area. This amendment was made following requests from producers in the county for inclusion in the B area. The inclusion of this county is well within established requirements.

§35.5(b)—Class C area. Since Dimmit County has been added to the Class B area, the county has been deleted from the Class C area.

§35.1. Definitions.

Adjacent herds—A herd located on a premise contiguous to a premise with affected cattle.

Affected herd—Any herd in which any cattle have been classified as a reactor or suspect and which has not completed the requirements of the individual herd plan.

Approved brucella vaccine—A product that is produced under license of the USDA and used in accordance with the current guidelines of USDA for its use in cattle to enhance their resistance to brucellosis.

Approved personnel—Texas Animal Health Commission inspectors and veterinarians; Federal animal health technicians and Veterinarians; accredited Texas veterinarians; and others who have been approved to do those assigned duties as described in these regulations for brucellosis control and eradication.

Auction—A public sale of cattle.

Auctioneer—A person who sells or makes a business of selling cattle at auction.

Brucellosis—(Bang's disease, contagious abortion). For purposes of this regulation, brucellosis is a contagious, infectious disease of cattle, sheep, goats, horses, and swine caused by bacteria of the genus *Brucella*.

Cattle—All dairy and beef animals (genus *Bos*) and bison (genus *Bison*).

Class free area—An area of two or more contiguous counties which has remained free from field strain *Brucella abortus* infection for 12 months or longer. A 12 months adjusted MCI reactor prevalence rate not to exceed one reactor per 2,000 cattle tested (0.050%) must be maintained.

Class A area—An area of two or more contiguous counties which has an accumulated 12 months herd infection rate due to field strain *Brucella abortus* that does not exceed 0.25% or 2.5 herds per 1,000 and must maintain a 12 months adjusted MCI reactor prevalence rate not to exceed one reactor per 1,000 cattle tested (0.100%).

Class B area—An area of two or more contiguous counties which has an accumulated 12 months herd infection rate due to field strain *Brucella abortus* that does not exceed 1.5% or 15 herds per 1,000. A 12 months adjusted MCI reactor prevalence rate not to exceed three reactors per 1,000 cattle tested (0.30%) must be maintained.

Class C area—An area of two or more contiguous counties which has an accumulated 12 months herd infection rate due to field strain *Brucella abortus* which exceeds 1.5% or 16 herds per 1,000 and has a 12 months adjusted MCI reactor prevalence rate exceeding three reactors per 1,000 cattle tested (0.30%).

Commission—The Texas Animal Health Commission.

Commission firm—A person, partnership, or corporation which buys and sells cattle as a third party and who reports to the seller and to the buyer details of the transactions. This includes any such person, or group whether or not a fee is charged for the service.

Commuter herd—A herd of a permanent nature routinely pastured in two or more states or areas on land owned or leased on a long term basis by the herd owner and which requires movement of cattle from one state or area to another as part of a normal grazing management program. In order to receive this designation, the entire herd located in all states or areas involved must have received a complete negative herd test of all cattle required to be tested (test-eligible cattle to be determined by states involved) within 30 days prior to the initial movement. Documentation of this negative test must accompany the application for commuter herd status in each state or area. Approval of this status shall be contingent on advice from the area director. In order to maintain this status, the herd must be kept separate from all other herds; retested negative every 10-14 months from first negative test using identification shown on first herd test; and test all herd additions within 30 days prior to entry into the herd, isolate and retest 45-120 days before becoming a part of the herd.

Dealer—

(A) Any person engaged in the business of buying or selling cattle in commerce either on his own account, or as the employee or agent of the vendor or purchaser, or both; or,

(B) Any person engaged in the business of buying or selling cattle in commerce on a commission basis.

(C) The term shall not include a person who buys or sells cattle as part of his own bona fide breeding, feeding, dairy, or stocker operations.

Executive director—The chief executive officer of the Texas Animal Health Commission appointed by the Commissioners and authorized to act for the commissioners in the absence of the chairman.

Exempt cattle—(From testing requirements)—Cattle that have been physically rendered sterile for breeding, and officially vaccinated female cattle of dairy breeds under 20 months of age and of beef breeds under 24 months of age except those officially vaccinated cattle of the ages stated which are parturient or postparturient.

Exposed cattle—Cattle that are part of an affected herd; or, cattle that have been in contact with reactors in marketing channels for periods of 24 hours; and periods of less than 24 hours if the reactor has recently aborted, calved, or has a vaginal or uterine discharge. These cattle shall be classified as exposed regardless of any blood test results.

Feedlot—A confined drylot area for finish feeding of cattle on concentrated feed with no facilities for pasturing or grazing. All cattle in a feedlot are considered a herd for purposes of these regulations.

Herd—A herd is all cattle that are in one premise, or more than one premise and that have had interchange or contact of cattle by usual management practices during a 12 month period.

High risk herd—A herd that is epidemiologically judged to have a high probability of developing brucellosis.

Individual herd plan—A herd disease management and testing plan to prevent, control, and eliminate brucellosis in a herd of cattle.

Market cattle identification—The process of individually identifying cattle on change of ownership by back tag or eartag issued by USDA showing their herd of origin.

Official eartag—A metal identification eartag conforming to the nine character alpha-numeric national uniform eartagging system, using a color (e.g. orange for vaccination) which provides unique identification for each individual animal.

Official vaccinate—

(A) Calfhood vaccinate: Female cattle of a dairy breed vaccinated between 120 and 365 days of age with an approved *Brucella* vaccine. Female cattle of a beef breed vaccinated between 120 and 365 days of age with an approved *Brucella* vaccine.

(B) Adult vaccinate: Female cattle that have been blood tested negative within 10 days prior to vaccination and vaccinated at an age over the ages given in subparagraph (A) of this paragraph with an approved dose of *Brucella* vaccine as part of a whole herd vaccination plan.

Parturient—Visibly prepared to give birth or within two weeks of giving birth.

Permit—A document adopted by the commission with specified conditions relative to movement and testing of cattle which is required to accompany the cattle entering, leaving, or moving within the State of Texas.

(A) E permit—A premovement authorization for entry of cattle into the state or between areas within the state by the Texas Animal Health Commission. The E permit shall state the conditions under which movement may be made, and restrictions and test requirements after arrival.

(B) S permit—A premovement authorization for exposed, suspect or nontested cattle in marketing channels having restricted destination.

(C) B permit (VS Form 1-27)—A premovement authorization for movement of reactor cattle in marketing channels moving to slaughter.

Postparturient—Having already given birth.

Premises—An area which can be defined by recognizable physical barriers creating its boundaries that prevent cattle from crossing said boundary under ordinary circumstances.

Quarantined feedlot—A feedlot under a plan of restricted movement, approved jointly by animal and plant health inspection service, veterinary services, and the commission in which all cattle except steers and spayed heifers are classified as exposed to brucellosis.

Quarantined pasture—A designated confined area for limited grazing under a plan of restricted movement approved jointly by animal and plant health inspection service, veterinary services, and the commission. All cattle except steers and spayed heifers shall be classified as exposed to brucellosis. All cattle permitted to a quarantined pasture must originate from a Texas farm or ranch and move directly to a quarantined pasture or through a Texas market to a quarantined pasture.

Reactor—Cattle classified as being infected with brucellosis as a result of serological testing or microbiological culturing of blood, tissue, secretion, or excretions from the animal.

Suspect—Cattle classified as suspicious of being infected with brucellosis as a result of serological testing of blood, secretions, or excretions from the animal.

Traceback of reactors—The epidemiological procedure in locating the premise or premises and the cattle that have been in contact with the reactor during a specified period of time.

Tested herd—Herd of cattle located in a noncertified area for which a state has records showing that the herd has been subjected to official testing for brucellosis in accordance with the procedures for herd tests within 12 months prior to movement and that the herd is not known to be affected with brucellosis.

§35.2. General Requirements.

(a) Testing of Blood.

(1) No test shall be made the basis for compliance with these regulations except a test made by approved personnel. All samples initially tested at other than state-federal laboratories shall be submitted (mailed) within 48 hours of collection and confirmed at the state-federal laboratory.

(2) No test shall be made the basis for compliance with these regulations except a test which has been confirmed by a state-federal laboratory; however, test-eligible cattle may be moved based upon the card test results.

(b) Classification of cattle. Cattle shall be classified by approved personnel by an evaluation of titer responses for all cattle to serological tests, or by identification of *Brucella abortus* in specimens taken from these cattle. The following serological tests may be used for the classification of cattle:

(1) Card test—The card test (buffered *Brucella* antigen) is a test antigen that may be used to classify cattle as suspects. Results of the card test may be used with other test results conducted in the state-federal laboratory to aid in the classification of cattle as reactors. The card test may be used as a test to classify cattle as reactors on written approval of the owner or his agent. The owner or his agent's signature on test charts prior to B branding will be accepted as approval. Card tests may be used to classify cattle negative on surveillance samples collected at slaughter, on routine samples collected on farms, at livestock markets, and on tests of suspicious and affected herds.

(2) Complement fixation test (CF)—The complement fixation test conducted by methods approved by National Veterinary Services Laboratories (NVSL) is a test that may be used to classify cattle as suspects and reactors based on the following standards:

(A) interpretation for all nonvaccinated test eligible cattle:

(i) 50% fixation (2 plus) in a dilution of 1:20 or higher—reactor;

(ii) 50% fixation (2 plus) in a dilution of 1:10, but less than 50% fixation (2 plus) in a dilution of 1:20—suspect;

(iii) Less than 50% fixation (2 plus) in a dilution of 1:10—negative.

(B) interpretation for all test eligible vaccinated cattle including adult vaccinated animals beginning two months postvaccination:

(i) 25% fixation (1 plus) in a dilution of 1:40 or higher—reactor;

(ii) 50% fixation (2 plus) in a dilution of 1:10 but less than 25% fixation (1 plus) in a dilution of 1:40—suspect;

(iii) less than 50% fixation (2 plus) in a dilution of 1:10—negative.

(3) Rivanol test—The rivanol test, conducted by methods approved by National Veterinary Services Laboratories (NVSL), is a test that may be used to classify cattle as reactors. Complete agglutination at dilutions of 1:25 or more may be classified as a reactor to the rivanol test. Less than complete agglutination at 1:25 may be classified as negative to the rivanol test.

(4) Brucellosis ring test (BRT)—The brucellosis ring test (BRT), conducted by methods approved by the National Veterinary Services Laboratory, is a test that may be used to classify herds or cattle as suspected of being infected with brucellosis.

(5) Buffered acidified plate antigen test—Buffered acidified plate antigen tests may be used to classify cattle as negative on MCI samples collected at slaughter and at livestock markets. This test may also be used in state-federal laboratories for routine samples collected on farms.

(6) Rapid screening test (RST)—The RST may be used as a test for classifying cattle as negative in state-federal laboratories.

(7) New tests under research—Laboratory tests approved by the executive director are authorized to be used in conjunction with tests listed in this subsection for evaluation of their future usefulness in the program.

(c) Reclassification of reactors. Cattle initially classified reactors may be reclassified provided a complete epidemiological investigation of the herd is conducted and there is no evidence of field strain *Brucella abortus* infection or exposure thereto.

(d) Requirements for a herd test. A herd test shall include all nonexempt cattle in the herd six months of age or older.

(e) Requirements of a market test or S brand. All nonexempt cattle 18 months of age and older (age determined by the loss of the central pair of temporary incisors) in each consignment to the market shall be tested unless all such cattle are S branded. Such tested animals shall be identified by eartag and/or backtag except that cattle going back to

the country shall be identified by an official metal ear tag, or other permanent identification. All cattle from the same herd shall be considered as one consignment.

(f) Requirements of a slaughter test. All cattle 18 months of age or older (age determined by the loss of the central pair of temporary incisors) except cattle from quarantined feedlots, finished fed heifers up to 24 months of age, cattle from certified free herds, cattle tested within 30 days, and steers and spayed heifers destined for slaughter to be slaughtered in Texas plants operating under provisions of the state or federal meat inspection act, shall be tested prior to slaughter by approved personnel by collecting their blood and submitting the samples to a state-federal laboratory. The identification of the cattle shall be maintained so as to allow tracing of reactors or suspects to their herd of origin, including but not limited to, packer's lot number, seller's name and address, and number of animals. Slaughter plants will be exempt from the requirement of testing cattle prior to slaughter if they choose to sign an agreement with the Texas Animal Health Commission agreeing to the following provisions:

- (1) identify all test eligible cattle to the person or firm from whom they were secured (complete name and address);
- (2) arrange for blood collection from carcasses of all cows and bulls 18 months of age or older (except feedlot—fed heifers up to 24 months of age);
- (3) see that all man-made identification, such as backtags, ear tags, and bangle tags are put with blood samples and promptly submitted to the appropriate state-federal laboratory for brucellosis tests;
- (4) submit daily kill sheets and the USDA brucellosis test record, market cattle testing program form (VS 4-54) to the laboratory with identification of each animal to the person or firm from which the cattle were secured (full name and address).

(g) Retest of reactors. Reactors in markets or initial tests on farms and ranches will be retested at the owner or his agent's request; provided this request is within five days of his notification of the original blood test results and prior to identification of the reactors by B brand and ear tag. Retest of reactors will be accomplished within 5 days of approval for retest in dairies and 10 days of approval for retest in beef herds. Reactor animals will be isolated from other cattle while awaiting retest. Animals classified as reactors on the retest will be branded within 48 hours of classification. Retesting of reactors on subsequent tests of the herd will be as provided for in the herd plan.

(h) Identification of brucellosis-affected cattle.

(1) Reactor cattle—All reactor cattle shall be permanently identified within 15 days of classification by hot iron branding with the letter B (at least two inches by two inches), placed on the left jaw. An approved reactor tag shall be placed in the left ear. Identification shall be prior to movement.

(2) Exposed cattle—All exposed cattle moving to a quarantined feedlot, quarantined pasture, or to slaughter shall be identified by branding with a hot iron the letter S (at least two inches by two inches) placed on the left jaw, or high on the tailhead so as to be visible from ground level. Identification shall be prior to movement, except exposed cattle on the premise of origin may be S permitted to a livestock market where they shall be identified by S brand upon arrival. Exposed cattle returned from the livestock market to the herd of origin are exempt from such identification.

(3) Suspects—Cattle classified as suspects in markets will be identified as exposed cattle.

(i) Movement of cattle classified as reactors, exposed, or suspects. There shall be no diversion from the permitted destination. When moved, the cattle must be maintained separate and apart from all other classes of livestock in designated pens reserved for this purpose at livestock markets or trucking facilities. These pens must be thoroughly cleaned and disinfected before reuse.

(1) Reactors—Reactors shall remain on the premises where disclosed until a B permit for movement to immediate slaughter has been obtained. Movement for immediate slaughter must be to a slaughtering establishment where federal or state meat inspection is maintained or to a livestock market for sale to such slaughtering establishment.

(2) Exposed cattle—All exposed cattle moving from a premise of origin or from a livestock market to a quarantined pasture, quarantined feedlot, or to immediate slaughter shall remain on the premise where disclosed until an S permit for movement to a quarantined premise has been prepared. Movement for immediate slaughter must be to a slaughtering establishment where federal or state meat inspection is maintained or to a livestock market for sale to such slaughtering facility.

(3) Suspects—Suspects will be moved the same as exposed cattle, except a vaccinated suspect(s) at a livestock market in a consignment of otherwise negative cattle (where the suspect is card positive on the presumptive test and negative to the CF or rivanol test(s)) may move as follows. In a single consignment of cattle, which are from a producer's herd of origin, the owner shall either return the vaccinated suspect(s) under quarantine to the herd of origin until the suspect(s) is negative to the card test, declared a stabilized suspect by an epidemiologist after subsequent test(s) conducted in not less than 30 days, or classified as a reactor on a subsequent test; or sell the suspect(s) to a quarantined feedlot, quarantined pasture, or to slaughter, identified with an S brand. Card-negative cattle in this consignment may return to the herd of origin or move to another premise within the state or move interstate. Consignments containing a card-positive, but CF- or rivanol-negative, nonvaccinated suspect(s) shall be identified and moved as exposed cattle or returned to the premises of origin under quarantine.

(j) Immediate slaughter of reactors. Reactor cattle shall be sold for immediate slaughter and removed from the premise under B permit within 15 days from the date of identification for beef cattle and within seven days from the date of identification for dairy cattle. Movement for immediate slaughter shall be to a slaughtering establishment where federal or state inspection is maintained or to a livestock market for sale to such a slaughtering establishment.

(k) Requirements following classification of cattle as reactors or suspects.

(1) A plan for prevention or elimination of brucellosis for each affected, adjacent, or high risk herd classified as such due to the reactor or suspect shall be developed by the herd owner (and his veterinarian, if so requested by the owner), and an epidemiologist of the brucellosis control program. In the event agreement cannot be reached, the plan of the epidemiologist shall be final. The plan shall be formalized in writing, with the provision that the plan may be re-evaluated and changed when a change in circumstances is evident to the epidemiologist. All parties to the agreement must adhere to the plan throughout the period of the plan. The plan may consist of testing, vaccinating, and limited movement including, but not limited to, the minimum requirements of these regulations.

(2) Any person who desires a meeting for the purpose of protesting the entering into of a herd plan for the prevention or elimination of brucellosis for each of his affected, adjacent, or high risk herds which have been classified as such due to a reactor or suspect, may file with an authorized representative of the commission a request to meet with the executive director to discuss his objections to the plan within 15 days of his receipt of the herd plan. Upon receipt of the request, the executive director will set a meeting for the purpose of discussing the herd plan and attempt to resolve the objection. If the problem is not resolved after the meeting, any person may file, within 10 days from date of the meeting, a sworn application for hearing; such application to be forwarded to the chairman of the commission and upon receipt of the application the chairman will set a date for a hearing, and give notice to the applicant and other parties who join the action. The applicant may appear at the hearing either in person or by attorney, or both, and may submit such ex parte affidavits as he desires. The hearing shall be conducted and governed by the terms and provisions of the Administrative Procedures and Texas Register Act, Texas Civil Statutes, Article 6252-13A. The commission shall also consider controverting affidavits and statements. The Commission shall render its decision in writing and transmit the same to the applicant or transmit the same to him by registered mail to the address shown in said application.

(3) All cattle in the infected herd, except steers and spayed heifers over six months of age, shall be confined to the premise until the herd plan is completed or the herd is sold for slaughter except calves under six months of age that are nursed by brucellosis exposed cows may move from the premise within 10 days after a negative brucellosis test on the dam; or calves under six months of age that are nursed by reactor or exposed cows may move from the premise provided they have been weaned for not less than 30 days prior to movement; however, officially vaccinated calves under 12 months of age and steers of any age in a herd known to be affected, but which is following an approved individual herd plan, may move from any area into any area until January 1, 1984.

(A) The individual herd plan for these herds shall include the provision for negative herd tests with the first negative herd test occurring not less than 30 days after the removal and slaughter of all previous reactors and the second test not less than 120 days following removal of the last reactor.

(B) All female cattle between 120 and 365 days of age that are part of the herd shall be officially calfhood vaccinated.

(C) Also, it is provided that the provision for official vaccinates positive on the card test or having a titer between +2 at 1:10 or +4 at 1:20 on the CF test in AV herds on an otherwise negative second test shall be classified as suspects and be held as an individual herd until they are card negative and less than +2 at 1:10 on the CF test.

(D) Movement of cattle from the herd following the second negative test will be permitted, except that following movement, adult vaccinated cattle shall be subject to a retest at destination between 120 and 180 days after arrival.

(E) Dairy herds shall be negative to the last milk ring test prior to completion of a herd plan. Individual adult vaccinated dairy cattle require less than a 1:16 titer on individual samples of all quarters for movement other than to slaughter.

(F) For all affected beef and dairy herds an additional herd test not less than 10 months nor more than 16 months from removal of the last reactor will be included in the test provision.

(l) Requirements following adult vaccination of cattle in non-infected herds. Place a hold order only on these cattle in the herd which have been adult vaccinated. All eligible calves shall also be calfhood vaccinated and identified. Such herds shall receive a test following the initial whole herd vaccination. Card test negative animals from herds may move provided they meet other requirements set out in these regulations. The herd will be eligible for release from hold order with a negative test 120 days or more following vaccination. Official vaccinates positive on the card test or having a titer between +2 at 1:10 and +4 at 1:20 on the CF test in AV herds on the otherwise negative second test shall be classified as suspect and be held as an individual herd until they are card negative and less than +2 at 1:10 on the CF test. Dairy herds shall be negative to the last milk ring test prior to completion of a herd plan. Individual adult vaccinated dairy cattle require less than a 1:16 titer on individual samples of all quarters for movement other than to slaughter.

(m) Official vaccination requirements.

(1) All official vaccinations will be conducted by approved personnel only.

(2) Calfhood vaccinated animals shall be permanently identified as vaccinates by tattoo and by official vaccination eartag. Vaccination tattoos will be applied to the right ear. The tattoo will include the United States registered shield and V, which will be preceded by a number indicating the quarter of the year and will be followed by a number corresponding to the last digit of the year in which the vaccination was done. Official vaccination eartags will be applied to the right ear. The eartag will include the state prefix and a V, followed by two letters and four numbers. Individual animal registration tattoos or brands may be substituted for official eartags.

(3) Adult vaccinated cattle shall be permanently identified as vaccinates by tattoo or by hot V brand and by official eartag. Tattoos will be applied to the right ear. The tattoo will include the letters AV, which will be preceded by a number indicating the quarter of the year and will be followed by a number corresponding to the last digit of the year in which the vaccination was done. Hot V brands will be applied to the right jaw, open end of the V up. An official eartag will be placed in the right ear.

(n) Community notification of infected herds.

(1) The status of infected herds and the application of quarantined feedlots and quarantined pastures are to be made known to herd owners in the immediate community. Notification of such herd owners may be achieved by means of an educational letter delivered through personal contact or by mail. When the herd has completed its individual herd plan, or the quarantined premise approval is terminated, the herd owners shall also be notified within 30 days by means of an educational letter delivered by personal contact or by mail.

(2) Notification to Texas Department of Health—The Texas Department of Health will be notified within 15 days of the classification of an infected herd.

(o) Requirements for a quarantined feedlot. All cattle except steers and spayed heifers in a quarantined feedlot shall be classified as exposed to brucellosis. The quarantined feedlot shall be maintained for finish feeding of cattle in drylot with no provisions for pasturing or grazing. All cattle except steers and spayed heifers and cattle under 18 months of age must be permanently identified with a hot iron S brand either on the left jaw or high on the tailhead upon entering such feedlots. All cattle except steers and spayed heifers leaving such feedlot must go directly to slaughter; or may be

moved directly to another quarantined feedlot with an S permit; or may be S branded at the feedlot and moved to a market to be sold for movement with an S permit issued at the market directly to another quarantined feedlot or directly to slaughter.

(p) Requirements for a quarantined pasture. Quarantined pastures may receive only intrastate cattle and may not involve interstate movements except to slaughter or quarantined feedlots. The quarantined pasture shall be for the purpose of utilizing available forage to grow or to improve flesh condition of cattle. Sex shall be the same (e.g. all cows or all bulls) except that steers and spayed heifers may share the quarantined pasture. All animals except steers and spayed heifers must be permanently identified with a hot iron S brand either on the left jaw or high on the tailhead upon entering the quarantined pasture. All cattle except steers and spayed heifers leaving such quarantined pasture must go directly to slaughter; or may be moved directly to a quarantined feedlot; or may move to a market to be sold for movement directly to slaughter or a quarantined feedlot. Issuance of an S brand permit is required prior to movement from a quarantined pasture. Approval of a quarantined pasture shall not exceed 10 months. All exposed cattle must vacate the premise on or before the expiration of approval.

