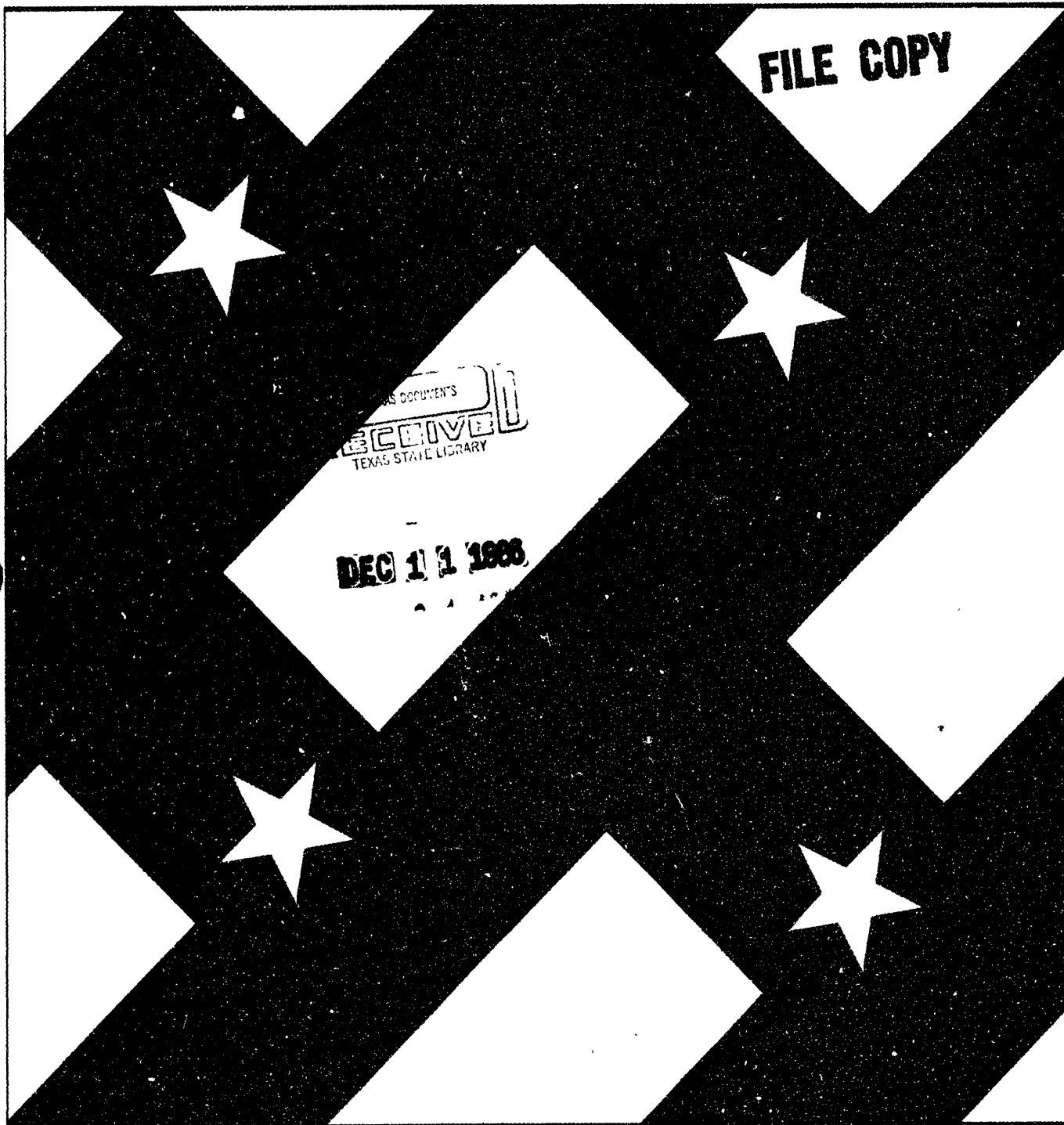


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Texas Register

Volume 11, Number 88, November 28, 1986

Pages 4813-4873



Highlights

The Public Utility Commission of Texas adopts an emergency amendment concerning the arrangement between qualifying facilities and electric utilities. Effective date - November 24 page 4819

The Coordinating Board, Texas College and University System proposes amendments concerning approval of postsecondary technical

and vocational programs for state appropriations to community and junior colleges and TSTI. Proposed date of adoption - January 23 page 4825

The State Board of Veterinary Medical Examiners propose an amendment concerning fund disbursements. Earliest possible date of adoption - December 29 page 4829

Office of
the Secretary
of State

Texas Register

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- Attorney General—summaries of requests for opinions, opinions, and open records decisions
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- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
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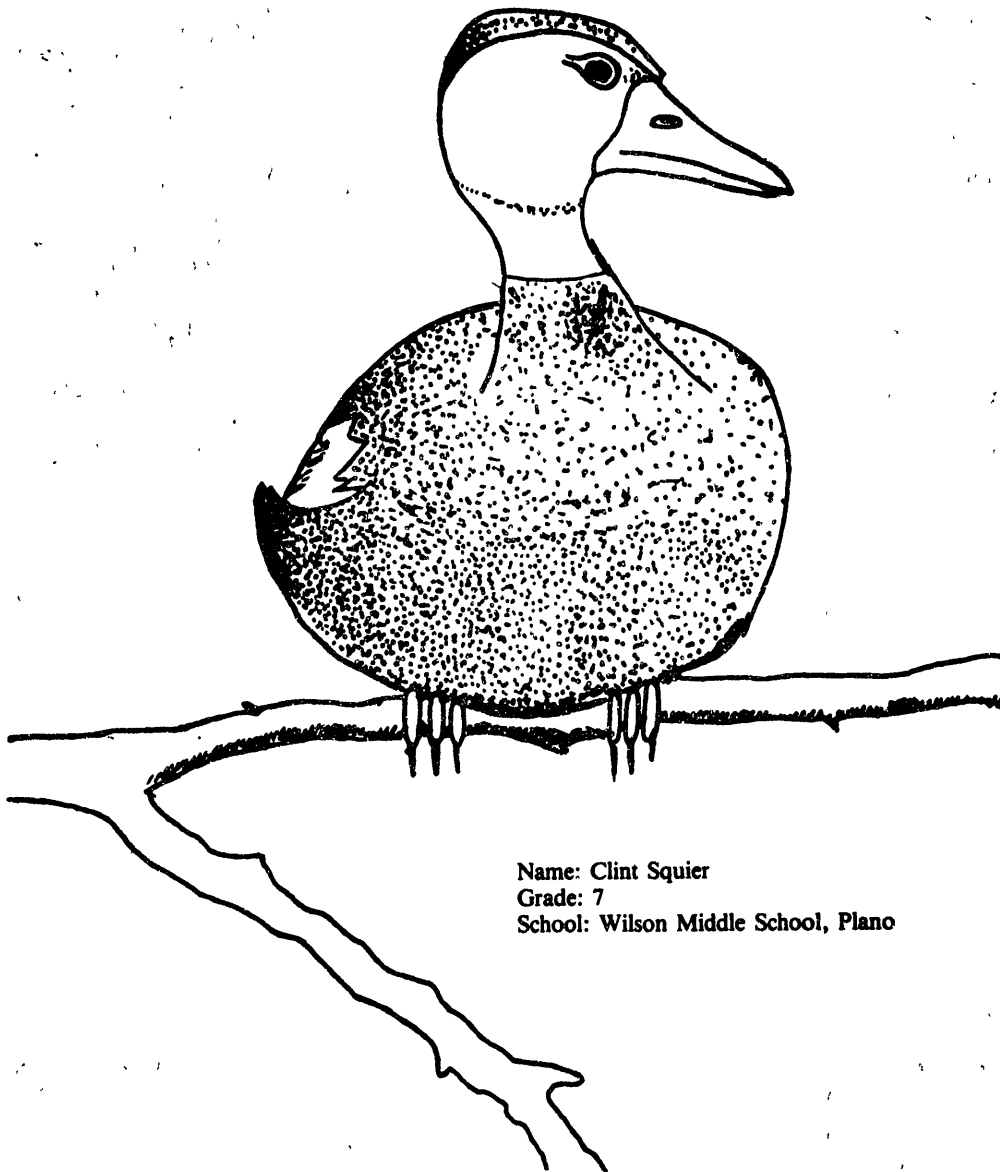
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Emergency