(q) Market cattle identification. All cattle 18 months of age or over except steers and spayed heifers which are being moved from markets to slaughtering establishments shall be identified by a USDA-approved backtag placed just below the midline and just behind the shoulder of the animal. The check-in document will identify each backtagged animal to the consignor.

(r) Entering premises. Representatives engaged in the brucellosis control program are authorized to enter into any property for the exercise of any authority or the performance of any duties authorized in this regulation and shall practice such sanitary procedures so as to minimize the risk of physically transmitting the disease to other premises. Owners and caretakers owning or having charge of cattle shall gather their cattle and furnish necessary labor in drawing blood or milk samples, vaccinating, and identifying animals.

(s) Requirements for cleaning and disinfecting.

(1) Dairy—When reactors are disclosed in cattle which use the same facilities daily, those facilities will be cleaned and disinfected under the supervision of approved personnel upon removal of infected animals.

(2) Beef—As determined by approved personnel under individual herd plan following removal of reactor animals.

(t) Requirements on dealer record keeping. Any dealer, auctioneer, or commission firm must maintain records of test age cattle. Such records shall show the seller's name and address; county of origin; number of animals; description of each animal, including sex, age, color, breed, weight, brands; and some form of individual identification numbers. Records at auctions and commission firms shall show the delivery vehicle license number.

(u) Brucellosis committees. There shall be a committee of cattle owners in each of the 15 TAHC-designated areas of the state. The committees shall be composed of not more than 12 cattle owners appointed by the commission from a list proposed by cattle owners in each area. The area committees shall be informed regularly of the general plans for surveillance, vaccination, and testing of cattle and the progress or lack of progress of the program within each area. Members of the committees shall serve six-year staggered terms of two-year intervals to be determined by lot from the first 12 appointed.

(v) Extenuating circumstances. In case of unusual circumstances or individual hardship, the executive director may vary or waive any provision of these rules provided such waiver is not in conflict with sound epidemiologic principles. Individual hardship will commonly mean unforeseen circumstances affecting the owner or his operation beyond his control.

§35.3 Requirements for Certified Brucellosis Free-Herd of Cattle.

(a) Complete and sign herd plan agreement with the Texas Animal Health Commission.

(b) Testing will be on a herd basis including all offspring that are of an age to be tested. Certified free herd status is for a 12-month period.

(c) Cattle required to be tested—

(1) Officially vaccinated females are subject to test requirements if they are parturient or postparturient or exceed the following ages (as evidenced by the presence of the first pair of permanent incisor teeth):

(A) dairy—20 months of age;

(B) beef—24 months of age;

(2) Nonvaccinated animals, except steers and spayed heifers, are subject to test requirements at six months of age.

(d) Qualifying methods—A herd may qualify by one or more of the following methods.

(1) Initial certification.

(A) Milk ring test (BRT)—A minimum of four consecutive negative milk ring tests conducted at not less than 90 day intervals, followed by a negative herd blood test conducted within 90 days after the last negative milk ring test.

(B) Complete herd blood test—Two consecutive negative blood tests of all cattle required to be tested not less than 10 months, nor more than 14 months apart.

(2) Recertification—A negative herd blood test of all cattle required to be tested, conducted within 60 days of each anniversary date, is required for continuous certification. If the certification test is conducted within 60 days following the anniversary date, the certification period will be 12 months from the anniversary and not 12 months from the date of the recertifying test. If a herd blood test for recertification is not conducted within 60 days following the anniversary date, then certification requirements are the same as for initial certification.

(3) Purchase of a certified free herd—

(A) A negative herd blood test is not required when the cattle remain on the premises. A new certificate will be issued in the owner's name. The anniversary date and the herd number will remain the same.

(B) All or part of a certified free herd purchased and moved directly to premises without other cattle may qualify without a test. A new certification number will be issued. The anniversary date of the new herd is established by the test date of the herd of origin or by a new herd test of the purchased cattle.

(e) Qualifying standards—

(1) Herd infection rates—The individual herd must disclose no evidence of infection at the time of initial certification or recertification. (A negative blood test and a complete epidemiological investigation may be used to resolve a suspicious BRT in qualifying a dairy herd.)

(2) Animal infection rates—The individual animals must disclose no evidence of infection at the time of initial herd certification or recertification.

(3) Suspects—When suspects are disclosed, an individual herd plan shall be developed for the future testing of the suspect(s) and the handling of the herd.

(4) Herd status, if reactors are classified—When one or more reactors are disclosed in a certified herd or in a herd under test for initial certification, it shall be considered affected and the quarantine and retest provisions shall apply. If a retest of a certified herd, or of animals from such a herd reveals only one reactor, the certification status will be suspended until all provisions for release of quarantine have been met. If more than one reactor is disclosed, the herd certification is terminated until all provisions for release of quarantine have been met, and when additional provisions for initial certified brucellosis-free herd status required under subsection (d)(1) of this section, initial certification, have been met. Herd retests for quarantine release, and to fulfill the provisions required under subsection (d)(1) of this section, initial certification, may be conducted concurrently.

(5) Movement of cattle into a certified brucellosis-free herd—

(A) From certified brucellosis-free herds or class-free states or areas—No test requirements on breeding or dairy cattle originating from certified brucellosis-free herds or class-free states or areas. Cattle added to a certified brucellosis-free herd under this provision shall not receive new herd status for sale purposes until they have passed a 60-120 day postentry retest.

(B) From Class A, B, or C states or areas—Cattle required to be tested from herds not under quarantine must meet all interstate and intrastate movement requirements and must be retested negative between 60 and 120 days after being moved. Cattle added to a certified brucellosis-free herd under this provision shall not receive new herd status for sale purposes until they have passed a 60-120 day postentry retest and have been included in an anniversary herd test.

(f) Proof of qualifying as a certified brucellosis herd—

(1) Initially, a certificate will be issued.

(2) Recertification will be done by renewal certificate showing only the certified free herd number, number of animals, and owner.

§35.4. Class B Area.

(a) General provisions—The purpose of a Class B area is to use all feasible methods of finding and eliminating brucellosis in an area so that the area will become an area of higher classification at a later date. The commission on its own motion or in response to a petition to the commission may add counties to this area. A county to be considered for inclusion into the Class B Area shall be contiguous to a county that is part of the B Area. If a county transfer is to occur at other than the submission of the annual application for reclassification, the herd infection rate for the county shall not exceed an accumulated 12 months herd infection rate due to field strain *Brucella abortus* of 1.5% or 15 herds per 1,000 and a 12 months adjusted MCI reactor prevalence rate not to exceed three reactors per 1,000 cattle tested (0.30%) must be maintained at the time of filing the petition. The commission may consider the transfer of a contiguous county at the time of the submission of the annual application for reclassification if the county does not meet the preceding requirements at the time of petition. Once the commission has approved a transfer, the county will be included in the next submission of the application for brucellosis classification or reclassification to USDA, animal and plant health inspection service, veterinary services. Upon approval of this application, the county will become a part of the B area. Petitions are available from the central office. The provisions in §35.1 of this title (relating to Definitions); §35.2 of this title (relating to General Requirements); and §35.3 of this title (relating to Requirements for Certified Brucellosis-Free Herd of Cattle); shall apply in addition to the following requirements.

(b) Class B area—Area to include the following counties: Andrews, Archer, Armstrong, Bailey, Bandera, Baylor, Bell, Blanco, Borden, Bosque, Brewster, Briscoe, Brown, Burnet, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culbertson, Dallam, Dawson, Deaf Smith, Denton, Dickens, Dimmit, Donley, Eastland, Ector, Edwards, El Paso, Erath, Fisher, Floyd, Foard, Frio, Gaines, Garza, Gillespie, Glasscock, Gray, Grayson, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jeff Davis, Johnson, Jones, Kendall, Kent, Kerr, Kimble, Kinney, King, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Maverick, Medina, Menard, Midland, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Sterling, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Wichita, Wilbarger, Williamson, Winkler, Wise, Yoakum, Young, and Zavala.

(c) Requirements for cattle entering the Class B area.

(1) Vaccination—All female cattle born after January 1, 1983, and four months of age and older entering shall be officially vaccinated prior to entry. Exceptions to these vaccination requirements:

(A) female cattle entering for purposes of shows, fairs, and exhibitions;

(B) female cattle moving within commuter herds;

(C) spayed heifers;

(D) female cattle which are individually identified with an S brand, a backtag, or other recognized identification either prior to entry or at a livestock market and consigned to slaughter or quarantined feedlot accompanied with an S permit;

(E) female cattle, originating in Texas permitted to an approved veterinarian for vaccination within 10 days of permit date;

(F) female cattle under 12 months of age consigned to a livestock market and vaccinated on arrival at the market at no expense to the State of Texas.

(2) Testing—All bulls and nonvaccinated female cattle over 18 months of age (age determined by the loss of the central pair of temporary incisors), and all vaccinated female cattle of dairy breeds over 20 months of age, and all vaccinated female cattle of beef breeds over 24 months of age, and all parturient or postparturient vaccinated female cattle, entering the area shall be moved directly from:

(A) a Class-Free State or Area; or,
(B) a Certified free herd; or,
(C) a commuter herd as defined in these rules; or,
(D) shall be S branded and moved directly to a quarantined feedlot or to slaughter, accompanied with an S permit, or moved directly to a livestock market to be S branded and moved directly to a quarantined feedlot or to slaughter accompanied with an S permit; or,

(E) shall be spayed if female; or,

(F) shall be tested negative one or more times as described in this subparagraph:

(i) cattle from a Class A state or area shall:

(I) be tested negative within 30 days prior to entry and accompanied with an E permit; or,

(II) be moved directly to a livestock market for a negative test prior to sale;

(ii) cattle from a Class B state or area shall:

(I) be tested negative within 30 days prior to entry, accompanied with an E permit, and held under quarantine for a negative retest 45-120 days at a farm, ranch, or feedlot; or,

(II) be moved directly to a livestock market for a negative test and held under quarantine for a negative retest 45-120 days after sale to a farm, ranch, or feedlot;

(iii) cattle from a Class C state or area shall:

(I) be official vaccinates and tested negative within 30 days prior to entry and be accompanied with an E permit, or be consigned directly to a market for testing. Cattle will be held under quarantine after movement or sale for a negative retest 45-120 days at a farm, ranch, or feedlot;

(II) be nonvaccinated and:

(-a-) be from a nonquarantined herd in which all test-eligible cattle have been together for at least 120 days and have been subjected to a negative test as a herd within the last 365 days. Nonvaccinated females may move from the herd for up to 30 days following the herd test without further testing prior to movement. After 30 days, one additional negative test is required within 30 days prior to movement from the herd. Animals moving under this provision shall be accompanied by a written statement signed by the owner and accredited veterinarian or by other documentation which will establish that such animals originated from a herd which has been intact for at least 120 days prior to movement;

(-b-) be from a nonquarantined herd and accompanied by proof of two negative tests at least 60 days apart. The second test must be conducted within 30 days prior to movement and may be conducted at a livestock market. The first test is valid for 12 months;

(III) the cattle must be accompanied with an E permit or be consigned to a livestock market. The second test, if required, can be conducted after arrival at the livestock market. Cattle will be held under quarantine after movement or sale for a negative retest 45-120 days at a farm, ranch, or feedlot.

(d) Change of ownership within the Class B Area—

(1) Vaccination—It is recommended that all female cattle born after January 1, 1983, four months of age and older, and purchased or sold for use in grazing, breeding, dairying operations, or confinement in a dry lot not under quarantine be officially vaccinated.

(2) Testing—All nonexempt cattle over 18 months of age (age determined by the loss of the central pair of temporary incisors) changing ownership within the Class B area shall:

(A) originate from a certified free herd; or,

(B) be tested negative within 30 days prior to sale; or,

(C) consigned to a livestock market and tested negative prior to sale; or,

(D) consigned to a slaughter establishment for testing or blood collection.

§35.5. Class C Area.

(a) General provisions—The purpose of a Class C Area is to use all feasible methods of finding and eliminating brucellosis in an area so that this area or parts of this area may qualify for inclusion in an area of higher classification at a later date. The 12 months herd infection rate due to field strain *Brucella abortus* exceeds 1.5% or 16 herds per 1,000 and has a 12 months' adjusted MCI reactor prevalence rate exceeding three reactors per 1,000 cattle tested (0.30%). The provisions in §35.1 of this title (relating to Definitions), §35.2 of this title (relating to General Requirements), and §35.3 of this title (relating to Requirements for Certified Brucellosis-Free Herd of Cattle), shall apply in addition to the following requirements.

(b) Class C Area—Area to include the following counties: Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Bowie, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Dallas, Delta, DeWitt, Duval, Ellis, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Galveston, Goliad, Gonzales, Gregg, Grimes, Guadalupe, Hardin, Harris, Harrison, Henderson, Hidalgo, Hill, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kaufman, Kenedy, Kleberg, Lamar, LaSalle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, McLennan, McMullen, Madison, Marion, Matagorda, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Poik, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Starr, Titus, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Wood, and Zapata.

(c) Requirements for cattle entering the Class C Area—

(1) Vaccination—All female cattle born after January 1, 1983, and four months of age and older entering shall be officially vaccinated prior to entry. Exceptions to these vaccination requirements:

- (A) female cattle entering for purposes of shows, fairs, and exhibition;
- (B) female cattle moving within commuter herds;
- (C) spayed heifers;
- (D) female cattle which are individually identified with an S brand, eartag, or other recognized identification either prior to entry or at a livestock market and consigned to slaughter or quarantined feedlot accompanied with an S permit;
- (E) female cattle, originating in Texas permitted to an approved veterinarian for vaccination within 10 days of permit date;
- (F) female cattle under 12 months of age consigned to a livestock market and vaccinated on arrival at the market at no expense to the State of Texas.

(2) Testing—All bulls and nonvaccinated female cattle over 18 months of age (age determined by the loss of the central pair of temporary incisors), and all vaccinated female cattle of dairy breeds over 20 months of age, and all vaccinated female cattle of beef breeds over 24 months of age, and all parturient or postparturient vaccinated female cattle, entering the area shall be moved directly from:

- (A) a class-free state or area; or,
- (B) a certified free herd; or,
- (C) a commuter herd as defined in these rules; or,
- (D) shall be S branded and moved directly to a quarantined feedlot or to slaughter, accompanied with an S permit, or moved directly to a livestock market to be S branded and moved directly to a quarantined feedlot or to slaughter accompanied with an S permit; or,
- (E) shall be spayed if female; or,
- (F) shall be tested negative one or more times as described in this subparagraph.

(i) Cattle from a Class A state or area shall:

- (I) be tested negative within 30 days prior to entry and accompanied with an E permit; or,
- (II) be moved directly to a livestock market for negative test prior to sale.

(ii) Cattle from a Class B state or area shall:

(I) be tested negative within 30 days prior to entry, accompanied with an E permit and held under ment and may be conducted at aquarantine for a negative retest 45 ment and may be conducted at a- 120 days at a farm, ranch, or feedlot; or,

(II) be moved directly to a livestock market for a negative test and held under quarantine for a negative retest 45-120 days after sale to a farm, ranch, or feedlot.

(iii) Cattle from a Class C state or area shall:

(I) be official vaccinates and tested negative within 30 days prior to entry and be accompanied with an E permit or be consigned directly to a market for testing. Cattle will be held under quarantine after movement or sale for a negative retest 45-120 days at a farm, ranch, or feedlot;

(II) be nonvaccinated and:

(-a-) be from a nonquarantined herd in which all test eligible cattle have been together for at least 120 days and have been subjected to a negative test as a herd within the last 365 days. Nonvaccinated females may move from the herd for up to 30 days following the herd test without further testing prior to movement. After 30 days, one additional negative test is required within 30 days prior to movement from the herd. Animals moving under this provision shall be accompanied by a written statement signed by the owner and accredited veterinarian or by other documentation which will establish that such animals originated from a herd which has been intact for at least 120 days prior to movement;

(-b-) be from a nonquarantined herd and accompanied by proof of two negative tests at least 60 days apart. The second test must be conducted within 30 days prior to movement and may be conducted at a livestock market. The first test is valid for 12 months;

(III) the cattle must be accompanied with an E permit or be consigned to a livestock market. The second test, if required, can be conducted after arrival at the livestock market. Cattle will be held under quarantine after movement or sale for a negative retest 45-120 days at a farm, ranch, or feedlot.

(d) Change of ownership within the Class C area—

(1) Vaccination.

(A) All female cattle born after January 1, 1984, and between four and 12 months of age, which are acquired and used in grazing, breeding, dairying operations, or confinement in a dry lot not under quarantine must be officially vaccinated.

(B) Females born after January 1, 1984, which have not been officially vaccinated and are over 12 months of age may change ownership only after being spayed; or,

- (i) consigned direct to a slaughter establishment; or,
- (ii) consigned direct to a quarantined feedlot or quarantined pasture; or,
- (iii) consigned to a livestock market to be spayed or S branded prior to sale and if S branded sold to slaughter or quarantined feedlot accompanied by an S permit.

(2) Testing. In addition to complying with the vaccination requirements in paragraph (1) above, all nonexempt cattle over 18 months of age (age determined by the loss of the central pair of temporary incisors) which are changing ownership within the Class C Area shall originate directly from:

- (A) a certified free herd; or,
- (B) shall be tested negative within 30 days prior to sale; or,
- (C) consigned to a livestock market and tested negative unless S branded prior to sale; or,
- (D) consigned to a slaughter establishment for testing or blood collection; or,
- (E) consigned to a quarantined feedlot or quarantined pasture.

§35.6. Indemnity Rates. Purpose. The purpose of this rule is to establish a statewide maximum brucellosis indemnity rate which will be paid for brucellosis reactors. (Reactor cattle shall be immediately slaughtered and removed from the premises within 15 days of the date of identification. For further information concerning slaughter of reactors, refer

to §35.2(j) of this title (relating to General Requirements of the Texas Bovine Brucellosis Regulations). Indemnity is paid by the United States Department of Agriculture, animal and plant health inspection service, veterinary services, when funds are available.

Issued in Austin, Texas, on July 17, 1986.

TRD-8607095

Mark White
Governor of Texas

Proclamation 41-2076

WHEREAS, a vacancy now exists in the Texas House of Representatives in the membership of District 79, which consists of part of Taylor County; and

WHEREAS, the Texas Election Code, §203.002 and §203.004, requires that a special election be ordered upon such vacancy, and, absent a finding of an emergency, that said special election shall be held on the first uniform election date occurring on or after the 36th day after the date the election is ordered; and

WHEREAS, August 9, 1986, is the next such uniform date within the prescribed period; and

WHEREAS, the Texas Election Code, §3.003, requires notice, by proclamation of the governor, not later than the 36th day before such election;

NOW, THEREFORE, I, Mark White, Governor of Texas, under the authority vested in me by the constitution and statutes of the State of Texas, do hereby order a special election to be held in District 79 on Saturday, the 9th day of August, 1986, for the purpose of electing a state representative for District 79 to serve out the unexpired term of the Honorable Gary Thompson.

Candidates who wish to have their names placed on the special election ballot must file their applications with the secretary of state no later than 5 p.m. on Wednesday, the 9th day of July, 1986.

A copy of this order will be mailed immediately to the county judge of Taylor County, and all appropriate writs will be issued and all proper proceedings will be followed to the end that said election may be held to fill the vacancy in District 79 and its result proclaimed in accordance with law.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at Austin, Texas this the 18th day of June, 1986.

TRD-8607097

Mark White
Governor of Texas

Attorney General

Description of attorney general submissions. Under provisions set out in the Texas Constitution, Texas Civil Statutes (Article 4399), and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

Opinions

JM-514 (RQ-793). Request from Mark W. Stiles, chairman, State Affairs Committee, Texas House of Representatives, Austin, concerning whether a city may require a school district to apply for a special building use permit to convert a school facility to an administrative facility.

Summary of Opinion. The Beaumont Independent School District must comply with reasonable city of Beaumont's zoning ordinances in order to convert a classroom facility to an administrative facility. The city may not, however, use its zoning powers unreasonably to prohibit the conversion.

TRD-8607087

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JM-515 (RQ-470). Request from George Pierce, chairman, Committee on Urban Affairs, Texas House of Representatives, Austin, concerning whether a city may hire non-civil service personnel in positions which are supervised by the fire chief.

Summary of Opinion. The Firemen's and Policemen's Civil Service Act, Texas Civil Statutes, Article 1269m, does not require a city to create civil service positions for all the activities of a fire department that are enumerated in that Act, §2.

TRD-8607088

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JM-516 (RQ-844). Request from Carlos Valdez, Nueces County attorney, Corpus Christi, concerning the validity of a contract between Nueces County and an economic development corporation.

Summary of Opinion. A county has authority to promote the development of business and industry in the county under Texas Civil Statutes, Article 1581g-2, and Article 2352d. A county may contract with a private corporation such as a chamber of commerce for the provision of business and industrial development services if the county receives adequate consideration and if the contract provides adequate assurance that the public purpose will be accomplished.

TRD-8607089

★ ★ ★

JM-517 (RQ-689). Request from Mike Driscoll, Harris County attorney, Houston, concerning whether a justice of the peace may be relieved of liability for cash shortages in his account.

Summary of Opinion. The commissioners court and county auditor may not relieve a justice of the peace of liability for shortages of public money received by the justice. The statute of limitations does not bar a county's claim against a justice of the peace for such funds.

TRD-8607090

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JM-518 (RQ-740). Request from Brad Wright, chairman, Committee on Public Health, Texas House of Representatives, Austin, concerning the authority of a hospital owned by a political subdivision to offer discounts to specific groups such as senior citizens, insurance companies, etc.

Summary of Opinion. Whether a particular public hospital may offer discounts on its services to particular groups must be determined by examining the statute under

which the hospital was established and any other provisions of law relevant to its payment policies.

TRD-8607091

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JM-519 (RQ-778). Request from Lloyd Criss, chairman, Labor and Employment Relations Committee, Texas House of Representatives, Austin, concerning whether an individual may serve as both constable and member of a school board.

Summary of Opinion. One person is not prohibited from concurrently holding the offices of constable and school trustee by the Texas Constitution, Article II, §1, and Article XVI, §40, or the common law doctrine of incompatibility.

TRD-8607092

★ ★ ★

JM-520 (RQ-783). Request from Ron Jackson, executive director, Texas Youth Commission, Austin, concerning whether the 69th Legislature, 1985, Chapter 596, at 4559, impliedly repealed the Family Code, §51.03(b)(5), which defines inhalation of paint fumes or glue as conduct indicating a need for supervision.

Summary of Opinion. The Family Code, §51.03(b)(5), has not been impliedly repealed. Section 51.03(b)(5), which provides that paint and glue sniffing constitute conduct indicating a need for supervision for purposes of court proceedings against delinquent children, is an exception to §51.03(a)(1), which provides that conduct that violates a penal law punishable by imprisonment is delinquent conduct against delinquent children.

TRD-8607093

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 16. ECONOMIC REGULATION Part IV. Texas Department of Labor and Standards Chapter 70. Industrialized Housing and Buildings Subchapter C. Standards and Codes

★ 16 TAC §70.20, §70.22

The Texas Department of Labor and Standards adopts on an emergency basis amendments to §70.20 and §70.22. The amendment to §70.20 updates the mandatory codes from the 1982 edition of the codes to the 1985 edition codes. The amendment to §70.22 clarifies which edition of the one and two family dwelling code is to be utilized.

The amendments are adopted on an emergency basis to protect the welfare and safety of the industrialized housing and buildings contractors and the consumer to whom they sell in Texas.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 5221f-1, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations and promulgate administrative orders as necessary to assure compliance with the intent and purpose of the Act and to provide for uniform enforcement.

§70.20. Mandatory Codes. All industrialized housing and buildings, modules, and modular components, shall be constructed in accordance with the following codes and their appendices:

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

(A) ICBO—Uniform Building Code, 1985 [1982] Edition; Uniform Mechanical Code, 1985 [1982] Edition; and Uniform Plumbing Code, 1985 [1982] Edition; or

(B) SBCCI—Standard Building Code, 1985 [1982] Edition; Standard Plumbing Code, 1985 [1982] Edition; Standard Mechanical Code, 1985 [1982] Edition; and Standard Gas Code, 1985 [1982] Edition.

§70.22. Use and Construction of Codes.

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

(d) **All detached one or two family industrialized housing constructed in accordance with Appendix N of the Standard Building Code, 1985 Edition, or with Appendix Chapter 12 of the Uniform Building Code, 1985 Edition, shall utilize the 1983 Edition of the BOCA One and Two Family Dwelling Code.**

Issued in Austin, Texas, on July 15, 1986.

TRD-8607047

Allen Parker, Sr.
Commissioner
Texas Department of
Labor and Standards

Effective date: July 16, 1986

Expiration date: November 13, 1986

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

TITLE 28. INSURANCE Part I. State Board of Insurance

Chapter 5. Property and Casualty Insurance

Subchapter H. Cancellation, Denial, and Nonrenewal of Certain Property and Casualty Insurance Coverage

★ 28 TAC §§5.7001, 5.7013-5.7015

The State Board of Insurance is renewing the effectiveness of the emergency adoption of amended §5.7001, and new §§5.7013-5.7015 for a 60-day period effective August 5, 1986. The text of the amended §5.7001, and new §§5.7013-5.7015 was originally published in the March 28, 1986, issue of the *Texas Register* (11 TexReg 1539).

Issued in Austin, Texas, on July 16, 1986.

TRD-8607044

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: August 5, 1986

Expiration date: October 4, 1986

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

★ ★ ★



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 IV. Texas Department of Labor and Standards Chapter 70. Industrialized Housing and Buildings Subchapter C. Standards and Codes

★ 16 TAC §70.20, §70.22

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

The Texas Department of Labor and Standards proposes amendments to §70.20 and §70.22, concerning the changing of the mandatory codes from the 1982 edition of the codes to the 1985 edition of the codes. The amendment to §70.22 clarifies which edition of the one and two family dwelling code is to be used.

Jimmy Martin, assistant director of industrialized housing and buildings, has determined that for the first five-year period the proposed sections 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 sections.

Mr. Martin also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that the most recent codes will be used for the construction of industrialized buildings or will be available in Texas for construction. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Jimmy Martin, Assistant Director, Industrialized Housing and Buildings, P.O. Box 12157, Austin, Texas 78711. A public hearing to receive comments on the proposed amendments will be held at 10 a.m. on August 7, 1986, in Room 103 of the John H. Reagan Building, 105 West 15th Street, Austin.

The amendments are proposed under Texas Civil Statutes, Article 5221f-1, which pro-

vide the commissioner of the department with the authority to propose rules and regulations and promulgate administrative orders as necessary to assure compliance with the intent and purpose of the Act and to provide for uniform enforcement.

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 15, 1986.

TRD-8807049

Allen Parker, Sr.
Commissioner
Texas Department of Labor
and Standards

Earliest possible date of adoption:
August 25, 1986
For further information, please call
(512) 463-3127.

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Subchapter D. Administration and Enforcement

★ 16 TAC §70.34, §70.40

The Texas Department of Labor and Standards proposes amendments to §70.34 and §70.40, concerning redlining of approved draining and placing a manufacturer seal on structures that the manufacturer designates as not designed for installation or a permanent foundation.

Jimmy Martin, assistant director of industrialized housing and buildings, has determined that for the first five-year period the proposed sections 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 sections.

Mr. Martin also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the reduction of production delays and increased consumer awareness about structures meet the mandatory state codes. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Jimmy Martin, Assistant Director, Industrialized Housing and Buildings, P.O. Box 12157, Austin, Texas 78711. A pub-

lic hearing to receive comments on the proposed amendments will be held at 10 a.m. on August 7, 1986, in Room 103 of the John H. Reagan Building, 105 West 15th Street, Austin.

The amendments are proposed under Texas Civil Statutes, Article 5221f-1, which provide the commissioner of the department with the authority to propose rules and regulations and promulgate administrative orders as necessary to assure compliance with the intent and purpose of the Act and to provide for uniform enforcement.

§70.34. Review and Approval of Designs and Plans.

(a)-(g) (No change.)

(h) Design review agencies (DRAs) or the department acting as a design review agency may make red ink corrections to documents, provided the corrections meet all of the following criteria:

- (1) limited to corrections of minor deviations;
- (2) the corrected items can be verified by reference to prescriptive code requirements;
- (3) the change does not involve any change of design or require design;
- (4) the red ink correction is valid for 10 working days and may not be extended; and
- (5) the corrections must be numbered and initialized by the DRA and the statement, "As noted with (number) corrections," shall appear near the stamp of the council with the number of corrections entered.

§70.40. Manufacturer's Data Plate.

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

(c) Structures designated by the manufacturer as not being designed for placement on a permanent foundation shall have a manufacturer's seal permanently attached inside the door of the electrical panel or near the entrance door if the unit does not have an electrical panel. The seal shall not be smaller than 2 by 1½ inches and constructed of a metallic alloy. The seal must contain the following capitalized statement: THIS STRUCTURE IS NOT DESIGNED FOR PLACEMENT ON A PERMANENT FOUNDATION AND DOES NOT MEET THE REQUIREMENTS OF TEXAS CIVIL STATUTES, ARTICLE 5221F-1, INDUSTRIALIZED HOUSING AND BUILDINGS.

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 15, 1986.

TRD-8607050

Allen Parker, Sr.
Commissioner
Texas Department of Labor
and Standards

Earliest possible date of adoption:

August 25, 1986

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

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TITLE 22. EXAMINING BOARDS

Part XXIV. State Board of Veterinary Medical Examiners

Chapter 571. Licensing Examinations

★22 TAC §571.9

The State Board of Veterinary Medical Examiners proposes new §571.9, concerning minimum grades. The new section provides consumers with more competent veterinarians.

Donald B. Wilson, executive secretary, has determined that for the first five-year period the proposed section 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 section.

Mr. Wilson also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to ensure that participating veterinarians are better qualified to serve consumers with their veterinary needs. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Donald B. Wilson, Executive Secretary, State Board of Veterinary Medical Examiners, 3910 Medical Parkway, Suite 119, Austin, Texas 78756, (512) 458-1183.

The new section is proposed under Texas Civil Statutes, Article 7465a, §7(a), which provide the State Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

§571.9. Minimum Grades. To be eligible for a license, an applicant for the state board examination must attain a minimum grade of 75% on the jurisprudence examination and a minimum of 75% on the written state clinical 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 11, 1986.

TRD-8607052

Donald B. Wilson
Executive Secretary
State Board of Veterinary
Medical Examiners

Earliest possible date of adoption:

August 25, 1986

For further information, please call
(512) 458-1183.

★ ★ ★

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 1. Texas Board of Health

Petition for the Adoption of a Rule

★25 TAC §1.81

The Texas Department of Health proposes an amendment to §1.81, concerning a petition for the adoption of a rule. Under the amendment, all initial petitions will continue to be decided by the Texas Board of Health; however, the commissioner of health may refuse to forward to the board for consideration any subsequent petition for the adoption of the same or similar rule submitted within six months after the date of the initial petition.

Hal L. Nelson, chief, Office of General Counsel, has determined that for the first five-year period the proposed section 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 section.

Mr. Nelson also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to expedite the disposition of petitions submitted to the department for the adoption of rules. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Hal L. Nelson, chief, Office of General Counsel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 6252-13a, §11, which authorize the Texas Board of Health to

adopt rules concerning the submission, consideration and disposition of a petition to adopt a rule.

§1.81. *Petition for the Adoption of a Rule.*

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

(c) Consideration and disposition of the petition.

(1) Except as otherwise provided in subsection (d) of this section, the commissioner shall submit the petition to the Texas Board of Health for its consideration and disposition.

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

(d) Subsequent petitions to adopt the same or similar rule. All initial petitions for the adoption of a rule shall be presented to and decided by the board in accordance with the provisions of subsections (b) and (c) of this section. The commissioner may refuse to forward to the board for consideration any subsequent petition for the adoption of the same or similar rule submitted within six months after the date of the initial petition.

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

Issued in Austin, Texas, on July 18, 1986.

TRD-8607114

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption: September 20, 1986

For further information, please call
(512) 458-7236.

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Clinical Health Services

★25 TAC §1.91

The Texas Department of Health proposes an amendment to §1.91, concerning fees for clinical health services. The amendment will revise the poverty income guidelines contained in the schedule of fees in the section in order to reflect changes in the federal consumer price index.

Stephen Seale, chief accountant III, has determined that for the first five-year period the proposed section 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 section.

Mr. Seale also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the poverty income guidelines used in the program will reflect changes in the federal consumer price index. There is no anticipated economic cost to individuals who are required to comply with the proposed section. There will be no change with respect to individuals who

participate in the program since the poverty income reflects changes in consumer price index.

Comments on the proposal may be submitted to Thomas Tucker, Administrator, Bureau of Maternal and Child Health, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after

publication of this proposal in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 4414c, §2, which provide the Texas Board of Health with authority to charge fees to persons who receive public health services from the department.

§1.91. Fees for Clinical Health Services.

(a) (No change.)

(b) Schedule of fees.

(1) The following Schedule of Fees, as revised in 1986, lists the fees covering personal health services provided at public health clinics. Local health department contractors may use the following schedule or their own schedule. Public health regions will use the following schedule.

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

(c) (No change.)

SCHEDULE OF FEES

Family Size	0%-100% Poverty Income			100%-200% Poverty Income			200% + Poverty Income			
	1	2	3	4	5	6	7	8	9	10
1	\$ 5,360			\$ 5,361 - \$10,719					\$ 10,720	
2	7,240			7,241 - 14,479					14,480	
3	9,120			9,121 - 18,239					18,240	
4	11,000			11,001 - 21,999					22,000	
5	12,880			12,881 - 25,759					25,760	
6	14,760			14,761 - 29,519					29,520	
7	16,640			16,641 - 33,279					33,280	
8	18,520			18,521 - 37,039					37,040	
For each additional family member, add \$1,880										
CHARGES										
Initial or Annual Visit	\$ 0.00			\$ 4.00					\$10.00 minimum	
Revisit	\$ 0.00			\$ 2.00					\$ 5.00 minimum	

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

Issued in Austin, Texas, on July 18, 1986.

TRD-8807115

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption: September 20, 1986
For further information, please call
(512) 458-7700.

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Chapter 145. Long-Term Care

The Texas Department of Health proposes amendments to §§145.141-145.145, concerning procedures covering certification and decertification of long-term care facilities which participate in the Title XIX medical assistance program, the repeal of §145.148, concerning fair hearing procedures, and new §145.146, concerning appeals. The amendments will update and clarify existing procedures, and the repeal and new section will substantially revise the appeal process.

Hal L. Nelson, chief, Office of General Counsel, has determined that for the first five-year period the proposed repeal and sections 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 repeal and sections.

Mr. Nelson also has determined that for each year of the first five years the repeal and sections are in effect the public benefit anticipated as a result of enforcing the repeal and sections will be to update and clarify the appeal and related procedures concerning the certification and decertification of long-term care facilities which participate in the Title XIX medical assistance program. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal and sections.

Comments on the proposal may be submitted to Hal L. Nelson, Chief, Office of General Counsel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication on this proposal in the *Texas Register*.

Subchapter J. Procedures Covering Certification and Decertification of Long-Term Care Facilities Which Participate in the Title XIX Medical Assistance Program

★ 25 TAC §§145.141-145.145

The amendments are proposed under Vernon's Texas Codes Annotated, Human Re-

sources Code, §32.023; Texas Civil Statutes, Article 6252-13a, §4, and Article 4414b, §1.06; and 42 Code of Federal Regulations, Chapter IV, Subchapter C, which authorize the Texas Board of Health to adopt rules concerning the certification and decertification of long-term care facilities participating in the Title XIX Medicaid Program under the United States Social Security Act.

§145.141. Purpose. The purpose of this subchapter is to establish the procedures and practices the Texas Department of Health uses in certifying, decertifying, or taking [related] action relating to long-term care facilities participating in the Medical Assistance Program in the State of Texas under Title XIX of the United States Social Security Act.

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

[Bureau—The department's Bureau of Long-Term Care.]

Human Services [Resources]—The Texas Department of Human Services [Resources].

Program—The department's Bureau of Long-Term Care and Quality Standards Division.

Standards—The [Those] rules, requirements, and guidelines established by Human Services [Resources] with which a facility must comply to participate in the Title XIX Medical Assistance Program.

§145.143. Department's General Responsibilities under the Title XIX Medical Assistance Program.

(a) The department will [To] certify to Human Services [Resources] by means of a survey report and related documentation the level of compliance of each facility with federal and state standards and that each facility does the following:

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

(9) meets the applicable codes and requirements for life safety [of the Life Safety Code (National Fire Protection Association, NFPA Number 101, 1967), or the code meeting federal requirements, or such comparable State Fire and Safety Code, as are applicable].

(b) The department also will [To] perform any and all other certification responsibilities as required by standards and the contract between the department and Human Services [Resources] for the implementation of the state certification program.

§145.144. Department's Survey Procedure and Practice in Facilities.

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

(c) Written reports of all Medicare/Medicaid eligibility surveys will be prepared on forms approved by the United States Department of Health and Human Services [Education, and Welfare]; the department and Human Services [Resources]. These

reports, supported by satisfactory documentation, will be submitted as required by law to the program [bureau].

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

(f) The types of action that a surveyor or survey team can recommend to the program [bureau] and the criteria for such recommendations are [as follows]:

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

(3) A hold on vendor payments is recommended when:

(A) (No change.)

(B) deficiencies may be considered a potential threat to patient health and/or safety but are not widespread; or

(C) cited deficiencies do not affect the immediate health and safety of recipient-patients but are health and/or safety hazards that have a direct or immediate adverse effect on recipient-patients' health, safety, and/or security; or

(D) cited deficiencies regarding intermediate care facilities for the mentally retarded do not affect the immediate health and safety of recipient-patients but are health and/or safety hazards that have a direct or immediate adverse effect on the recipient-patients' health, safety, security, and/or training as outlined in individualized plans of care.

(4) Decertification of a facility is based on:

(A) (No change.)

(B) deficiencies which pose an immediate threat to patient health and/or safety. The program [bureau] will determine if there is an immediate threat to patient [patients'] health and/or safety by using the professional judgment and expertise of department personnel and considering the facts and documentation in the survey report and narrative.

(5) The program may certify a facility for up to 12 months with a condition that the certification will be automatically cancelled on a specified date within the certification period if:

(A) the program finds that all deficiencies have not been satisfactorily corrected; or

(B) the program finds and notifies Human Services that the facility has not made substantial progress in correcting the deficiencies and has not submitted an acceptable plan of correction.

(6) The program may recommend to Human Services that facilities contract be cancelled when cited deficiencies affect the immediate health and safety of recipient-patients.

§145.145. [Final] Action by Department on Survey Recommendations. Upon receiving survey recommendations, the program [bureau] will take [final] action subject to the [appropriate hearing] procedures in §145.146 of this title [relating to Appeals] [these sections], as follows.

(1) (No change.)

(2) The program [department], in the professional judgment of the personnel reviewing the report, is authorized to change the survey recommendation [render a final decision different from the survey recommendation]. Such action [final decision] will be based on facts, information, and related material in the survey report documentation.

(3) The various [final] actions the program [department] can take are:

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

(C) recommendation to Human Services [Resources] that the facility's vendor payments be held in abeyance (vendor hold);

(D)-(F) (No change.)

(G) recommendation to Human Services that the facility's Medicaid contract be cancelled.

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

Issued in Austin, Texas, on July 18, 1986.

TRD-8607116

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption: September 20, 1986
For further information, please call
(512) 458-7236.

★ ★ ★



★25 TAC §145.146

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Department of Health, 1100 West 49th Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Vernon's Texas Codes Annotated, Human Resources Code, §32.023; Texas Civil Statutes, Article 6252-13a, §4, and Article 4414b, §1.05; and 42 Code of Federal Regulations, Chapter IV, Subchapter C, which authorize the Texas Board of Health to adopt rules concerning the certification and decertification of long-term care facilities participating in the Title XIX Medicaid Program under the United States Social Security Act.

§145.146. *Fair Hearing Procedures.*

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

Issued in Austin, Texas, on July 18, 1986.

TRD-8607117

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption: September 20, 1986
For further information, please call
(512) 458-7236.

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★25 TAC §145.146

The new section is proposed under Vernon's Texas Codes Annotated, Human Resources Code, §32.023; Texas Civil Statutes, Article 6252-13a, §4, and Article 4414b, §1.05; and 42 Code of Federal Regulations, Chapter IV, Subchapter C, which authorize the Texas Board of Health to adopt rules concerning the certification and decertification of long-term care facilities participating in the Title XIX Medicaid Program under the United States Social Security Act.

§145.146. *Appeals.*

(a) Informal reconsideration.

(1) Prior to the effective date of any decertification, denial of certification, or invocation of the automatic cancellation clause, the program shall give the facility an informal reconsideration.

(2) Elements of the informal reconsideration are as follows.

(A) The program shall give the facility written notice of the proposed decertification, denial of certification, or invocation of the automatic cancellation clause, and the findings upon which the action is based. The notice shall be sent by certified mail at least 30 days prior to the action.

(B) The facility shall have the opportunity to refute the program's findings in writing. The facility, if it decides to refute, must mail a written response to the program within 10 days after receiving the program's written notice to decertify, deny certification, or invoke the automatic cancellation clause. If the facility does not respond during this time period, the action will be taken. If there is no response by the facility, the program is not required to take any other action on the appeals process prior to decertification, denial of certification, or invocation of the automatic cancellation clause.

(C) If the facility does respond as required in subparagraph (B) of this paragraph, the program will give the facility a written affirmation or reversal of the proposed decertification, denial of certification, or invocation of the automatic cancellation clause. The program shall send by certified mail its written affirmation or reversal to the facility within 10 days after receiving the facility's refutation.

(b) Formal hearing.

(1) The facility shall have the opportunity for a formal hearing after the effective

date of the decertification, denial of certification, or invocation of the automatic cancellation clause.

(2) A facility desiring a formal hearing shall make such a request to the program, in writing, within 20 days after the effective date of decertification, denial of certification, or invocation of the automatic cancellation clause. Upon receipt of the request, the program will notify the department's Office of General Counsel to institute formal hearing procedures. Failure of the facility to request a formal hearing within the 20 days shall constitute a waiver of the right to such hearing.

(3) The formal hearing will be conducted according to the department's formal hearing procedures, §§1.21-1.33 of this title (relating to Formal Hearing Procedures).

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

Issued in Austin, Texas, on July 18, 1986.

TRD-8607118

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption: September 20, 1986
For further information, please call
(512) 458-7236.

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TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 5. Funds Management (Fiscal Affairs)

Claims Processing—Purchase Vouchers

★34 TAC §5.52

The Comptroller of Public Accounts proposes an amendment to §5.52, concerning requirements of purchase vouchers. The amendment revises information required on vouchers seeking reimbursement to revolving accounts and adds language to clarify information required on other vouchers. The amendment clarifies how to reimburse a university revolving fund from state funds.

John Moore, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed section 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 section.

Mr. Moore also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section

will be better documentation of reimbursement transaction from state funds to revolving accounts. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Ann Fuelberg, Director, Claims Division, P.O. Box 13528, Austin, Texas 73711.

The amendment is proposed under Texas Civil Statutes, Article 4344, which provide that the comptroller may prescribe, adopt, and enforce rules relating to the payment of accounts of the state.

§5.52. Requirements of Purchase Vouchers.

(a) Purchase vouchers submitted to the Comptroller of Public Accounts for payment from appropriated funds must meet the following minimum requirements for voucher content and supporting documentation:

(1)-(10) (No change.)

(b) Vouchers seeking reimbursement from state funds to revolving accounts, in addition to meeting the minimum requirements for voucher content and supporting documentation for other claims against the state must:

(1) submit a batch cover voucher using Transaction Code 092;

(2) submit a multivender detail sheet; and

(3) include the 14-digit vendor number of each vendor paid from local funds on all detail lines.

(c)[11] Vouchers must also reflect such [Any] other information as may be deemed necessary by the Comptroller of Public Accounts to justify disbursements of public funds.

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 17, 1986.

TRD-8607086 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:

August 25, 1986
For further information, please call
(512) 463-4004.

★ ★ ★

★ 34 TAC §5.53

The Comptroller of Public Accounts proposes an amendment to §5.53, concerning special voucher requirements. The amendment adds a new provision concerning interagency transactions for purchases of goods or services and clarifies the information required on vouchers for purchases of good or services between state agencies.

John Moore, director of the comptroller's economic analysis center, has determined that for the first five-year period the pro-

posed section 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 section.

Mr. Moore also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be faster claims processing. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Ann Fuelberg, Director, Claims Division, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 4344, which provide that the comptroller may prescribe, adopt, and enforce rules relating to the payment of accounts of the state.

§5.53. Special Voucher Requirements.

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

(i) Purchases of goods or services between state agencies must comply with the provisions of the Interagency Cooperation Act, Texas Civil Statutes, Article 4413(32).

(j)(i) For intraagency and interagency payments, the paying agency must determine the warrant disposition and make the appropriate statement on the voucher. The voucher must state either:

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

(k)(j) Advance payment of magazine and newspaper subscriptions is authorized not earlier than six weeks prior to the starting date of the subscription.

(l)(k) Fiscal year selection process is governed by the following rules.

(1)-(6) (No change.)

(m)(l) In addition to the previously listed requirements, purchase vouchers must adhere to all provisions of the current legislative appropriations 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 July 17, 1986.

TRD-8607085 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:

August 25, 1986
For further information, please call
(512) 463-4004.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 3. Income Assistance Services

Subchapter I. Income

★ 40 TAC §3.902

The Texas Department of Human Services (TDHS) proposes an amendment to §3.902 in its Income Assistance Services chapter. Section 3.902 is amended to specify that the department counts the income of disqualified persons who are mandatory household members in the Aid to Families with Dependent Children (AFDC) Program. The section is also amended to clarify types of payments that are counted as income and to reference federal regulations that apply to income exclusions.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications for state government as a result of enforcing or administering the section. The savings to the state are estimated to be \$608 in fiscal year 1987; \$645 in fiscal year 1988; \$627 in fiscal year 1989; \$806 in fiscal year 1990; and \$768 in fiscal year 1991. There are no fiscal implications for local government or small businesses.