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 II. Public Utility

Commission of Texas

Chapter 23. Substantive Rules

Quality of Service

★ 16 TAC §23.66

The Public Utility Commission of Texas adopts on an emergency basis an amendment to §23.66, concerning the arrangement between qualifying facilities and electric utilities, to be in effect 120 days from the date it is filed with the *Texas Register*. The commission has determined that this action is necessary because avoided cost filings are due in December 1986 and January 1987. Under the timing scheme of the present section, load forecasts and generation plans are filed every other year in odd-numbered years, but the avoided cost filings are filed in even-numbered years, thus making for difficulty in cross checking. By this emergency adoption, there will be savings to qualifying facilities, electric utilities, and to the commission staff.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, and to make decisions with respect to administering the provisions of this Act.

§23.66. Arrangements Between Qualifying Facilities and Electric Utilities.

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

(h) Rates for purchases of firm power from a qualifying facility.

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

(3) By December 31, 1984, and by December 30, 1987, and [at least] every two years thereafter, each electric utility shall file with the commission a standard avoided cost calculation and terms and conditions for the purchase of firm energy and capacity from qualifying facilities, the terms of which are [to be] subject to commission review and approval after notice and opportunity for hearing. For good cause, a utility may revise its avoided cost calculation and terms and conditions and file them with the commission at any time before its next required filing otherwise is due. If the utility elects to file

an interim standard avoided cost calculation, then on the date that the standard avoided cost calculation would otherwise be due the utility must file a new standard avoided cost calculation or indicate that the interim remains valid. Prior to a hearing, the presiding examiner shall discuss settlement of all issues in dispute. The parties shall be required to present to the presiding examiner a list of all issue which have been settled and a list of all issues which remain in dispute. The hearing on the merits shall be limited to those issues which remain in dispute. The learning on the merits shall be limited to those issues which remain in dispute. Failure to participate in the settlement conference by any party shall be grounds for dismissal as a party to the proceedings. The purpose of the standard avoided cost calculation and terms and conditions for the purchase is to provide prices, terms, and conditions that may be applicable to purchase arrangements between a utility and a qualifying facility. The standard avoided cost calculation shall be stated in terms of dollars-per-kilowatt (or per KVA) per year (or per month) and cents per kilowatt-hour. Along with these calculations, each utility shall file with the commission the program logic (except to commercial programs subject to copyright protection) and associated data used to derive these calculations, along with any narrative instruction necessary to understand the calculations. The actual computer programs, or reasonable substitute, and data shall be made available by the utility on the appropriate computer media at not more than the actual reproduction cost. At least one standard avoided cost calculation and terms and conditions for purchase shall contain the following:

(A)-(E) (No change.)

(4) If a utility does not generate electric power or have any avoidable units in its generation expansion plan, then that utility is exempted from the requirements of subparagraphs (3)(A) and (B) of this subsection. Instead of the filing dates provided in the first sentence of paragraph (3) of this subsection, [such] a utility shall file [instead,] by January 31, 1985, and by January 31, 1988, and [at least] every two years thereafter, information based on one of two options. (Provided, however, that it may revise its filing at any time before the next filing is due and shall revise its filing in the event its construction plans call for a generating plant):

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

(5) Instead of the dates provided in the first sentence, of paragraph (3) of this subsection, a cooperative-owned generation and transmission utility or a river authority is allowed to file, by January 31, 1985, and by January 31, 1988, and [at least] every two years thereafter, an avoided cost calculation and terms and conditions for purchase from qualifying facilities that determines avoided capacity costs according to the committed unit basis methodology, but which employs criteria which differ from these listed in paragraph (3)(A)(i)-(xiii) of this subsection, as long as the criteria chosen replicate assumptions applicable to their financial structures. A cooperative-owned generation and transmission utility or a river authority remains subject to all the other requirements of paragraph (3) of this subsection.

(i)-(m) (No change.)

Issued in Austin, Texas, on November 24, 1986.

TRD-8611075

Phillip A. Holder
Secretary
Public Utility
Commission of Texas

Effective date: November 24, 1986
Expiration date: March 24, 1987
For further information, please call
(512) 458-0100.