Mr. Packard also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that limited financial resources are allocated to those individuals most in need of assistance. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-382, Texas Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

§3.902. Types.

(a) Aid to families with dependent children. The DHS counts the following as income:

(1)-(6) (No change.)

(7) disqualified members [persons].

DHS [DHR] counts the income of [a] disqualified persons who are mandatory household members [parent but does not count the income of other disqualified persons];

(8)-(12) (No change.)

(13) job training payments that duplicate assistance provided under the AFDC needs standard [Job Training Partnership Act of 1982. DHR counts as income the payment received from JTPA for on-the-job training and classroom instructions. DHR exempts JTPA payment clearly defined as reimbursements for job training-related expenses];

(14)-(30) (No change.)

(b) Aid to families with dependent children. Exclusions from income for AFDC are:

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

(3) educational assistance. DHS [DHR] exempts general education assistance payments as stipulated in 45 Code of Federal Regulations §233.20(a)(3)(iv) and §233.20(a)(4)(ii)(d) [which includes aid for the U.S. Office of Education for undergraduate, vocational, or education courses such as basic educational opportunity grant (BEOG), supplemental educational opportunity grant, national direct student loans, College Work Study Program];

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

(7) job training [and training] allowances. DHS exempts payments from other agencies that do not duplicate assistance provided under the AFDC needs standard as stipulated in 45 Code of Federal Regulations §233.20(a)(3)(vii)(a)-(b). DHS also exempts unearned income payments from the Job Training Partnership Act of 1982 for AFDC children. [DHR exempts monthly incentive payments paid by the Texas Employment Commission (TEC) to participate in institutional and work experience training. DHR also exempts training-related expenses payments received from TEC. DHR exempts payments received from TEC. DHR exempts supplemental payments from other state agencies that are for training-related expenses];

(8)-(13) (No change.)

(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 18, 1986.

TRD-8607142

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 25, 1986

For further information, please call
(512) 450-3766.

★ ★ ★

The Texas Department of Human Services (TDHS) proposes an amendment to §3.2205 and new §3.2206 in its Income Assistance Services chapter. Amended §3.2205 reflects new federal requirements included in Public Law 99-272, §9503, concerning third-party resources. New §3.2206 provides for the disqualification of aid to families with

dependent children (AFDC) household members who fail to comply with third-party resources requirements.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the amendment and new section are in effect there will be fiscal implications for state government as a result of enforcing or administering the amendment and new section. The savings to the state are estimated to be \$31,725 in fiscal year 1987; \$32,259 in fiscal year 1988; \$32,713 in fiscal year 1989; \$32,889 in fiscal year 1990; and \$32,631 in fiscal year 1991. There are no fiscal implications for local government or small businesses.

Mr. Packard also has determined that for each year of the first five years the amendment and new section are in effect the public benefit anticipated as a result of enforcing the amendment and new section will be that limited financial resources will be allocated to individuals most in need of assistance. There is no anticipated economic costs to individuals who are required to comply with the amendment and new section as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-510, Texas Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

Subchapter V. Medicaid Eligibility

★40 TAC §3.2205

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

§3.2205. *Third-Party Resources.* Aid to families with dependent children clients must comply with [report] third-party resources requirements as stipulated in the Social Security Act, §1902(a)(25), and Public Law 99-272, §9503.

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

Issued in Austin, Texas, on July 18, 1986.

TRD-8607143

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 25, 1986

For further information, please call
(512) 450-3766.

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★40 TAC §3.2206

The new section is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs

§3.2206. *Failure to Comply.* If an aid to families with dependent children (AFDC) client fails to comply with third-party resources requirements without good cause, he is ineligible for AFDC as stipulated in Public Law 99-272, §9503.

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

Issued in Austin, Texas, on July 18, 1986.

TRD-8607144

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 25, 1986

For further information, please call
(512) 450-3766.

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Subchapter X. Case Disposition

★40 TAC §3.2402

The Texas Department of Human Services (TDHS) proposes an amendment to §3.2402, concerning the date that client eligibility for benefits begins in the Aid to Families with Dependent Children (AFDC) Program. The amendment changes the section to reflect the federal option chosen by the department for the beginning date of eligibility.

The Department of Health and Human Services (HHS) provides two options to the state for the beginning date of eligibility. The department had implemented one of these options, but had applied it using an interpretation with which HHS disagreed. As a result, the department must alter its policy.

One of the options provided by HHS results in increased cost to the state; the other results in savings. Given state budget constraints, the department has chosen the option that results in savings, thereby allowing allocation of limited funds to continue at current benefit levels for AFDC recipients.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications for state government as a result of enforcing or administering the section. The savings to the state are estimated to be \$2,924,303 in fiscal year 1987; \$3,036,248 in fiscal year 1988; \$3,157,200 in fiscal year 1989; \$3,251,073 in fiscal year 1990; and \$3,309,014 in fiscal year 1991. There are

no fiscal implications for local government or small businesses.

Mr. Packard also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that limited financial resources will be allocated so that funds will be available for the future needs of AFDC recipients. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-509, Texas Department of Human Services 153-E, P.O. Box 2660, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

§3.2402. Date Eligibility for Benefits Begins.

(a) Aid to families with dependent children. If the applicant is eligible for assistance, assistance begins on the date of authorization of payment or on the 30th day after the file date, whichever is earlier, as stipulated in 45 Code of Federal Regulations §206.10(a)(6)(i)(A) [the date of eligibility for financial assistance must be no later than 30 days after the receipt date of the signed application if the applicant met all eligibility requirements on that date].

(b) DHS [DHR] determines when food stamp eligibility begins according to requirements stipulated in 7 Code of Federal Regulations §273.10(a)(1)(i).

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 21, 1986.

TRD-8607157

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 25, 1986

For further information, please call
(512) 450-3766.

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 19. EDUCATION

Part II. Texas Education

Agency

Chapter 141. Teacher Certification

Subchapter J. Requirements for Issuance of Texas Certificate Based on Certificates and College Credentials from Other States

★19 TAC §§141.181-141.183

The Texas Education Agency has withdrawn from consideration §§141.181-141.183, concerning teacher certification. The text of the repeals appeared in the July 1, 1986, issue of the *Texas Register* (11 TexReg 3024). The effective date of the repeals is August 8, 1986.

Issued in Austin, Texas, on July 18, 1986.

TRD-8607102 Beverly J. Bardsley
Director for Policy
Development
Texas Education Agency

Filed: July 18, 1986
For further information, please call
(512) 463-9212.

★19 TAC §§141.181-141.186

The Texas Education Agency has withdrawn from consideration §§141.181-141.186,

concerning teacher certification. The text of the new sections appeared in the July 1, 1986, issue of the *Texas Register* (11 TexReg 3024). The effective date of the new sections is August 8, 1986.

Issued in Austin, Texas, on July 18, 1986.

TRD-8607101 Beverly J. Bardsley
Director for Policy
Development
Texas Education Agency

Filed: July 18, 1986
For further information, please call
(512) 463-9212.

Subchapter S. Testing Program General Provisions

★19 TAC §141.421

The Texas Education Agency has withdrawn from consideration §141.421, concerning testing program. The text of the amendment appeared in the May 27, 1986, issue of the *Texas Register* (11 TexReg 2466). The effective date of the amendment is August 8, 1986.

Issued in Austin, Texas, on July 18, 1986.

TRD-8607164 Beverly J. Bardsley
Director for Policy
Development
Texas Education Agency

Filed: July 18, 1986
For further information, please call
(512) 463-9212.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VII. Texas Commission on Law Enforcement Officer Standards and Education

Chapter 211. Administrative Division

Substantive Rules

★37 TAC §211.98

The Texas Commission on Law Enforcement Officer Standards and Education has withdrawn from consideration §211.98, concerning substantive rules. The text of the new section appeared in the January 28, 1986, issue of the *Texas Register* (11 TexReg 540). The effective date of the new section is July 16, 1986.

Issued in Austin, Texas, on July 16, 1986.

TRD-8607046 Sally Beels
Research Technician
Texas Commission on Law
Enforcement Officer
Standards and Education

Filed: July 16, 1986
For further information, please call
(512) 834-9222.

★ ★ ★

Adopted

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

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 13. CULTURAL RESOURCES
Part V. Texas Sesquicentennial Commission
Chapter 51. Operating Policy and Program Guidelines
★13 TAC §51.12

The Texas Sesquicentennial Commission adopts an amendment to §51.12, without changes to the proposed text published in the June 20, 1986, issue of the *Texas Register* (11 TexReg 2858).

The amendment updates promotional products guidelines to allow Sesquicentennial sanctioned vendors to sell directly to retailers in approved areas.

Sesquicentennial vendors are allowed to market and sell their approved products directly to retail outlets upon affirmation by the individual sesquicentennial communities throughout the state. The vendors in turn must remit 3.0% of the wholesale cost to the sesquicentennial community committees which have approved entrance into their market area.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6145-11, §7, which provide the Texas Sesquicentennial Commission with the authority to develop and use an official logo and adopt rules to sanction official sponsors and official commemorative and/or promotional products and license the use of the logo in exchange for either a fee or royalties or both.

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 17, 1986.

TRD-8607075 Patrick Terry
Executive Director
Texas Sesquicentennial
Commission

Effective date: August 8, 1986
Proposal publication date: June 20, 1986
For further information, please call
(512) 463-1986.

★ ★ ★

TITLE 19. EDUCATION
Part II. Texas Education Agency
Chapter 33. State Board of Education
Subchapter C. Investment of the Permanent School Fund
★19 TAC §33.62

The Texas Education Agency adopts an amendment to §33.62, with changes to the proposed text published in the April 29, 1986, issue of the *Texas Register* (11 TexReg 1983).

The amendment is necessary because a ruling by the Internal Revenue Service on the question of arbitrage limited the amount of permanent school fund securities available for the guarantee of bonds issued for school district construction. The changes to the proposed text include the insertion of a new paragraph (e)(2), allowing the commissioner of education to limit approval of the guarantee to districts which have a bond rating in the A category or less on the issue proposed for guarantee as determined by one or both of the major rating services, and the addition of a sentence to new paragraph (e)(3), allowing the waiver of the \$6 million limit on a district-by-district basis at the discretion of the commissioner.

The amendment makes additional securities available for the guarantee of bonds and assigns priorities in the use of the limited amounts of securities available for the guarantee of bonds. Priority for guarantee approvals will be given to applications from districts which have an A bond rating or less on the issue proposed for guarantee, and approval of the guarantee for bond issues may be limited to \$6 million or less, which approximates the average issue under the guarantee program. This limit may be applied or waived on a district-by-district basis at the discretion of the commissioner. Additional securities will be made available through the reallocation of securities pledged to bonds that are defeased. The amendment also updates application procedures to expedite processing and reduce paperwork.

The Austin Independent School District suggested that the guarantee program be limited to those districts with a bond rat-

ing of A or lower. The board agrees to insert a provision allowing such limitation at the discretion of the commissioner of education.

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

§33.62. Guarantee Program for School District Bonds.

(a) (No change.)

(b) A school district seeking the guarantee of eligible bonds shall apply to the commissioner of education. The district shall submit the information required by the Texas Education Code, §20.905(b), and this section and such additional information as the commissioner may require in a form specified by the commissioner of education. The application shall be accompanied by a fee to be set by the commissioner of education and approved by the State Board of Education.

(c) In accordance with the Texas Education Code, §20.906, the commissioner of education shall investigate the applicant school district with regard to the district's accreditation status and financial status. A district must be accredited and in sound financial status to be eligible for approval by the commissioner of education.

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

(A) (No change.)

(B) the district's accreditation status and compliance with statutes and rules of the Central Education Agency; and

(C) the district's financial status and stability, including, but not limited to, the total amount of any outstanding guaranteed bonds.

(2) Districts which apply for approval for the guarantee of refunding bonds must be accredited and must demonstrate that the issuance of such bonds will represent a total interest saving to the district.

(d) (No change.)

(e) If, in the judgment of the commissioner of education, it becomes necessary or advisable to place a limitation on the total amount of bonds which may be guaranteed under this program, the commissioner may further investigate the proposed issues submitted for approval.

(1) The commissioner shall determine whether to guarantee an issue based on considerations which may include, but need to be limited to, the following:

(A) purpose of the bond issue and the district's need for the bond issue;

(B) whether the bonds to be issued are new issues or refunding bonds;

(C) repayment plan for bonds;

(D) percentage of savings to the district represented by the refunding bonds; and

(E) any other considerations which in the judgment of the commissioner would enable the commissioner to make a decision in the best interest of the bond guarantee program and the school districts of Texas.

(2) The commissioner may limit approval of the guarantee to those districts which have a bond rating in the A category or less on the issue proposed for guarantee as determined by one or both of the major rating services (Moody's Investors Service; Standard and Poor's Corporation). When a rating is issued by both services, the lower of the two ratings shall be used to determine whether or not the school district is eligible for the guarantee.

(3) The commissioner may limit approval of the guarantee for bond issues to \$6 million per district per year, which would be calculated from the date on which the district sells its permanent school fund guaranteed bond to the date on which a subsequent application for guarantee is accepted. At the discretion of the commissioner, the \$6 million limit may be applied or waived on a district-by-district basis.

(f) The guarantee shall be removed in its entirety when bonds guaranteed by this program are defeased, and such provision shall be stated specifically in the bond resolution. If bonds guaranteed by this program are defeased, the district shall notify the commissioner of education in writing within 10 calendar days of such action.

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 16, 1986

TRD-8607160

W. N. Kirby
Commissioner of Education

Effective date: August 8, 1986

Proposal publication date: April 29, 1986

For further information, please call
(512) 463-9212.



Chapter 53. Regional Education Service Centers

Subchapter D. Provision of Computer Services to School Districts

★ 19 TAC §§53.71-53.77

The Texas Education Agency adopts amendments to §§53.71-53.77. Sections 53.73-53.75 and 53.77 are adopted with changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 Tex-Reg 2050). Sections 53.71, 53.72, and 53.76 are adopted without changes and will not be republished.

The amendments define a new basis for funding education service centers (ESCs) for the computer services they provide to school districts and to the state. Funding is now based on services provided and not on a fixed amount established 16 years ago. In addition, ESCs have more flexibility in using and accounting for the funding assistance provided. The changes to the proposed text discontinue the Texas education computer cooperative (TECC). The functions of the TECC will be assumed by the Research and Information Committee of the Commissioner's Advisory Council for Regional Services. In addition, a reference in §53.73 to the Central Education Agency Computer Services Procedure Manual has been changed to the State Plan for Education Service Centers.

The amendments prescribe three categories of funding assistance—software development, maintenance, and modification, and other services; communications; and research and development—instead of the five categories specified by the old section.

The agency discussed the amendments with ESC directors, who commented and recommended that the Commissioner's Advisory Council for Regional Services assume the functions of the TECC. This change would streamline the administration of computer services to school districts.

The agency accepted the recommendation and the amendments as adopted discontinue the TECC and assign its functions to the Research and Information Committee, which has membership identical to the former TECC, of the Commissioner's Advisory Council for Regional Services.

The amendments are adopted under the Texas Education Code, §11.33(b)(1), which authorizes the State Board of Education to make rules for the provision of computer services to school districts through Regional Education Service Centers.

§53.73. Multi-Regional Processing Center (MRPC) Management Committees. A management committee shall be established for each MRPC. The committee shall provide the users of computer services with a voice

in the management of the computer processing center's operation. In this context, management includes the direction necessary to prepare and adopt an annual consolidated MRPC budget for the judicious use of resources to accomplish the objectives of the statewide system of computer services. Specific functions and composition of the committee shall be prescribed in the State Plan for Education Service Centers.

§53.74. Commissioner's Advisory Council for Regional Services.

(a) The Commissioner's Advisory Council for Regional Services through its research and information committee shall address at least the following objectives of the statewide system of computer services:

(1) to provide a means for satisfying administrative and instructional data processing needs of public school districts and education service centers;

(2) to cooperatively plan, develop, implement, and maintain a system of hardware and software capable of providing compatible and economical services for school districts;

(3) to encourage school district use of computer services available through the statewide system of computer services; and

(4) to conduct research and development projects to advance administrative and instructional uses of technology.

(b) The research and information committee membership shall include:

(1) the executive directors of RPC's and MRPC's; and

(2) other executive director representatives as appointed by the commissioner's advisory council for regional services.

§53.75. Role of the Central Education Agency in the Statewide System of Computer Services. The Central Education Agency shall participate in making cooperative computer services more accessible and economical to all school districts and in reducing the school districts' reporting burden. The Central Education Agency shall:

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

(3) cooperatively work with the regional education service centers and school districts to plan and conduct mutually beneficial innovative research and development projects which are consistent with the long range plan of the State Board of Education.

§53.77. Funding.

(a) Revenue sources. Computer services and research and development shall be funded from school district, state, and federal revenue sources.

(1) School district revenue. Each participating school district shall be responsible for making payment toward the cost of the computer services which it receives through the regional education service centers.

(2) State revenue. The funds which become available under the provisions of the Texas Education Code, §11.33(b), and any

other appropriate state legislation shall be used to finance a portion of the costs of the statewide system of computer services and research and development provided for school districts through the regional education service centers.

(3) Federal or other revenue. A portion of the costs of the statewide system of computer services and research and development provided for school districts through the regional education service centers may be financed by federal funds or other funds which become available for this purpose.

(b) State funding of computer services. Funding assistance shall be made to the regional education service centers providing computer services to school districts in accordance with the following funding guidelines. These new fund categories shall be effective in fiscal year 1987-1988.

(1) The funds shall be provided to education service centers on the basis of the amount of computer and interface services being provided to school districts. The three categories of funding assistance are:

(A) a variable amount of the total fund equitably distributed for school district administrative software development, modification and maintenance, and other computer services. This portion of the funding assistance shall also reflect the variable amount of personal services provided by education service centers to those districts using state developed, or endorsed, microcomputer and minicomputer administrative software operated at the school district;

(B) a variable amount of the total fund distributed through education service centers to equalize computer access to remote school districts (i.e., districts requiring the use of long distance telephone lines to access the computer for administrative services); and

(C) a fixed amount of the total fund distributed to those education service centers with approved research and development projects which apply technology to school administration and instructional needs. The State Board of Education shall annually approve the list of projects recommended for funding by the commissioner of education.

(2) The State Board of Education shall approve each year the budget allocation for each of these funding categories.

(c) State funding process. Funds shall be distributed to education service centers by the Central Education Agency on the basis of the computer services provided to school districts and approved research and development projects.

(1) Regional education service centers shall apply yearly for funds on report forms prescribed by the Central Education Agency.

(2) Detail funding formulas shall be developed by the commissioner of education. Such formulas shall be designed to promote and encourage school district participation by distributing the greater amount of funding to those education service centers pro-

viding the most commonly needed computer services. Data submitted by the education service centers shall be used as the basis of the formula computation.

(3) The commissioner shall also develop formulas to ensure equal on-line communications access to available computer services by remote school districts.

(4) Research and development projects to be funded shall be recommended by the commissioner of education and approved by the State Board of Education.

(5) Report forms, administrative processes, and funding formulas shall be prescribed in detail in the Central Education Agency computer services procedure manual.

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

Issued in Austin, Texas, on July 18, 1986.

TRD-8607163

W. N. Kirby
Commissioner of Education

Effective date: August 8, 1986

Proposal publication date: May 6, 1986

For further information, please call
(512) 463-9212.

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Chapter 101. Assessment Assessment of Minimum Skills

★ 19 TAC §§101.1-101.5

The Texas Education Agency adopts amendments to §§101.1-101.5. Section 101.3 is adopted with changes to the proposed text published in the May 30, 1986, issue of the *Texas Register* (11 TexReg 2502). The other sections are adopted without changes and will not be republished.

The amendments permit the setting of increasingly difficult standards for passing the Texas educational assessment of minimum skills (TEAMS) test without penalizing students who fail and must retake the test. The amendments also ensure more sensitive treatment of special education students and students with limited English proficiency. In §101.3(i), "limited proficiency assessment committee" has been corrected to read "language proficiency assessment committee"

The amendments provide that student performance aggregated by campus and district shall be reported to the school district board of trustees within 45 calendar days after receipt of the results for each grade level tested. They also provide that a student dismissed from special education during his or her ninth, tenth, or eleventh grade year and whose individual educational plan did not include all skills tested on either the exit level mathematics or English language arts test may be exempted from taking the exit level test(s) which measure those skills not included in the student's individual educational plan at the discretion of the admie-

son, review, and dismissal committee. The amendments also provide that students in grades one and three who have been identified as limited English proficient and whose native language is Spanish will be administered either the Texas educational assessment of minimum skills (TEAMS) test or the Spanish version of the TEAMS test. Limited English proficient students at grades one and three whose native language is not Spanish may receive a one-time exemption from the TEAMS test and will participate in the assessment during subsequent administrations. Students in grades five, seven, and nine who have been identified as limited English proficient may receive a one-time exemption from the TEAMS test if the language proficiency assessment committee has determined that the student has not demonstrated sufficient proficiency in the English language. The amendments also set student passing standards at the level of first testing for the individual.

The amendments are proposed under the Texas Education Code, Chapter 21, Subchapter O, which directs the State Board of Education to adopt criterion referenced assessment instruments to assess specified minimum basic skills for pupils at the first, third, fifth, seventh, ninth, and twelfth grade levels and to adopt an exit level assessment instrument for pupils at the twelfth grade level.

§101.3. Exemptions.

(a) The term "handicapped student," for purposes of this section, means a student who has been evaluated and determined by an admission, review, and dismissal committee to have a physical, mental, or other impairment which entitles the student to receive special education and related services.

(b) (No change.)

(c) A student who is dismissed from special education during his/her ninth, tenth, or eleventh grade year, but whose individual educational plan did not include all skills tested on either the exit level mathematics or English language arts test, may be exempted from taking the exit level test(s) which measures those skills not included in the student's individual educational plan at the discretion of the admission, review, and dismissal committee. The admission, review, and dismissal committee must address the student's exemptions from the exit level test at the time of the meeting to dismiss the student from special education services.

(d) Modifications of regular classroom procedures which are provided for handicapped students by the local district as specified in the student's individual educational plan shall be provided during the assessment process. Such modifications may include the following:

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

(3) provision for the individual administration of the assessment instrument to handicapped students whose handicapping condition makes this advisable.

(e) Modifications of regular classroom procedures which would render the test invalid, such as use of slide rules and calculators or special reading assistance, shall not be provided.

(f) The eligibility of each handicapped student to take all or a portion of the basic skills assessment instrument and/or the exit level assessment instrument shall be addressed in the student's individual educational plan.

(g) Students in grade one and grade three who have been identified as limited English proficient by the language proficiency assessment committee and whose native language is Spanish will be administered either the Texas educational assessment of minimum skills test or the Spanish version of the Texas educational assessment of minimum skills test. The language proficiency assessment committee will determine whether the student shall be tested in English or in Spanish.

(h) Limited English proficient students at grades one or three whose native language is not Spanish may receive a one-time exemption from the Texas educational assessment of minimum skills test and will participate in the assessment during subsequent administrations.

(i) Students at grades five, seven, and nine who have been identified as limited English proficient by the language proficiency assessment committee may receive a one-time exemption from the Texas educational assessment of minimum skills test if the language proficiency assessment committee has determined that the student has not demonstrated sufficient proficiency in the English language to participate in the assessment.

(j) A student may take a Spanish language version of the Texas educational assessment of minimum skills one time only (applicable to grade one or grade three) or may receive an exemption from the English language version of the Texas educational assessment of minimum skills one time only.

(k) Districts shall make every reasonable effort to ensure that all nonexempt students are tested.

(l) The superintendent or chief administrative officer in each school district shall report to the commissioner of education the number of exempt and nonexempt students who were not tested and shall certify that the exemptions were granted in accordance with the Texas Education Code, §21.555, and this section.

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

Issued in Austin, Texas, on July 18, 1986.

TRD-8607182 W. N. Kirby
Commissioner of Education

Effective date: August 8, 1986
Proposal publication date: May 30, 1986
For further information, please call
(512) 463-9212.

★ 19 TAC §101.6, §101.8

The Texas Education Agency adopts the repeal of §101.6 and §101.8, without changes to the proposed text published in the May 30, 1986, issue of the *Texas Register* (11 TexReg 2502).

The repeal is necessary so that the assessment rules will more accurately reflect current law.

The repeal deletes two sections concerning the confidentiality of individual results on the Texas educational assessment of minimum skills (TEAMS) test and mastery of minimum exit level competencies.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, Chapter 21, Subchapter O, which directs the State Board of Education to adopt criterion-referenced assessment instruments to assess specified minimum basic skills for pupils at the first, third, fifth, seventh, ninth, and twelfth grade levels and to adopt an exit level assessment instrument for pupils at the twelfth grade level.

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

Issued in Austin, Texas, on July 18, 1986.

TRD-8607161 W. N. Kirby
Commissioner of Education

Effective date: August 8, 1986
Proposal publication date: May 30, 1986
For further information, please call
(512) 463-9212.

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Chapter 141. Teacher Certification

Subchapter J. Requirements for Issuance of Texas Certificate Based on Certificates and College Credentials from Other States

★ 19 TAC §§141.181-141.183

The Texas Education Agency adopts the repeal of §§141.181-141.183, without changes to the proposed text published in the May 30, 1986, issue of the *Texas Register* (11 TexReg 2504).

The repeals are necessary because new conflicting sections on the same subject are being adopted.

The repeals are replaced by new §§141.181-141.186, adopted elsewhere in this issue.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning the issuing of teaching certificates.

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

Issued in Austin, Texas, on July 17, 1986.

TRD-8607103 W. N. Kirby
Commissioner of Education

Effective date: August 8, 1986
Proposal publication date: May 30, 1986
For further information, please call
(512) 463-9212.

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★ 19 TAC §§141.181-141.186

The Texas Education Agency adopts new §§141.181-141.186, without changes to the proposed text published in the May 30, 1986, issue of the *Texas Register* (11 TexReg 2504).

The new sections ensure certified personnel from other states meet acceptable competency standards through a testing requirement for issuing a Texas certificate based on out of state certificates. They also facilitate the recruitment of additional teachers to come to Texas, addressing the current shortage, by simplifying requirements and streamlining administrative procedures for issuing credentials.

The new sections allow issuance of a Texas certificate based on valid out of state certificates and successful completion of the appropriate examination for the certification of educators in Texas (ExCET) test. They also establish a one-year renewable certificate to be issued to persons holding a valid standard certificate from another state. Applicants then have one year to achieve satisfactory scores on the prescribed ExCET test. Course work or examinations on the Texas and federal constitutions is no longer required. The agency will continue, at the request of local districts, to evaluate transcripts for out of state individuals whose initial assignment in a Texas public school is in an area not shown on the out of state certificate. Transcripts of persons seeking a Texas certificate for an area not shown on the out of state certificate or not the initial assignment area will be evaluated by a Texas senior college or university. The new sections also eliminate the requirement that applicants from other states must hold a base teaching certificate as a condition for Texas certification.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning the issuing of teaching certificates.

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

Issued in Austin, Texas, on July 17, 1986.

TRD-8807104

W. N. Kirby
Commissioner of Education

Effective date: August 8, 1986

Proposal publication date: May 30, 1986

For further information, please call
(512) 483-9212.

★ ★ ★

Subchapter S. Testing Program General Provisions

★19 TAC §141.421

The Texas Education Agency adopts an amendment to §141.421, without changes to the proposed text published in the May 27, 1986, issue of the *Texas Register* (11 TexReg 2468).

The amendment allows the state to test applicants for certification as administrators using the Texas examination of current administrators and teachers (TECAT) until the appropriate tests in the examination for certification of educators in Texas (ExCET) testing programs have been developed.

The amendment provides that until February 1, 1987, applicants seeking certification as a superintendent or other administrator must pass the TECAT.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning the issuing of certificates.

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

Issued in Austin, Texas, on July 18, 1986.

TRD-8807165

W. N. Kirby
Commissioner of Education

Effective date: August 8, 1986

Proposal publication date: May 27, 1986

For further information, please call
(512) 483-9212.

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TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 37. Maternal and Child Health Services

Crippled Children's Services Program

★25 TAC §37.90

The Texas Department of Health adopts an amendment to §37.90, concerning the Crippled Children's Services Program, with-

out changes to the proposed text published in the June 6, 1986, issue of the *Texas Register* (11 TexReg 2575).

The amendment expands and clarifies the program rules and expands the criteria and procedures for approving hospitals for program use.

The amendment changes hospital criteria in the current rules to delete occupancy rates because the validity of the rates is diminished as a result of implementation of diagnostic-related groups reimbursement. Procedures for approving hospitals and a provision for updating information are being added because these are not currently in the rules.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4419c, §8, which provide the Texas Board of Health with the authority to adopt rules covering the Crippled Children's Services Program.

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

Issued in Austin, Texas, on July 18, 1986.

TRD-8807040

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: August 6, 1986

Proposal publication date: June 6, 1986

For further information, please call
(512) 465-2680.

★ ★ ★

Chapter 123. Respiratory Care Practitioner Certification

★25 TAC §123.7, §123.8

The Texas Department of Health adopts amendments to §123.7 and §123.8. The amendment to §123.7 is adopted with changes to the proposed text published in the June 6, 1986, issue of the *Texas Register* (11 TexReg 2576). The amendment to §123.8 is adopted without changes and will not be republished.

The amendments allow persons who are not credentialed by the National Board for Respiratory Care, Inc. (NBRC) as certified respiratory therapy technicians (CRTT's) and registered respiratory therapists (RRT's) to complete the examination requirements for state certification by September 1, 1987.

The amendments set the passing score at 60 during the transition period, September 1, 1985 through August 31, 1987. Then, for examinations administered on or after September 1, 1987, the passing score will be the cut score determined by the NBRC at the time of examination. Per-

sons who pass the state certification examination and who have completed a respiratory care education program will be eligible for the regular certificate as a respiratory care practitioner.

The department received 70 comments in favor of, and 21 comments against, the proposal in the form of written comments, and testimonies at the public hearing held June 20, 1986.

Several commenters felt that the examination is too difficult and it would be unfair to expect on-the-job trained practitioners (OJT's) to pass the examination at the same score as school graduates, especially since the OJT's may not use certified respiratory therapy technician (CRTT) credential. The department agrees with this rationale.

Many commenters addressed concerns that if OJT's are not allowed the traditional leg-up offered to grandfathers, hospitals will be forced to alternatively employ nurses to provide respiratory care, or utilize other exceptions to certification, on September 1, 1987, or before. The department is very concerned that traditional grandparent provisions are omitted from the statute and agrees with these comments.

One commenter supported the proposal because it provides an equitable opportunity for OJT's to pass the examination. The department agrees.

Two commenters suggested that the public's health and safety is at a higher risk if health care facilities employ other allied health professionals in respiratory care because temporary certificate holders cannot pass the examination, if the passing score is kept at 75. The department agrees with these commenters.

Several respiratory care/cardiorespiratory care/pulmonary care department directors in hospitals supported the proposal and remarked that the OJT's on their staff are highly efficient, caring professionals. To lose them because they are unable to score 75 on the examination by August 31, 1987, will be detrimental to patient care. The department agrees with these comments because the judgment of a person's competency is a manager's responsibility.

Most of the comments received in support of the proposal simply asked that the Board of Health adopt the amendments without changes. The department agrees with these comments.

Several commenters asked that instead of lowering the passing score, the transition period should be extended beyond August 31, 1987, to allow temporary certificate holders more opportunities to take and pass the examination. The department has no authority to extend the period by adopting an administrative rule; such a change requires a statutory amendment.

Concerning §123.7(c)(4)(D), a commenter inquired about the examination cut score for persons applying for certification

through reciprocity. For example, if an applicant who is licensed in another state applies in 1990, and submits proof of making a score of 67 on the CRTT examination given in March 1987, would the applicant be eligible for the regular certificate?

The department believes that this type of applicant, because the application date is after the transition period closes, must pass the examination with a score equal to or exceeding the cut score effective at the time of application. Appropriate wording is added to §123.7(c)(4)(D) clarifying this.

Most of the comments against the proposal questioned the competency of persons who passed the examination with a score between 60 and 75, and were concerned about the possibility of jeopardizing the health and safety of patients. These commenters requested that the passing score be maintained at 75, except for one commenter who recommended a minimum score of 70. The department recognizes the validity of concerns expressed about competency, especially in the areas of critical and emergency respiratory care; however, the department also recognizes that these persons are currently functioning as respiratory care practitioners, providing adequate care to patients without state regulation. To preserve the majority of the work force and recognize the unique clinical experience of on-the-job trained practitioners, the department determined that it would be inequitable to require that these persons pass the examination at a score of 75. The department determined that setting the passing score at 60 is in the best interest of public health and safety. Supervisors and medical directors in the field of respiratory care should make assignments to the areas of routine, critical, or emergency respiratory care based on the individual practitioner's training and ability, rather than on an examination score. Setting the minimum score at 60 allows a person to miss technical questions related to areas in which he or she has no experience or responsibility, such as gas laws and critical respiratory care not provided at rural hospitals, out-patient or in-home care settings.

Other comments against the proposal suggested that high standards set by the National Board for Respiratory Care, Inc. (NBRC) are compromised.

The department disagrees for the following reasons. Other states, including New Mexico and California, grandfathered practitioners without examination; Texas has higher standards than other states who regulate respiratory care practitioners by requiring an examination. Most temporary certificate holders have not completed a respiratory care education program; it is inequitable to require these persons to pass the examination at 75 when program graduates taking the examination for the first time have about a 50% pass rate. A

score of 75 is still required to achieve the national credential of CRTT granted by the NBRC.

One commenter was against the proposal since the statute provides for an exception to certification for students. The commenter suggested that those who fail to pass the examination with a score of 75 or better could continue practicing respiratory care as long as they are bona fide students in an accredited respiratory care education program.

The department acknowledges the exception to certification for students, but wishes to clarify that students may not perform invasive procedures related to critical respiratory care and must be supervised by a state certified respiratory care practitioner. The department agrees with the comment to the extent that it will recommend to those who do not pass the examination that they enroll in an accredited respiratory care education program.

The Texas Society for Respiratory Therapy supported the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4512i, §3(d), which provide the Texas Board of Health with the authority to establish examination requirements for a certificate as a respiratory care practitioner.

§123.7. Types of Certificates and Temporary Permits or Temporary Certificates, and Applicant Eligibility.

- (a)-(b) (No change.)
- (c) Applicant eligibility.
 - (1)-(2) (No change.)
 - (3) Regular certificate. The department shall issue a regular certificate to practice respiratory care to an applicant who has applied on a form prescribed by the department, who has paid the prescribed application fee, and who:
 - (A)-(C) (No change.)
 - (D) has completed the education requirements as set out in §123.6 of this title (relating to Application Requirements and Procedures) and who has passed the examination as set out in §123.8 of this title (relating to Examination).
 - (4) Reciprocity. The department shall issue a regular certificate to practice respiratory care to an applicant who is in good standing and holds a valid license or other form of registration to practice respiratory care in another state, territory, or country, whose requirements for licensure or certification were at the time of approval substantially equal to the requirements set forth in the Act and these sections, and who:
 - (A)-(C) (No change.)
 - (D) has passed the prescribed examination with a score equal to or exceeding the pass rate determined by the department at the time application for certification is submitted to the Texas Department of Health;
 - (E)-(F) (No change.)
 - (5)-(6) (No change.)

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

Issued in Austin, Texas, on July 16, 1986.

TRD-8607041

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: August 6, 1986
Proposal publication date: June 6, 1986
For further information, please call
(512) 458-7631.

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Chapter 145. Long-Term Care Subchapter E. Procedures on Long-Term Care Facilities

★ 25 TAC §145.92

The Texas Department of Health adopts §145.92, without changes to the proposed text published in the April 22, 1986, issue of the *Texas Register* (11 TexReg 1865).

The new section implements certain requirements enacted by House Bill 2091, Article 4, 86th Legislature, 1985, concerning the establishment of a trust fund for the use of a trustee who has been appointed by a court to operate a facility which is under the scope and jurisdiction of Texas Civil Statutes, Article 4442c.

The new section provides for the Texas Department of Health to assess each facility licensed under Texas Civil Statutes, Article 4442c, an annual fee based on licensed units of capacity or bed spaces. The fees establish a fund for the use of a trustee who has been appointed by a court to operate a facility that comes under the scope and jurisdiction of Article 4442c. The assessments apply to nursing homes, custodial care homes, personal care homes, facilities serving mentally retarded persons, and maternity homes. Use of the fund will be only on an emergency basis and will be in accordance with House Bill 2091 and this section.

Only one comment was received during the comment period. The commenter said that licensed facilities should not be assessed to establish a trust fund; the facility having trustee operations, and if that is not possible, the residents should be removed and the facility closed.

The one commenter was Betty L. Gialmo, a nursing home administrator.

House Bill 2091 specifies the assessment mechanism for establishing the fund, and the department cannot make provisions contrary to law.

The new section is adopted under Texas Civil Statutes, Article 4442c, §6C, which provide the Texas Board of Health the au-

thority to promulgate rules on the trust fund.

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

Issued in Austin, Texas, on July 16, 1986.

TRD-8807042 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: August 12, 1986
Proposal publication date: April 22, 1986
For further information, please call
(512) 458-7706.

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Chapter 313. Athletic Trainers General Requirements and Guidelines

★ 25 TAC §§313.1, 313.3, 313.10, 313.11

The Texas Department of Health adopts amendments to §§313.1, 313.3, 313.10, and 313.11, without changes to the proposed text published in the April 25, 1986, issue of the *Texas Register* (11 TexReg 1909). The amendments concern the general requirements and guidelines relating to athletic trainers.

The amendments are adopted to ensure that athletic trainers working in clinical settings are working under the advice and consent of a licensed physician; to assure public schools and colleges that athletic trainer licenses are renewed in a timely manner; and to assure that athletic trainers are continually increasing their knowledge and abilities through continuing education.

These amendments cover athletic trainers employed in settings other than athletic organizations, such as sports medicine clinics and health care organizations, board members receiving a \$30 per diem for attending board meetings, procedures for late renewals, and requirements for continuing education.

Concerning §313.1(a)(7), a commenter stated concern that this amendment was outside the limits as set by the legislature, which defines athletic trainer as practicing under the advice and consent of a team physician. The commenter thinks that modification through a section that states "licensed physician" is outside the confines of the authority granted by the legislature. The department disagrees, since a team physician, must be a licensed physician and an athletic trainer employed in a clinic setting will still be working with sports injuries and prevention of injuries.

The Texas State Board of Physical Therapy Examiners commented against the amendment.

The amendments are adopted under Texas Civil Statutes, Article 4512d, §5, which authorize the Advisory Board of Athletic Trainers to develop rules and regulations, and Article 4414b, §1.05, which authorize the Texas Board of Health to adopt rules to implement its statutory duties.

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 16, 1986.

TRD-8807043 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: August 6, 1986
Proposal publication date: April 25, 1986
For further information, please call
(512) 458-7512.

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Part IV. Anatomical Board of the State of Texas Chapter 471. Officers

★ 25 TAC §§471.1-471.3

The Anatomical Board of the State of Texas adopts amendments to §§471.1-471.3, without changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2059).

The amendments are directed by amended statutes, 69th Legislature, 1985.

The amendments change the titles of officers and their terms in office, and require that the executive committee report its actions to the full board.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4583, §§1(a) and (f), 2(b), and 3(b), which provide the Anatomical Board of the State of Texas with the authority to adopt rules for its government, provide for the size of the board, and identify the title of chairman.

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 Galveston, Texas, on July 17, 1986.

TRD-8807166 Andrew F. Payer
Secretary/Treasurer
Anatomical Board of the
State of Texas

Effective date: August 11, 1986
Proposal publication date: May 6, 1986
For further information, please call
(409) 761-1166.

★ ★ ★

★ 25 TAC §471.4

The Anatomical Board of the State of Texas adopts new §471.4, without changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2060).

The new section defines eligibility for re-election to the board.

The new section defines the eligibility for re-election of incumbent officers to the board.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4583, §2(b), which provide the Anatomical Board of the State of Texas with the authority to adopt rules for its government.

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 Galveston, Texas, on July 17, 1986.

TRD-8807167 Andrew F. Payer
Secretary/Treasurer
Anatomical Board of the
State of Texas

Effective date: August 11, 1986
Proposal publication date: May 6, 1986
For further information, please call
(409) 761-1166.

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Chapter 473. Executive Committee

★ 25 TAC §473.1

The Anatomical Board of the State of Texas adopts an amendment to §473.1, without changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2060).

The amendment directs any actions of the executive committee to the board as directed in amended statutes, 69th Legislature, 1985.

The amendment requires that the executive committee report its actions to the full board.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4583, which provide the Anatomical Board of the State of Texas with the authority to adopt rules for its government and provide for the size of its board.

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 Galveston, Texas, on July 17, 1986.

TRD-8607168

Andrew F. Payer
Secretary/Treasurer
Anatomical Board of the
State of Texas

Effective date: August 11, 1986

Proposal publication date: May 6, 1986

For further information, please call
(409) 761-1166.

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Chapter 475. Meetings

★25 TAC §475.2, §475.3

The Anatomical Board of the State of Texas adopts amendments to §475.2 and §475.3, without changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2061).

The amendments provide another method to conduct a special meeting of the executive committee or board.

The executive committee or board can have special meetings by conference call.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4583, which provide the Anatomical Board of the State of Texas with the authority to adopt rules under the government.

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 Galveston, Texas, on July 17, 1986.

TRD-8607169

Andrew F. Payer
Secretary/Treasurer
Anatomical Board of the
State of Texas

Effective date: August 11, 1986

Proposal publication date: May 6, 1986

For further information, please call
(409) 761-1166.

★ ★ ★

Chapter 477. Distribution of Bodies

★25 TAC §477.2

The Anatomical Board of the State of Texas adopts an amendment to §477.2, without changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2061).

Texas Civil Statutes, Article 455, which dictated that parties receiving bodies shall give bond, was repealed by 69th Legislature, 1985, Chapter 485, §9, Part 4111, effective September 1, 1985.

Institutions authorized to receive, hold, or dispose of bodies do not have to post bond.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4588, by the 69th Legislature, 1985, which provide the Anatomical Board of the State of Texas with the authority to amend this section.

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 Galveston, Texas, on July 17, 1986.

TRD-8607170

Andrew F. Payer
Secretary/Treasurer
Anatomical Board of the
State of Texas

Effective date: August 11, 1986

Proposal publication date: May 6, 1986

For further information, please call
(409) 761-1166.

★ ★ ★

★25 TAC §477.4

The Anatomical Board of the State of Texas adopts an amendment to §477.4, without changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2061).

The amendment provides the board with the guidelines for transport of body or body parts out of the state. It also deals with violations in out-of-state transportation.

The amendment defines rules about transport of body parts to destinations out of the state, under certain circumstances. The amendment outlines hearing procedures for violations of any rule dealing with the transport of the body or body part.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4585(c) and 4583, §2(b), which provide the Anatomical Board of the State of Texas with the authority to adopt rules for its government and provide statutory authority to export bodies or body parts from Texas under certain conditions and circumstances.

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 Galveston, Texas, on July 17, 1986.

TRD-8607171

Andrew F. Payer
Secretary/Treasurer
Anatomical Board of the
State of Texas

Effective date: August 11, 1986

Proposal publication date: May 6, 1986

For further information, please call
(409) 761-1166.

★ ★ ★

★25 TAC §477.6

The Anatomical Board of the State of Texas adopts an amendment to §477.6, without changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2062).

The amendment defines disciplinary action relating to nonpayment of assessment fees.

The amendment concerns hearing procedures related to possible disciplinary action that might be taken by the board relating to nonpayment of assessment fees.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4583, §3(b), which provide the Anatomical Board of the State of Texas with the authority to adopt rules for its government.

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 Galveston, Texas, on July 17, 1986.

TRD-8607172

Andrew F. Payer
Secretary/Treasurer
Anatomical Board of the
State of Texas

Effective date: August 11, 1986

Proposal publication date: May 6, 1986

For further information, please call
(409) 761-1166.

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★25 TAC §477.8

The Anatomical Board of the State of Texas adopts new §477.8, without changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2062).

The new section is needed in response to Texas Civil Statutes, Articles 4583, §2(b) and §3, and 4585, regarding complaints and inquiries to the board along with permission for out-of-state transport of bodies, respectively.

The new section deals with mandatory statements on will forms related to donated body programs. The statements direct complaints and inquiries, and authorization of out-of-state transport of the body to the board.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Articles 4583, §2(b) and §3, and 4585 which provide the Anatomical Board of the State of Texas with the authority to adopt rules for its government to direct complaints and inquiries, and to authorize out of state transport of bodies, respectively.

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 Galveston, Texas, on July 17, 1986.

TRD-8607173 Andrew F Payer
Secretary/Treasurer
Anatomical Board of the
State of Texas

Effective date: August 11, 1986
Proposal publication date: May 6, 1986
For further information, please call
(409) 761-1166.

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Chapter 479. Facilities: Standards and Inspections

★25 TAC §479.1, §479.2

The Anatomical Board of the State of Texas adopts amendments to §479.1 and §479.2, without changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2063).

The amendments provide organizations, institutions, or individuals a mechanism for requesting a hearing based on a judgment of the board.

The amendments concern hearing procedures related to possible disciplinary actions that might be taken by the board relating to refusal to authorize an organization, institution, or individual to receive and hold bodies, and possible withdrawal of approval of facilities and suspension of authority to receive and hold bodies.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4583, §3(b), which provide the Anatomical Board of the State of Texas with the authority to adopt rules for its government.

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 Galveston, Texas, on July 17, 1986.

TRD-8607174 Andrew F Payer
Secretary/Treasurer
Anatomical Board of the
State of Texas

Effective date: August 11, 1986
Proposal publication date: May 6, 1986
For further information, please call
(409) 761-1166.

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★25 TAC §479.5

The Anatomical Board of the State of Texas adopts an amendment to §479.5, without changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2063).

The amendment defines abuse of a corpse and clarifies what the board considers to be dissection in an authorized institution by authorized persons.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4587, which provide the Anatomical Board of the State of Texas with the authority to adopt rules clearly stating what activities related to the dissection of human bodies are authorized by the board.