★ ★ ★

TITLE 19. EDUCATION

Part II. Texas Education

Agency

Chapter 89. Adaptations for

Special Populations

Subchapter C. Special Education

Clarification of Provisions in

Federal Regulations and State Law

★ 19 TAC §89.228, §89.242

The Texas Education Agency adopts on an emergency basis amendments to §89.228 and §89.242, concerning special education. The amendments are adopted on an emergency basis to enable prompt implementation of an adjusted method of counting contact hours for special education programs during the 1986-1987 school year. The new method will help reduce the paperwork burden on teachers.

Under the amended sections, routine attendance accounting will be used as the basis for determining the amount of contact hours for special education a school district will generate. Handicapped students' attendance will be converted to a predetermined standard amount of contact hours for each instructional arrangement. Each handicapped student will be coded in attendance in only one instructional arrangement, the student's major instructional arrangement according to the student's individual educational plan. The only exception to this procedure will be for speech therapy students, who may be coded for speech therapy in addition to being coded into another instructional arrangement. The predetermined number of contact hours for each instructional arrangement is based on an adjusted statewide average using 1986-1986 contact hour information.

The amendment to §89.228 deletes a provision making students served for less than two hours per day eligible for contact hours, since under the new procedure a student must be eligible for average daily attendance to be counted.

The amendment to §89.242 removes the maximum three-hour limit of daily contact hours for the vocational adjustment class instructional arrangement.

The amendments are adopted on an emergency basis under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for administration of the Foundation School Program; and §16.151, which makes special education a part of the Foundation School Program.

§89.228. Provision of Services for Students Placed by Parents in Private Schools.

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

(f) If the ARD committee determines that a private school student is eligible and in need of special education instruction or related services or both, the parent may choose to enroll the student full time in the public school. If the parent does not choose to do this, the school district shall make the special education services available only on the basis of dual enrollment. Based on the services and amount of time needed to provide those services as set forth in each student's individual educational plan, when parents choose to enroll a child under the dual enrollment provision, the school district shall use one of the following arrangements for dual enrollment.

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

(3) enroll the student for any amount of time needed less than two hours per day and count the student eligible [for contact hours and] for full federal funding, but not for state ADA and for contact hours.

(g)-(i) (No change.)

§89.242. Instructional Arrangements and Settings.

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

(c) Instructional arrangements for handicapped students will include the following:

(1) **Resource room**—this instructional arrangement is for providing special education instruction and related services in a school district setting for less than 50% of the regular school day. This arrangement also includes services provided by a special education itinerant teacher (one who provides instruction to handicapped students on more than one campus). Regardless of the percent of time the student spends in special education, this arrangement includes any supportive special education services provided in a regular education class such as that provided by helping teachers, interpreters, and special education aides working directly with handicapped students. [Homebound—this instructional arrangement is for providing special education instruction in the student's home or hospital room. This instructional arrangement will be used for eligible handicapped students who are served at home or hospital bedside or who are considered to be home-based. Students served on a homebound or hospital bedside basis are expected to be confined for a minimum of four consecutive weeks as documented by a physician. Home-based instruction may be provided as an option for eligible handicapped students removed to an alternative education program as a result of disciplinary action. Home instruction may be used for prekindergarten students whose developmental levels are such that they are not capable of participating in special education classes for early childhood.]

(2) **Self-contained, mild and moderate, regular campus**—this instructional arrangement is for providing special education instruction and related services to mildly to moderately handicapped students who are in a self-contained program for 50% or more of the regular school day on a regular school campus. [Hospital class—this instructional arrangement is for providing special education instruction in a classroom in a hospital facility or an approved residential care and treatment facility not operated by the school district. Students served in this instructional arrangement are expected to reside in the facility a minimum of four consecutive weeks as documented by an appropriate authority. Students served, but not residing in the facility, are considered to be in a community class instructional arrangement. If the students residing in the facility are provided special education services outside the facility, they are considered to be served in the instructional arrangement in which they are placed and are not to be considered as in a hospital class.]

(3) **Self-contained, severe, regular campus**—this instructional arrangement is for providing special education instruction and related services to severely handicapped students who are in a self-contained program for most of the regular school day on a regular school campus. Students may be capable of attending no more than two regular education classes (such as music, physical education, or art). [Speech therapy—this instruc-

tional arrangement is for providing speech therapy services.]

(4) **Self-contained, separate campus**—this instructional arrangement is for providing special education instruction and related services to students who are in a self-contained program at a separate campus operated by the school district that provides only special education instruction. This arrangement includes services provided to special education students at an off-campus facility leased or arranged for by the school district for the purpose of providing special education to district students. [Resource room—this instructional arrangement is for providing special education instruction and related services in a school district setting for less than 50% of the regular school day. This arrangement also includes services provided by a special education itinerant teacher (one who provides instruction to handicapped student on more than one campus). Regardless of the percent of time the student spends in special education, this arrangement includes any supportive special education services provided in a regular education class such as that provided by helping teachers, interpreters, and special education aides working directly with handicapped students.]

(5) **Multidistrict class**—this instructional arrangement is for providing special education instruction and related services to students from more than one school district served in a single location. These special education services are not otherwise available in the respective sending districts. [Self-contained, mild and moderate, regular campus—this instructional arrangement is for providing special education instruction and related services to mildly to moderately handicapped students who are in a self-contained program for 50% or more of the regular school day on a regular school campus.]

(6) **Vocational adjustment class**—this instructional arrangement is for providing special education instruction to students who are placed on a job with regularly scheduled supervision by special education teachers. A student in part-time job training/employment receives a minimum of two hours daily of job related and academic instruction. A student in full-time job training/employment receives a minimum of one hour a week of job-related instruction. Handicapped students may participate in other occupational preparation programs (which do not generate special education funds), including regular vocational education, coordinated vocational academic education (CVAE) classes, and vocational education for the handicapped (VEH) classes. [Self-contained, severe, regular campus—this instructional arrangement is for providing special education instruction and related services to severely handicapped students who are in a self-contained program for most of the regular school day on a regular school campus. Students may be capable of attending no more than two regular education classes (such as music, physical educa-

tion, or art).]

(7) **Community class**—this instructional arrangement is for providing special education instruction and related services to students whose instruction is provided by the school districts special education personnel in a facility not operated by a school district which also provides other services for handicapped individuals. This instructional arrangement includes sheltered workshops for handicapped students. A student participating in a sheltered workshop must receive at least one hour per day of special education instruction. [Self-contained, separate campus—this instructional arrangement is for providing special education instruction and related services to students who are in a self-contained program at a separate campus operated by the school district that provides only special education instruction. This arrangement includes services provided to special education students at an off-campus facility leased or arranged for by the school district for the purpose of providing special education to district students.]

(8) **Self-contained, pregnant**—this instructional arrangement is for providing special education instruction to eligible pregnant students whose instruction is provided in a self-contained situation. A class serving only pregnant students may not be considered as any other instructional arrangement. [Multidistrict class—this instructional arrangement is for providing special education instruction and related services to students from more than one school district served in a single location. These special education services are not otherwise available in the respective sending districts.]

(9) **Homebound**—this instructional arrangement is for providing special education instruction in the student's home or hospital room. This instructional arrangement will be used for eligible handicapped students who are served at home or hospital bedside or who are considered to be home-based. Students served on a homebound or hospital bedside basis are expected to be confined for a minimum of four consecutive weeks as documented by a physician. Home-based instruction may be provided as an option for eligible handicapped students removed to an alternative education program as a result of disciplinary action. Home instruction may be used for prekindergarten students whose developmental levels are such that they are not capable of participating in special education classes for early childhood. [Nonpublic day school—this instructional arrangement is for providing special education instruction to students through a contractual agreement with an approved nonpublic school for special education.]

(10) **Hospital class**—this instructional arrangement is for providing special education instruction in a classroom in a hospital facility or an approved residential care and treatment facility not operated by the school district. Students served in this instructional arrangement are expected to re-

side in the facility a minimum of four consecutive weeks as documented by an appropriate authority. Students served, but not residing in the facility, are considered to be in a community class instructional arrangement. If the students residing in the facility are provided special education services outside the facility, they are considered to be served in the instructional arrangement in which they are placed and are not to be considered as in a hospital class. [Vocational adjustment class—this instructional arrangement is for providing special education instruction to students who are placed on a job with regularly scheduled supervision by special education teachers. A student in part-time job training/employment receives a minimum of two hours daily of job related and academic instruction. A student in full-time job training/employment receives a minimum of one hour a week of job-related instruction. For state special education funding purposes, students in vocational adjustment classes will receive daily contact hours based on the number of credits assigned to the course (not to exceed three credits) provided the students are present on their respective daily jobs. Handicapped students may participate in other occupational preparation programs (which do not generate special education funds), including regular vocational education, coordinated vocational academic education (CVAE) classes, and vocational education for the handicapped (VEH) classes.]