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 Galveston, Texas, on July 17, 1986.

TRD-8607175 Andrew F Payer
Secretary/Treasurer
Anatomical Board of the
State of Texas

Effective date: August 11, 1986
Proposal publication date: May 6, 1986
For further information, please call
(409) 761-1166.

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Chapter 483. Hearing Procedures

★25 TAC §483.1

The Anatomical Board of the State of Texas adopts new §483.1, without changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2064).

The new section deals with hearing procedures related to nonpayment of assessment fees, nonapproval of an institution to receive and hold bodies, nonapproval of an institution's facilities, or violations on the transport of bodies.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4583, which provide the Anatomical Board of the State of Texas with the authority to adopt rules for its government.

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 Galveston, Texas, on July 17, 1986.

TRD-8607176 Andrew F Payer
Secretary/Treasurer
Anatomical Board of the
State of Texas

Effective date: August 11, 1986
Proposal publication date: May 6, 1986
For further information, please call
(409) 761-1166.

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TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter V. Bingo Regulation and Tax

★34 TAC §3.548

The Comptroller of Public Accounts adopts an amendment to §3.548, without changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2083).

The amendment prohibits the involvement of distributors and manufacturers in the conduct of bingo. The amendment specifically prohibits payments by a commercial lessor, distributor, or manufacturer, of any of the expenses of a licensed organization.

No comments were received regarding adoption of the amendment.

This amendment is adopted under Texas Civil Statutes, Article 179a, which provide that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

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

Issued in Austin, Texas, on July 16, 1986.

TRD-8607045 Bob Bullock
Comptroller of Public
Accounts

Effective date: August 7, 1986
Proposal publication date: May 2, 1986
For further information, please call
(512) 463-4004.

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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 Adult Probation Commission

Committees of the Texas Adult Probation Commission will meet in Suite 600, Building B, 8100 Cameron Road, Austin. Days, times, committees, and agendas follow.

Thursday, July 31, 1986, 10 a.m. The Program Committee will discuss fiscal year 1986 budget adjustments for court residential treatment centers (CRTC) in El Paso, Harris, and McLennan Counties; Restitution Centers (RC) in Cass, El Paso, Harris, Jefferson, and Midland Counties; hear summary data reports for CRTCs, RCs, and grant information; consider fiscal year 1987 grant requests for Bexar County including contract residential services and RCs; requests for Brazos County specialized caseloads; the Cameron County RC, Cass County RC, Dallas County RC, and the Ector County supplemental funding and RC; in El Paso County including CRTC, RC, the Grayson County contract residential services; the Harris County CRTC, specialized caseloads, and RCs; the Hidalgo County RC, the Hockley County supplemental funding; Jefferson County RCs; and McCulloch County.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753, (512) 834-8188.

Filed: July 18, 1986, 10:59 a.m.
TRD-8607112

Thursday, July 31, 1986, 2 p.m. The Audit Review Committee will discuss fiscal audit reports; final reviews for Bexar, Duval, Harris, Hidalgo, Hill, Jim Wells, Matagorda, McLennan, Morris, Smith, Tyler, and Victoria Counties; and discuss initial reviews for Anderson, Angelina, Baylor, Caldwell, Cameron, Comanche, Cooke, Erath, Fort Bend, Grayson, Hardin, Hood, Hunt, Jack, Kaufman, Kleberg, Maverick, Montague, Parker, Scurry, and Terry Counties.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753, (512) 834-8188.

Filed: July 18, 1986, 11 a.m.
TRD-8607111

Friday, August 1, 1986, 9 a.m. The Texas Adult Probation Commission will introduce guests; approve minutes; hear the financial report; the Programs report; discuss fiscal year 1986 budget adjustments for Court Residential Treatment Centers (CRTC) in El Paso, Harris, and McLennan Counties; Restitution Centers (RC) in Cass, El Paso, Harris, Jefferson, and Midland Counties; hear summary data reports for CRTCs, RCs, and grant information; consider fiscal year 1987 grant requests for Bexar County contract residential services, and RCs; requests for Brazos County specialized caseloads; the Cameron County RC; Cass County RC; Dallas County RC; Ector County supplemental funding and RC; El Paso County CRTCs and RCs; Grayson County Contract Residential Services; the Harris County CRTC, specialized caseloads, and RCs.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753, (512) 834-8188.

Filed: July 18, 1986, 10:59 a.m.
TRD-8607113

Texas Department on Aging

Thursday, August 7, 1986, 10 a.m. The State Citizens Advisory Council of the Texas Department on Aging will meet in the Third Floor Conference Room, Texas Department on Aging, 1949 IH 35 South, Austin. Items on the agenda include the approval of the minutes of the meeting of May 8, 1986; the fiscal report; a question and answer session regarding various aging programs; a report from the subcommittee reviewing carryover and funding priorities; the Area Agency on Aging (AAA) reports; and a report on the Texas Silver Haired Legislature.

Contact: Linda Heath, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

Filed: July 17, 1986, 1:32 p.m.
TRD-8607070

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State Banking Board

Monday, July 28, 1986, 10 a.m. The State Banking Board will meet at 2601 North Lamar Boulevard, Austin. According to the agenda summary, the board will consider an approval of a charter application; interim charter applications; a change of domicile application; conversion applications; hearings procedures; and review applications approved, but not yet open. The board also will meet in executive session to discuss pending litigation.

Contact: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78703, (512) 475-4451.

Filed: July 18, 1986, 2:25 p.m.
TRD-8607122

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Board of Barber Examiners

Tuesday, August 5, 1986, 8 a.m. The Board of Barber Examiners will meet in Room C-275, 1300 East Anderson Lane, Austin. According to the agenda, the board will approve the minutes of the previous meeting; discuss sign teacher and school certificates; interview out-of-state applicants; and hear letters and reports to the board by the executive director. The board also will meet in executive session.

Contact: Jo King McCrorey, Room C-275, 1300 East Anderson Lane, Austin, Texas 78752, (512) 835-2040.

Filed: July 18, 1986, 4:05 p.m.
TRD-8607147

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Texas Board of Chiropractic Examiners

Wednesday-Friday, July 30-August 1, 1986, 8 a.m. daily. The Texas Board of Chiropractic Examiners will meet in Suite 245, Building C, 1300 East Anderson Lane, Austin. According to the agenda, the board will meet Wednesday to conduct exam registration at Howard Johnson's Motel, 7800 IH 35 North, Austin, and administer exams at 9 a.m. Thursday, the board will conduct an orientation; continue exams; conduct a board meeting and administrative hearings at the agency office. Friday, the board will continue exams; continue the board meeting and administrative hearings; grade exams; certify licenses; consider rescinding physical therapy policy made at the February 26-28, 1986, board meeting; consider amending the statute to hold all court proceedings in Travis County; consider amending the statute to assess fines for violations of the Texas Chiropractic Act; the proposed rule concerning advertising free services, examination, or treatment; the approval of a post graduate course for license renewal; and unfinished business and new business. The board also will meet in executive session on call August 2, 1986, 9 a.m., for possible extension of the board meeting.

Contact: Bobbye Ferris, Suite 245, Building C, 1300 East Anderson Lane, Austin, Texas 78752, (512) 835-2006.

Filed: July 17, 1986, 10:57 a.m.
TRD-8607063

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East Texas State University

Committees of the Board of Regents of East Texas State University met in the McDowell Administration Building, East Texas State University, Commerce. Days, times, rooms, committees, and agendas follow.

Wednesday, July 23, 1986, 8:30 a.m. In the boardroom, the Executive Committee discussed athletic hall of fame nominations; the revision of the holiday schedule; determined dates and places for the board meetings during fiscal year 1987; and personnel action. The committee also met in executive session.

Contact: Dayton Cole, East Texas State University, Commerce, Texas 75428, (214) 886-5539.

Filed: July 17, 1986, 10:46 a.m.
TRD-8607059

Wednesday, July 23, 1986, 8:30 a.m. In Room 218, the Student and University Advancement Committee discussed distinguished alumni awards.

Contact: Dayton Cole, East Texas State University, Commerce, Texas 75428, (214) 886-5539.

Filed: July 17, 1986, 10:47 a.m.
TRD-8607057

Wednesday, July 23, 1986, 9 a.m. In the boardroom, the Campus Planning and Finance Committee discussed adjustment in the fiscal year 1986 operating budget for Commerce; adjustments in the fiscal year 1986 operating budget for Texarkana; the year-end closing of accounts; and the ratification of the biennial budget request.

Contact: Dayton Cole, East Texas State University, Commerce, Texas 75428, (214) 886-5539.

Filed: July 17, 1986, 10:46 a.m.
TRD-8607055

Wednesday, July 23, 1986, 9:30 a.m. In the boardroom, the Board of Regents heard opening remarks by the chairman; recognized guests; approved the agenda; approved the May 9, 1986, minutes; heard the report by the president; discussed distinguished alumni awards; curriculum changes for Texarkana; adjustments in the fiscal year 1986 operating budget for Commerce; adjustments in the fiscal year 1986 operating budget for Texarkana; the year-end closing of accounts; the ratification of the biennial budget request; athletic hall of fame nominations; revision of the holiday schedule; determined the dates and places for the board meeting during fiscal year 1987; and considered personnel action. The board also met in executive session.

Contact: Dayton Cole, East Texas State University, Commerce, Texas 75428, (214) 886-5539.

Filed: July 17, 1986, 10:47 a.m.
TRD-8607056

Wednesday, July 28, 1986, 9 a.m. In Room 218, the Academic Affairs Committee will discuss curriculum changes for Texarkana.

Contact: Dayton Cole, East Texas State University, Commerce, Texas 75428, (214) 886-5539.

Filed: July 17, 1986, 10:47 a.m.
TRD-8607058

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Texas Employment Commission

Wednesday, July 30, 1986, 8:30 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will review prior meeting notes; consider internal procedures of commission appeals; higher level appeals in unemployment compensation cases on Commission Docket 30; and set the date of the next meeting.

Contact: Courtenay Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

Filed: July 21, 1986, 1:26 p.m.
TRD-8607188

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Office of the Governor

Tuesday, July 29, 1986, 9 a.m. The Governor's Task Force on Inhalant Abuse of the Office of the Governor will meet in the 10th Floor Boardroom and atrium, Waller Creek Plaza Hotel, IH 35 and Sixth Street, Austin. According to the agenda, the task force will review activities to date; discuss new business; conduct subcommittee meetings; hear subcommittee reports; adopt recommendations; and discuss future meetings.

Contact: Marc A. Campos, Room G-03, State Capitol, Austin, Texas 78711, (512) 463-1830.

Filed: July 17, 1986, 10:44 a.m.
TRD-8607054

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Governor's Commission on Physical Fitness

Tuesday, July 29, 1986, 9:30 a.m. The Youth Fitness Task Force of the Governor's Commission on Physical Fitness will meet in the Republic Room, Hobby Hilton Inn, Houston. According to the agenda summary, the task force will review city directors recommendations; revise the background statement for the FYT program; identify the areas of need for the pilot schools and districts; and review the current Youth Fitness Awards Program and the need for an expansion of the program.

Contact: Donald Haydor, Suite 508, 7703 North Lamar Boulevard, Austin, Texas 78752, (512) 467-7141.

Filed: July 18, 1986, 3:30 p.m.
TRD-8607151

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Texas Statewide Health Coordinating Council

Wednesday, July 30, 1986. Committees of the Texas Statewide Health Coordinating Council will meet at the Texas Department of Health, 1100 West 49th Street, Austin. Times, rooms, committees, and agendas follow.

9 a.m. In Room T-507, the Perinatal, Pediatric, and Trauma Center Committee will approve the minutes of the June 25, 1986, meeting; review the draft chapters of the Task Force Report including Chapter 2: Perinatal Service, Chapter 3: Pediatric Services, and Chapter 8: Trauma Centers; and discuss Chapter 9: General Conclusions and Recommendation.

Contact: Carol S. Daniels, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: July 21, 1986, 4:15 p.m.
TRD-8607209

9 a.m. In Room T-803, the Radiation Therapy, Open Heart Surgery/Cardiac Catheter-

ization, End-Stage Renal Disease and Transplantation Committee will approve the minutes of the June 25, 1986, meeting; review draft chapters of the Task Force Report including Chapter 4: Open Heart Surgery/Diagnostic Cardiac Catheterization, Chapter 5: Radiation Therapy, Chapter 6: End-Stage Renal Disease, and Chapter 7: Organ Transplantation; and discuss Chapter 9: General Conclusions and Recommendations.

Contact: Carol S. Daniels, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: July 21, 1986, 4:15 p.m.
TRD-8607207

2 p.m. In Room T-507, the Task Force on Regionalization of Specialized Medical Services will approve the minutes of the June 25, 1986, meeting; hear reports from the Perinatal, Pediatric, and Trauma Centers Committee, the Radiation Therapy, Open Heart Surgery/Cardiac Catheterization, End-Stage Renal Disease and Transplantation Committee; discuss Chapter 9: General Conclusions and Recommendations; and set the date of the next meeting.

Contact: Carol S. Daniels, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: July 21, 1986, 4:15 p.m.
TRD-8607208

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State Department of Highways and Public Transportation

Wednesday and Thursday, July 23 and 24, 1986, 10 a.m. daily. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation made an emergency addition to the agenda for the meeting held in Room 101-A, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. The addition concerned consideration of the transfer of the City of El Paso UMTA funds to Capital Metro (MO). The emergency status was necessary in order to prevent lapsing of federal funds.

Contact: Lois Jean Turner, Room 203, Dewitt C. Greer Building, 11th and Brazos Streets, Austin, Texas 78701, (512) 463-8616.

Filed: July 21, 1986, 2:49 p.m.
TRD-8607193

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Texas Historical Commission

Friday, July 25, 1986, 8 a.m. The Federal Programs Committee of the Texas Historical Commission will meet in emergency session in the dining room, Driskill Hotel, 117 East Seventh Street, Austin. According to the agenda, the committee will discuss recommendations for an appointment to the State Board of Review; departmental budgets; preservation awards; and major federal proj-

ects. The emergency status is necessary because this is the only possible meeting time for committee discussions prior to the regularly scheduled quarterly meeting of the Texas Historical Commission the same day.

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

Filed: July 21, 1986, 3:47 p.m.
TRD-8607199

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Texas Housing Agency

Monday, July 28, 1986, 11 a.m. The Finance and Audit Committee of the Texas Housing Agency will meet in Suite 700, 411 West 13th Street, Austin. According to the agenda summary, the committee will hear a summary report on mortgage insurance; a summary of financial highlights; consider the fiscal year 1987 budget; and hear a summary report on a management team. The committee also will meet in executive session to discuss office space considerations; and personnel matters.

Contact: Dan A. McNeil, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: July 18, 1986, 3:13 p.m.
TRD-8607129

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University of Houston System

Thursday, July 24, 1986, 2 p.m. 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 board discussed the evaluation of personnel by the chief executive officer; the University of Houston-Victoria; the evaluation of personnel by the interim chief executive officer; the University of Houston System; and the selection process for the permanent chief executive officer of the University of Houston System.

Contact: Michael T. Johnson, Suite 500, 4600 Gulf Freeway, Houston, Texas 77023, (713) 749-7545.

Filed: July 18, 1986, 10:53 a.m.
TRD-8607110

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Texas Department of Human Services

Tuesday, July 29, 1986, 9:30 a.m. The Church Relations Advisory Group (CRAG) of the Texas Department of Human Services (DHS) will meet in Room 5-W, Fifth Floor, West Tower, 701 West 51st Street, Austin. According to the agenda summary, the advisory group will discuss Region 5 of DHS religious community meetings; hear a report of the Texas Health and Human Services Coordinating Council Task Force on home-

lessness; hear a report from the CRAG Task Force on economic crisis community forums; hear miscellaneous reports and concerns of the members; discuss budget issues and the special session of the legislature; and recognize retiring members.

Contact: Andrea Garza, P.O. Box 2960, Austin, Texas 78769, (512) 450-3135.

Filed: July 18, 1986, 3:12 p.m.
TRD-8607153

Wednesday, July 30, 1986, 9 a.m. The Services to the Aged and Disabled Advisory Committee (ADAC) of the Texas Department of Human Services will meet in Room 5-W, Fifth Floor, West Tower, 701 West 51st Street, Austin. According to the agenda summary, the committee will consider reports on the house hearing on fiscal year 1987 appropriations and budget; overview the fiscal year 1987 budget and the fiscal year 1988-1989 legislative appropriations request; hear a report and plans for a hearing from the Sunset Commission; consider a proposal for a position paper on the disabled; a withdrawal of a proposed rule on annual physician orders for primary home care; procedures for the ADAC fiscal year 1987 objectives; an amendment to ICF/SNF standards for participation related to the inspection of care; Medicaid eligibility rules related to the Lynch vs. Rank lawsuit; Medicaid eligibility rules related to the treatment of retroactive lump sum payments from SSI and RSDI; and plans for the next meeting.

Contact: Mary Ann Harvey, P.O. Box 2960, Austin, Texas 78711, (512) 450-3194.

Filed: July 18, 1986, 3:10 p.m.
TRD-8607152

Thursday, July 31, 1986, 9:30 a.m. The Family Self-Support Services (FSS) Advisory Council of the Texas Department of Human Services will meet in Room 3-W, Third Floor, West Tower, 701 West 51st Street, Austin. According to the agenda summary, the council will discuss certificates of appreciation; review the fiscal year 1986 Advisory Committee objectives; hear a report on the Day Care Task Force meeting; a report on the Family Planning Task Force meeting; consider the status of the Family Planning Cost study; the status of the Day Care market-based study; the update on LAR and other budget issues; consider information recording the Public Relations Advisory Committee; a plan for combining the FSS and IAS Advisory Committees; and schedule future meetings for fiscal year 1987.

Contact: Dolores Ablowich, P.O. Box 2960, Austin, Texas 78769, (512) 450-4140.

Filed: July 18, 1986, 3:12 p.m.
TRD-8607154



State Board of Insurance

Tuesday, July 29, 1986, 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 consider Docket 9312—application of Prudential Mutual Life Insurance Company, Dallas, to acquire a first lien upon real estate in an amount in excess of 5% of its admitted assets.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: July 21, 1986, 9:09 a.m.
TRD-8607183

Tuesday, July 29, 1986, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will discuss board orders on several different matters; the fire marshal's report on personnel matters; the commissioner's report on personnel matters; and pending and contemplated litigation.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: July 21, 1986, 2:41 p.m.
TRD-8607192

Tuesday, July 29, 1986, 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 consider Docket 9311—renewal of the Group I legal reserve life insurance agent's license held by Tom Searls Wynn, Jr., Garland, for a legal reserve life insurance agent's license.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: July 21, 1986, 9:07 a.m.
TRD-8607182

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Texas Department of Labor and Standards

Thursday, August 7, 1986, 10 a.m. The Texas Industrialized Building Code Council of the Texas Department of Labor and Standards will meet in Room 103, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the council will discuss the adoption of the 1986 code revision to the Standard Building Code and the 1986 supplement to the Uniform Building Code.

Contact: Jimmy G. Martin, P.O. Box 12157, Austin, Texas 78711, (512) 463-7352.

Filed: July 17, 1986, 1:54 p.m.
TRD-8607071

Thursday, August 7, 1986, 10:15 a.m. The Texas Department of Labor and Standards will meet in Room 103, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the department will consider the proposed additional rules and changes to Chapter 70, Industrialized Housing and Buildings. Proposed §70.14 clarifies what constitutes zoning discrimination; §70.20 changes the mandatory code from the 1982 edition to the 1985 edition; §70.22 establishes the 1983 edition of the One and Two Family Dwelling Code; §70.34 establishes procedures for redlining drawings; and §70.40 permits manufacturers to designate structures that are not designed for placement on a permanent foundation and requires the manufacturer to place a manufacturer's seal on each structure stating such.

Contact: Jimmy G. Martin, P.O. Box 12157, Austin, Texas 78711, (512) 463-7352.

Filed: July 17, 1986, 1:55 p.m.
TRD-8607072

Thursday, August 7, 1986, 11 a.m. The Texas Industrialized Building Code Council of the Texas Department of Labor and Standards will meet in Room 103, John H. Reagan Building, 105 West 15th Street, Austin. Items on the agenda include the review of the minutes of the last meeting; old business including the amendment to the National Electrical Code; and new business including the department update, the loss of certification, the off site construction for local use in Houston, the Cornwall composite sandwich panels, and public comment.

Contact: Jimmy G. Martin, P.O. Box 12157, Austin, Texas 78711, (512) 463-7352.

Filed: July 22, 1986, 9:42 a.m.
TRD-8607211

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Board of Law Examiners

Sunday-Tuesday, July 27-29, 8:30 a.m., 8 a.m., and 8 a.m., respectively. The Board of Law Examiners will meet at the Capital Marriott, 11th Street at IH 35, Austin, on July 27, and at the Texas Law Center, 1414 Colorado Street, Austin, on July 28 and 29. According to the agenda, the board will consider the minutes of the June, 1986, meeting; discuss the budget including the current status of fiscal year 1986 and approve fiscal year 1987; personnel matters; examination procedures for the July, 1986, examination; consider moving the board offices; discuss questions of eligibility and special requests; and consider hearings on moral character and fitness.

Contact: Wayne E. Denton, Suite 505, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1621.

Filed: July 18, 1986, 2:54 p.m.
TRD-8607126

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Legislative Budget Board

Friday, July 25, 1986, 9 a.m. The Legislative Budget Board will meet in the Senate Chamber, State Capitol, Austin. According to the agenda, the board will review alternative proposals for reducing fiscal 1987 appropriations and any other subjects that come before the board. The location of the meeting was changed.

Contact: Jim Oliver, Room 207-A, State Capitol, Austin, Texas 78711, (512) 463-1166.

Filed: July 17, 1986, 10:17 a.m.
TRD-8607061

Saturday, July 26, 1986, noon. The Subcommittee on Criminal Justice of the Legislative Budget Board will meet in executive session in the Lieutenant Governor's Committee Room, State Capitol, Austin. According to the agenda, the subcommittee will conduct an organizational meeting; and consider any other business that might come before the subcommittee. The emergency status is necessary in order to organize the subcommittee to do business.

Contact: Jim Oliver, Room 207-A, State Capitol, Austin, Texas 78711, (512) 463-1166.

Filed: July 21, 1986, 11:10 a.m.
TRD-8607184

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Texas Board of Licensure for Nursing Home Administrators

Wednesday, July 30, 1986, 10 a.m. The Texas Board of Licensure for Nursing Home Administrators will meet at 3407 IH 35 North, Austin. According to the agenda, the board will approve the agenda; approve the minutes of the April 17, 1986, meeting; consider disciplinary actions; hear reports from: the Texas Department of Health, the Texas Department of Human Services, the Suitability Committee, the Education Committee, Personal Appearances, the Ad Hoc Committee for Aides and Orderlies, LAR, the executive director, and the chair. The board also will meet in executive session.

Contact: Dottie Mathieson, 3407 IH 35 North, Austin, Texas 78722, (512) 479-0922.

Filed: July 21, 1986, 8:53 a.m.
TRD-8607155



Board of Pardons and Paroles

Monday-Friday, July 28-August 1, 1986, 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 releases 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 18, 1986, 10:51 a.m.
TRD-8607108

Tuesday, July 29, 1986, 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: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2749.