(11) **Speech therapy**—this instructional arrangement is for providing speech therapy services. [Community class—this instructional arrangement is for providing special education instruction and related services to students whose instruction is provided by the school district's special education personnel in a facility not operated by a school district which also provides other services for handicapped individuals. This instructional arrangement includes sheltered workshops for handicapped students. A student participating in a sheltered workshop must receive at least one hour per day of special education instruction.]

(12) **Nonpublic day school**—this instructional arrangement is for providing special education instruction to students through a contractual agreement with an approved nonpublic school for special education. [Self-contained, pregnant—this instructional arrangement is for providing special education instruction to eligible pregnant students whose instruction is provided in a self-contained situation. A class serving only pregnant students may not be considered as any other instructional arrangement.] Issued in Austin, Texas, on November 21, 1986.

TRD-8611033

W N Kirby
Commissioner of
Education

Effective date: November 21, 1986
Expiration date: March 21, 1987
For further information, please call
(512) 463-9212.

Funding

★ 19 TAC §89.250

The Texas Education Agency adopts on an emergency basis an amendment to §89.250, concerning special education. The amendment is adopted on an emergency basis to enable prompt implementation of an adjusted method of counting contact hours for special education programs during the 1986-1987 school year. The new method will help reduce the paperwork burden on teachers.

Under the amended section, routine attendance accounting will be used as the basis for determining the amount of contact hours for special education a school district will generate. Handicapped students' attendance will be converted to a predetermined standard amount of contact hours for each instructional arrangement. Each handicapped student will be coded in attendance in only one instructional arrangement, the student's major instructional arrangement according to the student's individual educational plan. The only exception to this procedure will be for speech therapy students, who may be coded for speech therapy in addition to being coded into another instructional arrangement. The predetermined number of contact hours for each instructional arrangement is based on an adjusted statewide average using 1985-1986 contact hour information.

The amendment describes the new method for counting contact hours and removes the provision for counting excess contact hours, which is not applicable under the new procedure.

The amendment is adopted on an emergency basis under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for administration of the Foundation School Program; and §16.151, which makes special education a part of the Foundation School Program.

§89.250. Special Education Funding (General).

(a) (No change.)

(b) The special education attendance will be converted to contact hours by instructional arrangement and then [contact hours are converted] to full-time equivalents. The full-time equivalent for each instructional arrangement is multiplied by the school district's adjusted basic allotment and then multiplied by the weight for the instructional arrangement as prescribed in the Texas Education Code, §16.151(a). Contact hours for any one special education student may exceed six hours a day or 30 hours a week [; however, excess contact hours are allowable only when generated beyond the regular school day and stipulated in the student's individual educational plan]. The total contact hours generated per week will be divided by 30 to determine the full-time equivalents. Special education full-time equivalents gen-

erated [(excluding full-time equivalents beyond the six-hour day or 30-hour week)] will be deducted from the school district's average daily attendance for purposes of the regular education allotment.

(c)-(g) (No change.)

Issued in Austin, Texas, on November 21, 1986.

TRD-8611034

W. N. Kirby
Commissioner of
Education

Effective date: November 21, 1986

Expiration date: March 21, 1988

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

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Chapter 105. Foundation School Program

Subchapter W. Price Differential Index

★ 19 TAC §§105.461-105.465

The Texas Education Agency adopts on an emergency basis amendments to §§105.461-105.465, concerning the price differential index. The price differential index is a mechanism within the state aid to public education formulas for recognizing variations in resource costs due to factors beyond the control of school districts. The amendments provide that the index in effect for the current biennium will be applicable for the next biennium as well. The 5.0% floor and 1.0% ceiling, as well as the application of the index to 76% of the basic allotment, also remain unchanged.

The amendments are adopted on an emergency basis to comply with the Texas Education Code, §16.179, which requires that the price differential index be adopted not later than the 30th day before the first day of each regular session of the legislature.

These amendments are adopted on an emergency basis under the Texas Education Code, §16.177(b), which requires the State Board of Education by rule to prescribe the specifications of the econometric model on which the price differential

index is based, and §16.179, which requires the State Board of Education to adopt a price differential index based on the information from the econometric model and the formula under which the index is applied to the basic allotment under the Foundation School Program.

§105.461. *Specifications for Econometric Model.*

(a) For the 1987-1988 and 1988-1989 school years, the unadjusted index on which the price differential index (PDI) is based shall be calculated using an econometric approach based on linear regression. The method of least squares shall be used to produce estimates that are the best linear unbiased estimates under classical statistical assumptions.

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

§105.462. *Data Values for Unadjusted Price Differential Index Factors.*

(a) For the 1987-1988 and 1988-1989 school years, the unadjusted index value to be used in calculation of the price differential index (PDI), as well as data values for the data items listed in §105.461(b)(9)-(12) of this title (relating to Specification for Econometric Model) used in the development of the unadjusted index, are listed for each school district in Texas in the table entitled "Data Values for PDI Factors," which is adopted by this reference as an official rule of the Central Education Agency. A copy is available for examination during regular office hours, 8 a.m.-5 p.m., except holidays, Saturdays, and Sundays, at the Central Education Agency. [On the effective date of this rule,] The agency is located at [201 East Eleventh Street, Austin, Texas 78701. During the summer of 1985, the agency will move to] 1701 North Congress Avenue, Austin, Texas 78701. [After the agency's move, the rule will be available for inspection at that location.]

(b) Should the need for correction of any data value be proven for a district prior to September 1, 1987 [1985], the commissioner of education shall adjust the unadjusted index for the district. The decision of the commissioner shall be final.

§105.463. *Determining Each District's Price Differential Index. For the 1987-1988*

and 1988-1989 school years, the commissioner of education shall rank school districts in the order of the index values determined under the econometric model adopted by State Board of Education rule. For any district in the bottom 5.0% of that order, according to the number of districts, the price differential index (PDI) is considered to be 1.00. If the highest actual index value of the districts in that bottom 5.0% is greater than 1.00, the commissioner shall divide the remaining index values by the highest actual index value of the districts in that bottom 5.0%. The resulting quotient is the PDI for remaining district, except that for any district in the top 1.0% of the total order, according to the number of districts, the PDI is considered to be that of the lowest index value of the districts in that top 1.0%.

§105.464. *Determining the Adjusted Basic Allotment. For the 1987 and 1988-89 school years, the commissioner shall adjust each district's basic allotment by applying the following formula: ABA = (BA X .76) X PDI + (BA X .24), where: ABA is the adjusted basic allotment; BA is the basic allotment; and PDI is the adjusted price differential index applicable to the district.*

§105.465. *Adjusted Price Differential Index and Adjusted Basic Allotment. For the 1987-88 and 1988-89 school years, the adjusted price differential index (PDI) and adjusted basic allotment for each school district are shown in the table entitled "Adjusted Price Differential Index and Adjusted Basic Allotment" which is adopted by this reference as an official rule of the Central Education Agency. A copy is available for examination during regular office hours, 8 a.m.-5 p.m., except holidays, Saturdays, and Sundays, at the Central Education Agency. [On the effective date of this rule,] The agency is located at [201 East Eleventh Street, Austin, Texas 78701. During the summer of 1985, the agency will move to] 1701 Congress Avenue, Austin, Texas 78701. [After the agency's move, the rule will be available for inspection at that location.]*

Issued in Austin, Texas on November 21, 1986

TRD-8610964

W N Kirby
Commissioner of
Education

Effective date: November 19, 1986

Expiration date: March 19, 1988

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

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 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 11. Herbicide Regulations

★4 TAC §11.2

The Texas Department of Agriculture proposes an amendment to §11.2, concerning county special provisions for the spraying of herbicides. The proposed amendment to §11.2 adds special provisions for Collingsworth County in accordance with a request made by the Collingsworth County Commissioners Court under the Texas Agriculture Code, Texas Herbicide Law, Chapter 75, §75.018. The proposed special provisions prohibit the application of hormone-type herbicides to range or field crops between May 15 and October 15 of each year, exempt the county from the permit and fee requirements of Chapter 75 between November 1 and April 1 of each year, and require the filing of a notice of intent to spray between November 1 and April 1 of each year.

Ellen Widess, director, Agricultural and Environmental Sciences Division, 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.