Filed: July 18, 1986, 10:51 a.m.
TRD-8607109

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Texas Board of Private Investigators and Private Security Agencies

Wednesday, July 30, 1986, 9:30 a.m. The Texas Board of Private Investigators and Private Security Agencies will meet in Room 109, John H. Reagan Building, 109 West 15th Street, Austin. According to the agenda, the board will consider old business including the discussion and possible board approval of correspondence training programs from Security Institute; new business including approval of staff action of new licenses, suspension orders, certificates for replacement managers, license terminations, revocations, denials, reprimands, requests for the waiver of board rule, other proposals for decision, and requests for rehearing; and a discussion and board action on the 1987 budget.

Contact: Clema D. Sanders, P.O. Box 13509, Austin, Texas 78711, (512) 465-5545.

Filed: July 22, 1986, 8 a.m.
TRD-8607210

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Texas State Board of Public Accountancy

Wednesday and Thursday, July 30 and 31, 1986, 10 a.m. and 1 p.m. on Wednesday, and 9 a.m. on Thursday. The Entry and Re-entry Committee, Executive Committee, and

Full Board of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda summary, the committees will review the minutes, hear committee reports including the Entry and Re-entry Committee's applications for certification and registration, the swearing-in ceremony, and other appropriate business; the Examination Committee will consider the May/November, 1986, examination execution and plans, plans for future examinations including proctors, sites, and expenses; the Enforcement and Technical Standards Review Committees will consider complaints, hearings, and opinions; the Long-Range Planning Committee will consider rule changes, amendments to the Act, and Sunset Review; the Continuing Education Committee will consider exemption requests, terminations of suspensions, additional credit, sponsor registration, and audit, panel actions, and rule changes; the Executive Committee will consider appropriation and budget matters, the audit report, substantive rule changes, meetings, the staff, and other pertinent matters; substantive rule action; litigation; opinion requests, the ratification of orders and proposals for decision; communications and activity summary; and other pertinent matters.

Contact: Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752, (512) 451-0241.

Filed: July 17, 1986, 1:54 p.m.
TRD-8607083

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Public Utility Commission of Texas

Wednesday, July 23, 1986, 9 a.m. The Hearings Division of the Public Utilities Commission of Texas made an emergency addition to the agenda for a meeting held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The addition concerned Docket 6200—petition of Southwestern Bell Telephone Company for authority to change rates (consideration of July 18, 1986, tariff filing). The emergency status was necessary because of the rate case with a statutory deadline.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 21, 1986, 3:07 p.m.
TRD-8607196

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

Wednesday, July 30, 1986, 10 a.m. A prehearing conference in Docket 6900—inquiry of the Public Utility Commission of Texas into the failure of El Paso Electric Company to pay certain expenses and petition to show cause. This meeting is rescheduled from Monday, July 21, 1986, (11 Tex-Reg 3264).

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 21, 1986, 3:07 p.m.
TRD-8607194

Thursday, August 14, 1986, 10 a.m. A prehearing conference in Docket 6915—application of Gulf States Utilities Company for determination of in-service date of River Bend Unit One.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 18, 1986, 2:39 p.m.
TRD-8607150

Tuesday, August 19, 1986, 10 a.m. A prehearing conference in Docket 6928—inquiry into the legality of the service, practices, and rates of Nueces Electric Cooperative, Inc., relating to switchovers.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 18, 1986, 2:40 p.m.
TRD-8607148

Tuesday, September 2, 1986, 10 a.m. A hearing on the merits in Docket 6915—application of Gulf States Utilities Company for determination of in-service date of River Bend Unit One.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 18, 1986, 2:40 p.m.
TRD-8607149

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Railroad Commission of Texas

Monday, July 21, 1986, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas made an emergency revision to the agenda for a meeting held in Room 126, William B. Travis Building, 1701 North Congress Avenue, Austin. The revision concerned consideration of Gas Utilities Dockets 6078 and 6079—statements of intent filed by Producer's Gas Company to change rates charged to Tejas Hydrocarbon Company and Enserch Gas Transmission Company. The emergency status was necessary to insure that the public welfare is not jeopardized by the imposition of utility rates which are not just and reasonable.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

Filed: July 18, 1986, 1:54 p.m.
TRD-8607125

Monday, July 21, 1986, 9 a.m. The Transportation Division of the Railroad Commission of Texas made an emergency revision to the agenda for a meeting held in the 12th Floor Conference Room, William

B. Travis Building, 1701 North Congress Avenue, Austin. The revision concerned consideration of a motion to direct the Transportation Division to initiate rulemaking proceedings for the adoption and enforcement of federal regulations concerning hazardous materials transportation by rail. The emergency status was necessary because inherent dangers of hazardous materials transportation necessitate commission emergency consideration to protect the health, safety, and welfare of Texas citizens.

Contact: Mike James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7315.

Filed: July 18, 1986, 1:55 p.m.
TRD-8607127

Monday, July 28, 1986, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. 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) 463-7257.

Filed: July 18, 1986, 2:17 p.m.
TRD-8607134

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

Filed: July 18, 1986, 2:17 p.m.
TRD-8607135

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6787.

Filed: July 18, 1986, 2:19 p.m.
TRD-8607141

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

Filed: July 18, 1986, 2:19 p.m.
TRD-8607139

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 78711-2967, (512) 463-6710.

Filed: July 18, 1986, 2:17 p.m.
TRD-8607130

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6931.

Filed: July 18, 1986, 2:18 p.m.
TRD-8607138

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6713.

Filed: July 18, 1986, 2:14 p.m.
TRD-8607128

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: Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: July 18, 1986, 1:53 p.m.
TRD-8607123

Consideration of Docket 4-83,123—the extension of Rule 26(B) exception for state lands, Duval County.

Contact: Susan Cory, P.O. Box 12967, Austin, Texas 78711, (512) 463-6923.

Filed: July 18, 1986, 2:54 p.m.
TRD-8607124

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) 463-6981.

Filed: July 18, 1986, 2:19 p.m.
TRD-8607140

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) 463-6976.

Filed: July 18, 1986, 2:17 p.m.
TRD-8607132

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 Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 463-7149.

Filed: July 18, 1986, 2:17 p.m.
TRD-8607131

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters; consideration of the acceptance of an incremental bond for the operations of Aluminum Company of America at its San-

dow Mine under Permit 1; and consideration of a partial release of the reclamation obligation of Continental Oil Company's Conquista Project operating under Permit 008, Sites 6 and 7.

Contact: J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, (512) 463-7149.

Filed: July 18, 1986, 2:18 p.m.
TRD-8607136

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: July 18, 1986, 2:18 p.m.
TRD-8607137

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Texas Sesquicentennial Commission

Friday, July 18, 1986, 9:30 a.m. The Vendors and Sanctioning Subcommittee of the Texas Sesquicentennial Commission met in emergency session in Suite 116, 510 South Congress Avenue, Austin. According to the agenda, the subcommittee discussed sanctioned vendors; and the sanctioned association. The emergency status was necessary in order to clarify legalities concerning sanctioned vendors and to discuss the possible revocation of sanctioned associations.

Contact: Patrick Terry, Suite 116, 510 South Congress Avenue, Austin, Texas 78704, (513) 463-1986.

Filed: July 17, 1986, 4:10 p.m.
TRD-8607076

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Sunset Advisory Commission

Friday, July 25, 1986, 2 p.m. The Subcommittee on Diversion Alternatives of the Sunset Advisory Commission will meet in the Senate Chamber, State Capitol, Austin. According to the agenda, the subcommittee will consider an overview presentation by the staff of the Criminal Justice Policy Council; consider a presentation and discussion of major options; other business; and set the next meeting date.

Contact: Jeri Kramer, Room 305, John H. Reagan Building, 105 West 15th Street, Austin, Texas 78701, (512) 463-1300.

Filed: July 17, 1986, 3:27 p.m.
TRD-8607073

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Texas Southern University

Friday, August 1, 1986, 9:30 a.m. Committees of the Board of Regents of Texas Southern University will meet in Room 203,

Sterling Student Life Center, 3100 Cleburne Avenue, Houston. Committees and agendas follow.

The Finance Committee will consider matters relating to the issuance of Rosewood Site Project Bonds; reports on short term university investments; monthly fiscal reports on university operations; and matters relating to the current biennium budget.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Texas Southern University, Houston, Texas 77004 (713) 529-8911.

Filed: July 17, 1986, 1:50 p.m.
TRD-8607077

The Building and Grounds Committee will consider the payments to architects and contractors; improvements to land; the construction change orders; the purchase of real estate; bids on construction projects; reports on on-going construction projects; and plans and projections for building renovation projects.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Texas Southern University, Houston, Texas 77004 (713) 529-8911.

Filed: July 17, 1986, 1:50 p.m.
TRD-8607078

The Personnel and Academic Affairs Committee will consider the ratification of instructional personnel changes; the enrollment projections and reports; and reports on academic plans and projections.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Texas Southern University, Houston, Texas 77004 (713) 529-8911.

Filed: July 17, 1986, 1:50 p.m.
TRD-8607079

The Student Affairs Committee will consider information from the university administration on tuition installment payments; the status report on the recruitment, retention, and enrollment of students; a report on the current enrollment and on the enrollment projections for the 1986 Fall term; the status report on student financial aid; and the status report on student dormitories.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Texas Southern University, Houston, Texas 77004 (713) 529-8911.

Filed: July 17, 1986, 1:50 p.m.
TRD-8607080

The Development Committee will consider receiving reports from the administration on university fund raising efforts and reports on special funds budgets.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Texas Southern University, Houston, Texas 77004 (713) 529-8911.

Filed: July 17, 1986, 1:50 p.m.
TRD-8607081

Friday, August 1, 1986, 1:30 p.m. The Board of Regents of Texas Southern University will

meet in Room 203, Sterling Student Life Center, 3100 Cleburne Avenue, Texas Southern University, Houston. Items on the agenda include the reports from the board's Standing Committee; and a report from the president. The board also will meet in executive session for evaluation of university personnel and to confer with the university attorney on matters relating to litigation and the purchase or sale of real estate.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Texas Southern University, Houston, Texas 77004 (713) 529-8911.

Filed: July 17, 1986, 1:50 p.m.
TRD-8607082

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Texas Water Commission

Tuesday, August 12, 1986, 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 determine whether an order should be issued to the City of Coldspring, P.O. Box 247, Coldspring, Texas 77331, authorizing the city to construct and discharge from wastewater treatment facilities not to exceed an average flow of 15,000 gallons per day of treated domestic wastewater effluent, prior to the commission rendering a decision on its permanent permit application for waste discharge Permit 13291-01.

Contact: Roger Schultz, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: July 17, 1986, 3:54 p.m.
TRD-8607084

Tuesday, September 16, 1986, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Agendas follow.

The commission will consider the Application 5071 of the City of Fort Worth for a permit to modify and maintain a dam creating a 218 acre-foot capacity reservoir (Luther Lake) on an unnamed tributary of Clear Fork Trinity River, tributary of the Trinity River, Trinity River Basin, for recreational (aesthetic) purposes, Tarrant County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 21, 1986, 4:10 p.m.
TRD-8607204

The commission will consider the Application 5072 of Gibraltar Savings Association for a permit to construct and maintain nine lakes and to modify and maintain five lakes. The applicant proposes to use the reservoirs for recreational use, flood control purposes, and for irrigation not to exceed 504 acres of land. Trinity River Basin McKinney, Collin County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 21, 1986, 4:13 p.m.
TRD-8607206

The commission will consider the Application 5069 of Ruth L. Mackan, *et al* for a permit to divert water per annum from Pignut Gulley, tributary of Ground Bridge Gulley, tributary of North Fork of Taylors Bayou, tributary of Taylors Bayou, Neches Trinity Coastal Basin, for irrigation use, Jefferson County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 21, 1986, 4:11 p.m.
TRD-8607205

The commission will consider the Application 5070 of Sabine Development LTD, for a permit to divert water from an existing dam and reservoir on Waller Creek, tributary of the Colorado River, Colorado River Basin, for aesthetic (recreation) uses, in place, and in conjunction with man-made landscaping, waterfalls near the Fifth Street crossing of Waller Creek, in downtown Austin, Travis County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 21, 1986, 4:06 p.m.
TRD-8607203

The commission will consider the Application 3862B of W. T. Averitt, III, to amend Permit 3569, as amended, to include authorization to modify and maintain an existing dam and 190 acre-foot capacity reservoir Colorado River Basin, Ector County, for irrigation purposes.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 21, 1986, 4:07 p.m.
TRD-8607202

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Texas Youth Commission

Monday, July 21, 1986, 6:30 p.m. The Texas Youth Commission met in emergency session via telephone conference call from 8900 Shoal Creek Boulevard, Austin. According to the agenda, the commission discussed the budget reduction proposals. The emergency status was necessary because the board wanted to reach a consensus on any particular reductions prior to House Appropriations Committee deliberation.

Contact: Ron Jackson, P.O. Box 9999, Austin, Texas 78766, (512) 452-8111.

Filed: July 18, 1986, 3:20 p.m.
TRD-8607133

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Regional Agencies
Meetings Filed July 17

The Mental Health/Mental Retardation Authority of Brazos Valley, Board of Trustees, met at 3232 Briarcrest Drive, Bryan, on July 24, 1986, at 1:30 p.m. Information may be obtained from Dr. Ann Pye-Shively, 707 Texas Avenue, Suite 225C, College Station, Texas 77840.

The Dallas Area Rapid Transit Authority, Board of Directors, met at 601 Pacific Avenue, Dallas, on July 18, 1986, at 4:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Henderson County Appraisal District, Appraisal Review Board, met at 101 East Corsicana, Athens, on July 21, 1986, at 9 a.m. Information may be obtained from Ron Groom, 101 East Corsicana, Athens, Texas, (214) 675-9296.

The Lamb County Appraisal District, Board of Directors, met at 330 Phelps Avenue, Littlefield, on July 24, 1986, at 7:30 p.m. Information may be obtained from Murlene J. Bilbrey, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

The Lampasas County Appraisal District, Appraisal Review Board, met at 403 East Second, Lampasas, on July 18, 1986, at 9 a.m. The board will also meet, at the same location, on July 28, 1986, at 9 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Lee County Appraisal District, Appraisal Review Board, met at 218 East Richmond Street, Giddings, on July 24, 1986, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Lower Colorado River Authority, Audit and Budget Committee, met at the Farris 1912 Hotel, Eagle Lake, on July 23, 1986, at 8 a.m. The Energy Operations Committee; Finance and Administration Committee; Natural Resources Committee; and Planning and Public Policy Committee also met, at the same location, on the same date, at 8 a.m. The Board of Directors also met, at the same location, on July 24, 1986, at 9 a.m. Information may be obtained from John E. Bagalay, Jr., 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3200.

The Tarrant Appraisal District, Appraisal Review Board, met in Suite 505, 1701 River Run, Fort Worth, on July 20 and 21, 1986, at 8 a.m. Information may be obtained from Linda Danford, 1701 River Run, Suite 200, Fort Worth, Texas 76017, (817) 332-3151.

TRD-8607060

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Meetings Filed July 18

The Austin-Travis County Mental Health/Mental Retardation Center, Board of Trustees, met at 1430 Collier Street, Austin, on July 24, 1986, at 7 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Bastrop County Appraisal District, Board of Directors, met at 1200 Cedar Street, Bastrop, on July 24, 1986, at 7:30 p.m. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Coastal Bend Council of Governments, will meet in the Central Jury Room, fourth floor, 901 Leopard, Corpus Christi, on July 25, 1986, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78408, (512) 883-5743.

The Comal Appraisal District, Board of Directors, met at 644 North Loop 338, New Braunfels, on July 19, 1986, at 9:30 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130.

The Education Service Center, Region XIII, Board of Directors, will meet in Room 200, 7703 North Lamar, Austin, on July 29, 1986, at 12:30 p.m. Information may be obtained from Dr. Joe Parks, 7703 North Lamar, Austin, Texas 78752, (512) 458-9131.

The Hansford County Appraisal District, Appraisal Review Board, will meet at 709 West Seventh Avenue, Spearman, on July 25, 1986, at 10 a.m. The board will also meet, at the same location, on July 25, 1986, at 10 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.

The Lone Star Municipal Power Agency, met at Huntsville City Hall, 1212 Avenue M, Huntsville, on July 21, 1986, at 5:30 p.m. Information may be obtained from Cathy Lock, P.O. Box 9960, College Station, Texas 77840, (409) 764-3515.

The Lower Colorado River Authority, Finance and Administration Committee, met at the Farris 1912 Hotel, Eagle Lake, on July 23, 1986, at 8 a.m. The Board of Directors also met, at the same location, on July 24, 1986, at 9 a.m. Information may be obtained from John E. Bagalay, Jr., 3700 Lake Austin Boulevard, Austin, Texas 78703, (512) 473-3200.

The Lower Rio Grande Valley Development Council, Board of Directors, met at 311 East Tyler, Harlingen, on July 24, 1986, at 1:30 p.m. Information may be obtained from Robert A. Chandler, 1701 West Highway 83,

Suite 707, McAllen, Texas 78501, (512) 682-3481.

The Middle Rio Grande Development Council, Board of Directors, will meet in the County Courtroom, Highway 83 and Fourth Street, Leakey, on July 30, 1986, at 1 p.m. Information may be obtained from Mike Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Nolan County Central Appraisal District, Board of Directors, met at the Holiday Inn, Sweetwater, on July 22, 1986, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The North Central Texas Council of Governments, Executive Board, met at 616 Six Flags Drive, Arlington, on July 24, 1986, at 12:45 p.m. Information may be obtained from Edwina J. Hicks, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

The Panhandle Regional Planning Commission, Board of Directors, met at 415 West Eighth Street, Amarillo, on July 24, 1986, at 1:30 p.m. Information may be obtained from Polly Jennings, P.O. Box 9247, Amarillo, Texas 79109-9257, (806) 372-3381.

TRD-8607107

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Meetings Filed July 21

The Austin-Travis County Mental Health/Mental Retardation Center, Board of Trustees, will meet at 301 West Avenue (City Electric Building—Auditorium), Austin, on July 30, 1986, at 6 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Central Plains Mental Health/Mental Retardation Center, Board of Trustees, met at 715 Houston, Plainview, on July 24, 1986, at 7 p.m. Information may be obtained from Rick Van Hersh, 2700 Yonkers, Plainview, Texas 79072, (806) 293-2636.

The Comal Appraisal District, Appraisal Review Board, will meet at 644 North Loop 337, New Braunfels, on August 7 and 14, 1986, at 9 a.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The Dallas Area Rapid Transit, Minority Affairs Committee, met at 601 Pacific Avenue, Dallas, on July 22, 1986, at 4:30 p.m. The Board of Directors also met, at the same location, on the same date, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Central Appraisal District, Appraisal Review Board, met in Suite 500, 1420 West Mockinbird Lane, Dallas, on July 24,

1986, at 2 p.m. Information may be obtained from Rick L. Kuhler, 1420 West Mockingbird Lane, Dallas, Texas 75247, (214) 631-0520.

The Deep East Texas Private Industry Council, will meet at the Rodeway Inn, Highway 59 South, Lufkin, on July 30, 1986, at 3 p.m. Information may be obtained from Don E. Boyd, 109 Ratcliff Circle, Lufkin, Texas, (214) 586-3556.

The Region XVII Education Service Center, Board of Directors, will meet at 4000 22nd Place, Lubbock, on August 5, 1986, at 10 a.m. Information may be obtained from Ray Lanier, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000.

The Hockley County Appraisal District, Appraisal Review Board, will meet in the boardroom, 1103-C Houston Street, Levelland, on July 25, 1986, at 10:30 a.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Hunt County Tax Appraisal District, Appraisal Review Board, met at 4815-B King Street, Greenville, on July 22, 1986, at 8:30 a.m. Information may be obtained from Joe Pat Davis or Jeanette Jordan, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Lee County Appraisal District, Board of Directors, will meet at 218 East Richmond Street, Giddings, on July 30, 1986, at 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942. (409) 542-9618.

The Northeast Texas Municipal Water District, Board of Directors, will meet at Highway 250 South, Hughes Springs, on July 28, 1986, at 2 p.m. Information may be obtained from Homer Tanner, P.O. Box 955, Hughes Spring, Texas 75656, (214) 639-7538.

The Parmer County Appraisal Office, Board of Directors, will meet at 305 Third Street, Bovina, on August 4, 1986, at 8 p.m. Information may be obtained from Ron Procter,

P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.

The Central Appraisal District of Rockwall County, Appraisal Review Board, met at 106 North San Jacinto, Rockwall, on July 24, 1986, at 4:30 p.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

TRD-8607156

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Meeting Filed July 22

The Tyler County Tax Appraisal District, Board of Directors, will meet at 103 Pecan, Woodville, on August 5, 1986, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

TRD-8607212

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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 Department of Agriculture Consultant Contract Award

The Texas Department of Agriculture (TDA) has awarded a consultant contract under Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the May 27, 1986, issue of the *Texas Register* (11 Tex-Reg 2485).

Description. A consultant has been selected to assist the department to plan and coordinate survey research of possible socioeconomic effects of the U.S. Department of Energy (DOE) high-level nuclear waste program on agricultural communities in Texas. Specifically, the contractor shall design and direct new survey research in the Panhandle, assure that new research complements methodologies previously used in TDA's longitudinal research program concerning the high-level nuclear waste, disseminate results to professional audiences, and assist TDA in integrating results with other elements of the state's review of the DOE program.

Consultant Name. The name and address of the private consultant is Julia Brody, 15 Brewster Road, Newton, Massachusetts 02161.

Terms. The maximum value of this contract is \$18,300, beginning December 15, 1985, and ending August 31, 1987.

Report Dates. Upon completion of the contract, the contractor shall provide the project manager with survey analysis reports and two manuscripts for publication as well as oral reports upon request.

Issued in Austin, Texas, on July 15, 1986.

TRD-8607108 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of Agriculture

Filed: July 18, 1986
For further information, please call (512) 463-7583.

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Agriculture is requesting proposals for the services of a consultant.

Proposal Specifications. An applicant must have at least five years of programming experience. He or she must be skilled in the design of computer systems and have demonstrated microcomputer experience. Preferably, the applicant should be familiar with Texas agricultural statutes and regulations, since the applicant selected will be required to design and assist with developing computerized information systems to support the department's programs.

Furthermore, the consultant shall assist and advise the department in the use of microcomputers; assist in resolving microcomputer hardware or software problems; coordinate with the Data Processing Division in establishing

communications between microcomputers in the field offices and computers in the central office; design applications for department microcomputers; design microcomputer training programs for department staff; answer questions posed by the department staff about microcomputers; and provide general consulting services to the department on microcomputer matters.

Contact. Written proposals are to be submitted to Annette LoVoi, Assistant Deputy Commissioner for Administration, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

Deadline for Proposal. Proposals must be received at the specified address no later than 5 p.m. on September 1, 1986.

Evaluation Criteria. Proposals will be judged on the following basis: demonstrated knowledge and expertise in the department's programs and their applications; working knowledge of the statutes under which the department operates; previous work experience, demonstrating a long-term association with computer system design and the operation and programming of computers and microcomputer; demonstrated ability to synthesize technical material and to rapidly prepare appropriate reports on findings.

Contract Award. Awarding of the contract will not necessarily be made to the bidder offering the lowest price, but to the lowest and best bidder, considering price and results of evaluation. Final selection will be made by the department's assistant deputy commissioner of administration, based upon submitted qualifications and staff recommendations. It is the intent of the department to award this contract for consulting services to the private consultant that previously performed these services, unless a superior offer is submitted. However, this proposal request in no way obligates the department to execute a resulting contract. The right to reject any or all proposals is reserved.

Notifying of Contract Award. The consultant selected will receive a letter notifying him or her of the contract award. The letter will be issued not later than September 3, 1986. Notice will also be sent to unsuccessful applicants in the foregoing manner.

Issued in Austin, Texas, on July 15, 1986.

TRD-8607105 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of Agriculture

Filed: July 18, 1986
For further information, please call (512) 463-7583.

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**State Banking Board
Notice of Hearing**

The hearing officer of the State Banking Board will conduct a hearing on Friday, August 22, 1986, at 9 a.m. at 2601 North Lamar, Austin, on the change of domicile application for First State Bank, Thornton.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, State Banking Department, 2601 North Lamar, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on July 10, 1986.

TRD-8607052 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: July 16, 1986
For further information, please call (512) 479-1200.

The date of the hearing for the charter application of Falfurrias State Bank, Falfurrias, has been rescheduled. The hearing is hereby rescheduled to begin on August 5, 1986, at 9 a.m. at the Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705.

The rescheduling of the hearing in this matter shall not alter the deadline for the filing of a petition in intervention by any party under State Banking Board rules. Any such petition shall be considered timely filed if received by July 21, 1986.

Issued in Austin, Texas, on July 17, 1986.

TRD-8607177 Jorge A. Gutierrez
General Counsel
State Banking Board

Filed: July 18, 1986
For further information, please call (512) 479-1200.

Notice of Hearing Cancellation

As no opposition has been noted in the application for change of domicile for Dallas International Bank, Dallas, the hearing previously scheduled for Tuesday, July 22, 1986, has been cancelled.

Issued in Austin, Texas, on July 18, 1986.

TRD-8607121 Jorge A. Gutierrez
General Counsel
State Banking Board

Filed: July 18, 1986
For further information, please call (512) 479-1200.

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**Texas Department of Community
Affairs**

Announcement of Contract Awards

The Texas Department of Community Affairs (TDCA) announces that the units of general local government listed below have each been selected as a contract recipient for economic development under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413 (201), §4A, for the third 1985 competition.

De! Rio	\$490,000	Waelder	134,000
Domino	365,000	Carrizo Springs	133,300
Terrell	194,400	Navasota	290,000
Morris County	139,200	Cass County	162,400
Donna	81,500	Kingsville	81,700
Pecos	375,000		

A contract is not effective until executed by the unit of general local government and the executive director of the TDCA.

Issued in Austin, Texas, on July 17, 1986.

TRD-8607074 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: July 17, 1986
For further information, please call (512) 834-6060.

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**Office of Consumer Credit
Commissioner**

Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 07/21/86-07/27/86	18.00%	18.00%
Monthly Rate— Article 1.04(c)(1) 07/01/86-07/31/86	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 07/01/86-09/30/86	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 07/01/86-09/30/86	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 07/01/86-09/30/86	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 07/01/86-09/30/86	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 07/01/86-09/30/86	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 07/01/86-09/30/86	18.00%	N/A

Judgment Rate—Article

1.05, §2

08/01/86-08/31/86

10.00%

10.00%

- (1) For variable rate commercial transactions only.
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f).
- (3) Credit for personal, family, or household use.
- (4) Credit for business, commercial, investment, or other similar purpose.

Issued in Austin, Texas, on July 14, 1986.

TRD-8807094

Al Endsley
Consumer Credit
Commissioner

Filed: July 17, 1986

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

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Texas Education Agency Request for Proposals

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Education Agency (TEA) announces a request for proposals for the design, development, and implementation of a public education information management system within the framework of an operational plan that has already been adopted.

Public Education Information Management System. The State Board of Education (SBOE) and the commissioner of education support the design, development, and implementation of a comprehensive information system to improve public education management at the state level. This system must establish a highly complex decisions support environment to provide timely information for use in education policy making. It must be cost effective and efficient in the handling of data to support the decision making function of the Texas Education Agency.

Consultant Services Requested. It is the intent of the Texas Education Agency to continue using the services of a consulting firm that is presently being retained by this agency, unless a better offer is received from a person or firm possessing the necessary qualifications and experience to provide the requested services.

Consulting services are requested to assist in the design and implementation of a public education information management system. Services contracted for will include, but are not limited to, designing, developing, and testing, the following: data standards, the detailed data base, the collection process, error handling, the aggregate data bases, standard data base access routines, key reports, and ad hoc access routines.

Proposal Evaluation Criteria. Proposals will be evaluated on the basis of the following criteria: proven performance in designing and implementing large government and business information systems; proposed approach to the implementation of the public education information management system; and cost for completing the project.

Contract Award Procedure. The deadline for receipt of proposals is August 22, 1986, at 5 p.m. Submit proposals to: Lynn Moak, Deputy Commissioner for Research and Information, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701. A bidders conference will be held on Friday, August 1, at 10 a.m., in Room 1-110 of the William B. Travis Building, located at 1701 North Congress Avenue. The contract will be considered for award by the SBOE on Saturday, September 13, 1987.

Contract Term. The contract begins on Monday, September 22, 1986. Up to \$400,000 may be awarded for this project.

Contact Person. For an RFP application packet or additional information regarding this RFP, please contact: George McCollough, Data Services Division, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9787.

Issued in Austin, Texas, on July 18, 1986.

TRD-8807180

W. N. Kirby
Commissioner of Education

Filed: July 21, 1986

For further information, please call (512) 483-9212.

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Texas Department of Health Intent to Revoke Certificates of Registration

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following registrants for failure to pay fees pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8:

- (1) Melvyn E. Huckaby, D.D.S., 2619 Holman Street, Houston, Texas 77004, Registration Number 11-10137;
- (2) F. Stuart McGinney, D.D.S., P.O. Box 1, Junction, Texas 76849, Registration Number 4-10098;
- (3) Hawkeye Weld Integrity Systems, P.O. Box 141, Barker, Texas 77413, Registration Number 11-09628;
- (4) Robert S. Graham, D.D.S., 1306 Washington Avenue, Houston, Texas 77002, Registration Number 11-09572;
- (5) Jackson T. Devine, D.D.S., 1504 Mistletoe Lane, Arlington, Texas 76013, Registration Number 5-07403;
- (6) M. C. Percival, D.C., Highway 12, Suite 20, P.O. Box 1356, Wimberley, Texas 78676, Registration Number 5-07316;
- (7) Allen P. Koeppel, D.D.S., 917 East Curtis, Suite 12, Pasadena, Texas 77502, Registration Number 11-07274;
- (8) Varian Associates, Inc., 611 Hansen Way, Palo Alto, California 94303, Registration Number 99-06706;
- (9) Malcolm McKay, D.C., 15467 Woodforest Boulevard, Channelview, Texas 77530, Registration Number 11-06425;
- (10) Donald A. Colwell, D.C., 2412 Pasadena Boulevard, Suite B, Pasadena, Texas 77502, Registration Number 11-11418;
- (11) Key to the Hills Equine Clinic, P.O. Box 1066, Boerne, Texas 78006, Registration Number 9-11417;
- (12) John M. Donohue, D.P.M., 6111 FM Road 1960 West, Suite 103, Houston, Texas 77069, Registration Number 11-11067;
- (13) A. J. Riddle, D.D.S., 4315 Lockwood Drive, Houston, Texas 77026, Registration Number 11-10392;
- (14) MacDonald Animal Clinic, 6125 Denton Drive, Dallas, Texas 75235, Registration Number 5-12370;
- (15) Animal Care Clinic, Inc. West, 4040 West Park Boulevard, Plano, Texas 75075, Registration Number 5-12473;
- (16) Animal Care Clinic, Inc. East, 1517 14th Street, Plano, Texas 75074, Registration Number 5-12474;
- (17) W. F. Thompson and Associates, 712 South Fifth Street, P.O. Box 447, Knox City, Texas 75929, Registration Number 4-12484;

(18) American Medicenter, The Wichita Tower, Suite 830, Wichita Falls, Texas 76301, Registration Number 4-13501;

(19) Southwest Texas State University, LBJ Drive and Roanoke, San Marcos, Texas 78666, Registration Number 6-04030;

(20) G. Brooks Davis, Jr., D.D.S., Memorial City Professional Building, 909 Frostwood, Suite #161, Houston, Texas 77024, Registration Number 11-12915;

(21) Shelterwood Animal Hospital, P.O. Box 215, Carthage, Texas 75633, Registration Number 7-12173;

(22) David L. Gonzales, D.D.S., 1712 Houston Boulevard, South Houston, Texas 77587, Registration Number 11-12181;

(23) Diabetes Centers of America, Inc., 4400 Spring Valley, Suite 107, Dallas, Texas 75224, Registration Number 5-12805;

(24) West Houston Veterinary Associates, Inc., 1837 Kirkwood, Houston, Texas 77077, Registration Number 11-13148;

(25) De Zavala Family Practice Center, 4961 De Zavala Road, San Antonio, Texas 78249, Registration Number 9-13359;

(26) The Westwood Clinic of Chiropractic, 9724 Beechnut, Houston, Texas 77047, Registration Number 11-13079;

(27) H. L. Watkins, D.D.S., 100 East 2nd Street, P.O. Box 848, Irving, Texas 75060, Registration Number 5-12203;

(28) James Michael Davis, D.D.S., 4900 Overton Ridge Boulevard, Suite 113, Fort Worth, Texas 76132, Registration Number 5-12200;

(29) Laservision Productions, Inc., 721 Shawnee Avenue, New York, New York 10710, Registration Number Z00187;

(30) Bellaire West Veterinary Clinic, 11107 Bellaire Boulevard, Houston, Texas 77072, Registration Number 11-01092;

(31) Mexia State School, FM Road 2838, P.O. Box 1132, Mexia, Texas 76667-1132, Registration Number 6-01732;

(32) H. H. Hunstand, D.C., 608 East Second Street, Alice, Texas 78332, Registration Number 8-04732;

(33) Dennis E. Stansbury, D.D.S., 3800 South Park Drive, Tyler, Texas 75703, Registration Number 7-05280;

(34) Dale Selzer, D.D.S., 131 North Main, P.O. Box 750, Munday, Texas 76371, Registration Number 4-05570;

(35) Melba Adams Wilson, D.D.S., 1213 Hermann Drive, Suite 265, Houston, Texas 77004, Registration Number 11-06040;

(36) William D. Lovelady, D.P.M., 7540 Louis Pasteur, Suite 204, San Antonio, Texas 78229, Registration Number 9-06325;

(37) John R. Bates, D.D.S., 701 South John Redditt, Lufkin, Texas 75901, Registration Number 7-06346.

In addition Melvyn E. Huckøby's Application for Certificate of Registration to this department has not been received.

The agency intends to revoke the certificates of registration, order the registrants to cease and desist use of radiation machine(s), and order the registrants to divest themselves of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of each complaint, no order will be issued. This notice affords the opportunity for a hearing to show cause why the certificates

of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration 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, Texas from 8 a.m. to 5 p.m., Monday through Friday (except holidays).

Issued in Austin, Texas, on July 18, 1986.

TRD-8607158

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 21, 1986

For further information, please call (512) 835-7000.

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Texas Department of Human Services Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) furnishes this notice of contract award. The notice for request for proposals was published in the January 17, 1986, issue of the *Texas Register* (11 TexReg 308).

Description of Services. The contractor selected will provide training for residential child care providers to promote the prevention of abuse and neglect in residential child care facilities.

Name of Contractor and Value of Contract. West Texas Psychological Associates, 3471 Knickerbocker Road, Suite 508, San Angelo, Texas 76904—\$51,073.

Effective Date of Contract. The contract began May 6, 1986, and will end September 30, 1986.

Due Date of Reports. All documents, films, recordings, or reports are due by September 30, 1986.

Issued in Austin, Texas, on July 18, 1986.

TRD-8607145

Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: July 18, 1986

For further information, please call (512) 450-3766.

Consultant Proposal Requests

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (TDHS) invites all interested parties to submit proposals to provide consultant services to this agency.

Description of Services-Proposal Number 1. The purpose of the proposed contract is to plan, organize, and conduct data collection (including computer data entry) and related training for a research project in progress. Data collected to date include approximately 300 data elements from each of 4,000 case records. The contract is for the purpose of: expanding and updating the existing data base, while maintaining current standards of reliability; and

training others to access and use the data base and related software via remote computer terminals across the state. Tasks to be performed also include periodic revision of the data collection instrument and other tasks assigned and supervised by the project director. The subject of this research project is the system of licensed residential programs for children in Texas.

Contract Amount. Payments under the contract are not planned to exceed \$22,516 plus \$3,000 travel and per diem, although the contract amount may increase or decrease based upon need.

Description of Services-Proposal Number 2. The purpose of the proposed contract is to conduct multivariate statistical analyses and related computer programming. Work to be done includes computer modeling of the processes which decide appropriate programs and reimbursement rates for children who need residential care and treatment. Resultant computer programs and output documents must be designed for use by caseworkers, agency executives, and legislators who have had no previous experience with computers or multivariate statistics. Work to be performed also includes other tasks assigned and supervised by the project director. The subject of this research project is the system of licensed residential programs for children in Texas.

Amount of Contract. Payments under the contract are not planned to exceed \$19,556 including travel and per diem, although the contract amount may increase or decrease based upon need.

Intent to Continue Current Contract. The proposed contracts continue a service previously performed by private contractors. The department intends to award the contracts to the previous contractors unless a substantially better offer is received.

Description of Services-Proposal Number 3. The purpose of the proposed contract is to assist in the planning, organizing, and conducting data collection (including computer data entry) and related training for a research project in progress. Data collected to date include approximately 300 data elements from each of 4,000 case records. The contract is for the purpose of: expanding and updating the existing data base, while maintaining current standards of reliability; and training others to access and use the data base and related software via remote computer terminals across the state. Tasks to be performed also include periodic revision of the data collection instrument and other tasks assigned and supervised by the project director. The subject of this research project is the system of licensed residential programs for children in Texas.

Contract Amount. Payments under the contract are not planned to exceed \$17,928 plus \$3,000 travel and per diem, although the contract amount may increase or decrease based upon need.

Procedure for Selection Contractors. The TDHS project director and a division administrator will select and award the contract on the basis of demonstrated competence and qualifications, such as, but not limited to, history of similar work, references, and ability to complete the work in the designated time frame.

Contact Person. For additional information or to notify the department of intent to make a proposal, contact Michael Bruce or David Brock, Texas Department of Human Services, 701 West 51st Street, P.O. Box 2960—Mail Code 538-W, Austin, Texas 78769, (512) 450-3145.

Closing Date. The last day to receive bids is 5 p.m., August 5, 1986.

Issued in Austin, Texas, on July 18, 1986.

TRD-8607146

Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: July 18, 1986

For further information, please call (512) 450-3766.

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Legislative Budget Office Joint Budget Hearing Schedule

The following schedule for the period of July 28-August 1, 1986, provides the dates and locations of the joint executive and legislative budget office hearings for appropriations requests for the 1988-1989 biennium.

Texas Tourist Development Agency; 9 a.m.; July 28; Room 213, State Capitol, Austin

Texas State Board of Examiners of Psychologists; 10:30 a.m.; July 28; Room 107, John H. Reagan Building, Austin

West Texas State University; 1 p.m.; July 28; Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin

Panhandle-Plains Historical Museum; 2:30 p.m.; July 28; Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin

Coordinating Board, Texas College and University System; 10 a.m.; July 29; Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin

State Board of Barber Examiners; 10 a.m.; July 29; Room 107, John H. Reagan Building, Austin

General Land Office; 1:30 p.m.; July 29; Room 107, John H. Reagan Building, Austin

Real Estate Commission; 2 p.m.; July 29; Room 213, State Capitol, Austin

Midwestern State University; 9 a.m.; July 30; Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin

Texas State Library and Archives Commission; 9 a.m.; July 30; Room 215, State Capitol, Austin

Railroad Commission of Texas; 10 a.m.; July 30; Room 107, John H. Reagan Building, Austin

State Property Tax Board; 10 a.m.; July 30; Room 213, State Capitol, Austin

Texas Woman's University; 10:30 a.m.; July 30; Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin

Stephen F. Austin State University; 1 p.m.; July 30; Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin

Pan American University; 9 a.m.; July 31; Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin

Credit Union Department; 10 a.m.; July 31; Room 213, State Capitol, Austin

State Board of Morticians; 10 a.m.; July 31; Room 107, John H. Reagan Building, Austin

Pan American University at Brownsville; 10:30 a.m.; July 31; Room 209, Bevington Reed Building, 200 East Riverside Drive, Austin

State Board of Plumbing Examiners; 2 p.m.; July 31; Room 107, John H. Reagan Building Building, Austin

Good Neighbor Commission; 2 p.m.; July 31; Room 213, State Capitol, Austin

Please confirm dates, times, and locations, since experience has shown that some rescheduling always occurs.

Issued in Austin, Texas, on July 18, 1986.

TRD-8607178 Larry Kopp
Assistant Director for Budgets
Legislative Budget Office

Filed: July 18, 1986
For further information, please call (512) 463-1200.

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Texas Department of Public Safety Consultant Contract Award

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Department of Public Safety, Nuclear Waste Programs Office (NWPO), announces the award of a consultant contract. The required consultant proposal request appeared in the May 18, 1986, issue of the *Texas Register* (11 TexReg 2397).

Under the terms of the contract the consultant will provide the following services:

(1) assist the NWPO and local government entities in Deaf Smith and Oldham Counties, through informal or formal boards (under the Interlocal Cooperation Act, Texas Civil Statutes, Article 4413(32c)), which serve as points of local contact among the NWPO, local citizens and organizations, and the United States Department of Energy in assessing potential governmental fiscal impacts and social, economic, environmental, and health and safety impacts of site characterization, construction, operation, closure, and postclosure activities of a potential high-level nuclear waste repository;

(2) assist the NWPO and local government officials, citizens, and boards in planning for the assessment of impacts cited in Item (1) which may be subject to mitigation and compensation under the provisions of the Federal Nuclear Waste Policy Act of 1982 (Public Law 97-425);

(3) assist the NWPO and local government officials, citizens, and boards in planning programs for the long-term monitoring of impacts cited in Item (1);

(4) assist the NWPO and local government officials, citizens, and boards in planning programs for the periodic reassessment and updating of impacts cited in Item (1);

(5) assist the NWPO and local government officials, citizens, and boards in planning and initiating a program to identify and document problems, issues, needs, and procedures, relevant to the above items, which should be considered by the NWPO in regard to impact mitigation and consultation and cooperation agreement discussions with the DOE;

(6) meet with the NWPO and local government officials, citizens, and boards to provide organizational and evaluative assistance relevant to the previously mentioned items;

(7) prepare monthly progress reports and a final report for the NWPO of this second phase planning program, including the status of the local government par-

ticipation and the plans and programs developed for impact assessment, monitoring, and updating, and a summary of key local government issues related to impact mitigation and consultation and cooperation agreements.

The contract was awarded to Charles L. Branton, 9300 Elm Grove Circle, Austin, Texas 78736. The beginning date of the contract is July 9, 1986; the ending date is June 30, 1987; the total value of the contract is \$55,000.

Due dates for any written and verbal reports prepared in providing the services described will be established based on the availability of written reports and notification of plans and decisions of the United States Department of Energy.

Issued in Austin, Texas, on July 18, 1986.

TRD-8607120 James B. Adams
Director
Texas Department of Public Safety

Filed: July 18, 1986
For further information, please call (512) 465-2345.

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State Committee of Examiners for Speech-Language Pathology and Audiology Public Hearing

The State Committee of Examiners for Speech-Language Pathology and Audiology will conduct a public hearing on the proposed changes to its rules that were published in the June 17, 1986, issue of the *Texas Register* (11 TexReg 2790). The hearing will be at 9 a.m., Friday, August 1, 1986, in Room T-507, Texas Department of Health, 1100 West 49th Street, Austin, Texas.

For further information, contact June Robertson, Executive Secretary, State Committee of Examiners for Speech-Language Pathology and Audiology, 1100 West 49th Street, Austin, Texas 78756-3183, (512) 458-7502.

Issued in Austin, Texas, on July 18, 1986.

TRD-8607159 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 21, 1986
For further information, please call (512) 458-7502.

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Texas Water Commission Notice of Public Hearing

The Texas Water Commission is required under the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §13, as amended by House Bill 2358, 69th Legislature, 1985, to identify and assess hazardous waste facilities or areas which may constitute an imminent and substantial endangerment to public health and safety or the environment. Pursuant to §13, the commission must complete a draft survey to identify such facilities or areas and publish, by January 1, 1987, a registry identifying each facility or area, the relative priority of the need for remedial action and setting forth recommendations for action to

achieve clean-up. The following is a draft survey of such facilities or areas and is developed and published to fulfill the requirements of 31 TAC §335.343, as adopted by publication in the *Texas Register* on June 13, 1986.

The purpose of the hearings is to provide the public an opportunity to comment on the draft survey and provide information on additional candidate sites. Hearing locations have been selected to facilitate comments on sites located in the general area of the hearing location. The hearings will be conducted in such a manner as to acquire relevant information on the following draft survey sites:

Hearing date, time, and location:
August 19, 1986, at 7 p.m.
University of Texas Health Science Center,
Building B, Second Floor
Tyler

for the following facilities or areas:
McBay Oil and Gas, Grapeland
Wortham Lead Salvage, Eustace

Hearing date, time, and location:
August 21, 1986, at 7 p.m.
Houston-Galveston Area Council
3555 Timmons, Board of Directors
Conference Room, Fourth Floor
Houston

for the following facilities or areas:
Federated Metals, Houston
Hall Street Site, Dickinson
State Marine of Port Arthur, Port Arthur
Trio Mud, Houston
Rio Grand Refinery, Sour Lake

Hearing date, time, and location:
August 26, 1986, 7 p.m.
Coastal Bend Council of Governments
2910 Leopard Street, Conference Room
Corpus Christi

for the following facilities or areas:
Hayes Sammons Warehouse Site, Mission
Munoz Borrow Pits, Mission
Niagara Chemical, Harlingen
South Texas Solvents, Banquete
Texas Plastics, Mathis

Hearing date, time, and location:
August 28, 1986, 10 a.m.
Stephen F. Austin Building, Room 1149A and B
1800 North Congress Avenue
Austin

for general comment on the assessment and remediation program and the following area:
Buchanan Dam Site, Buchanan Community
Texas A&M Fire Training School, College Station

Persons desiring to comment on the survey should do so in the context of these public hearings. Comments relating to facilities or areas identified may be submitted orally or in writing at the hearing. Oral presentations should be accompanied by written comments.

Copies of the survey and additional information relating to the facilities or areas identified on the survey may be obtained by contacting Sheldon Seibel, Central Records Center, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8562. Copying of file information is subject to the payment of a fee. Information relating to the public hearing and the conduct of the assessment and remediation program may be obtained by contacting Christy Smith, Hazardous and Solid Waste Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7785.

Issued in Austin, Texas, on July 21, 1986.

TRD-8607179 James K. Rourke, Jr.
General Counsel
Texas Water Commission

Filed: July 21, 1986
For further information, please call (512) 463-8070.