Ms. Widess 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 enhanced public health, safety, and welfare, due to prohibition of spraying at times when susceptible crops may be damaged and better monitoring of spraying by the department when spraying is allowed. 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 Dolores Alvarado Hibbs, Director of Hearings, Texas Department of Agriculture, PO Box 12847, Austin, Texas 78711.

The amendment is proposed under the Texas Agriculture Code, §75.018, which provides the Texas Department of Agricul-

ture with the authority to promulgate rules after notice and hearing for administration of the Texas Herbicide Law.

§11.2. County Special Provisions.

(a)-(gg) (No change.)

(hh) Collingsworth.

(1) No permit or permit fee is required in Collingsworth County for the spraying of hormone-type herbicides between the dates of November 1 and April 1 of each year; however, a notice of intent to spray is required and should be filed for this period in accordance with the Texas Agriculture Code, §75.012.

(2) No hormone-type herbicides shall be applied to range or field crops between the dates of May 15 and October 15 of each year.

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 November 20, 1986.

TRD-8611037

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption
December 29, 1986

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

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TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas Chapter 23. Substantive Rules Quality of Service

★16 TAC §23.66

(Editor's note: The Public Utility Commission of Texas proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the amendment is published in the *Emergency Rules* section of this issue.)

The Public Utility Commission of Texas proposes an amendment to §23.66, concerning the arrangement between qualifying facilities and electric utilities. The amend-

ment provides for the filing of avoided cost filings at the same time as load forecasts and generation plans, which in the past have been filed a year apart.

Phillip Holder, secretary of the commission, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the proposed section will be in effect is an estimated savings to the commission, amount unknown. There will be no fiscal implications for local government or small businesses.

Mr. Holder 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 by filing both the load forecasts and generation plans at the same time as the avoided costs, staff and parties to related proceedings with the commission will be better able to cross-check data and ultimately make for better and more timely decisions. 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 Phillip Holder, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

The amendment is proposed under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and in administering the provisions of this 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 November 24, 1986.

TRD-8611078

Phillip A. Holder
Secretary
Public Utility Commission
of Texas

Earliest possible date of adoption:
December 29, 1986

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

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TITLE 19. EDUCATION

Part I. Coordinating Board, Texas College and University System

Chapter 5. Program Development

Subchapter A. General Provisions

★ 19 TAC §5.5

The Coordinating Board, Texas College and University System, proposes new section to §5.5, concerning student absences on religious holy days. The new section is being proposed to implement Senate Bill 738, the 69th Legislature, 1985, which added §51.911 to the Texas Education Code. The new section establishes statewide policies and procedures regarding student absences on religious holy days.

Dr. Nellie Thorogood, assistant commissioner for Community Colleges and Technical Institutes, 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.

Dr. Thorogood 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 students will be offered the opportunity to be absent from classes for the observance of a religious holy day. 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 Kenneth H. Ashworth, coordinating board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The new section is proposed under the Texas Education Code, §51.911, which provides the coordinating board with the authority to adopt rules regarding student absences on religious holy days.

§5.5 Student Absences on Religious Holy Days.

(a) General provisions

(1) In accordance with Texas Education Code, §51.911, all institutions of higher education, as defined by the Texas Education Code, §61.003, subdivision (7), and including also the Southwest Collegiate Institute for the Deaf and the Texas State Technical Institute, shall allow a student who is absent from classes for the observance of a religious holy day to take an examination or complete an assignment scheduled for that day within a reasonable time after the absence if, not later than the 15th day after the first day of the semester, the student notifies the instructor of each class the student had scheduled on that date that the student would be absent for a religious holy day.

(2) Religious holy day means a holy day observed by a religion whose places of worship are exempt from property taxation under the Texas Tax Code, §11.20.

(3) It is the intent of this section to remove inhibitions against student participation in their religious observances. This section constitutes a minimum guarantee of student access to religious observances. Any institution choosing to establish more lenient policies with respect to the freedom of students to observe religious holy days may do so.

(b) Policies and procedures.

(1) Each institution of higher education shall develop and include in its official bulletins, catalogs, and other appropriate publications a statement regarding its attendance policies and procedures for religious holy days.

(2) If the institution publishes a list of important academic dates or other schedule of significant dates, it would be appropriate to include the deadline date for notification by students to faculty members as set out in this section.

(3) Notifications of planned absences must be in writing and must be delivered by the student either personally to the instructor of each class, with receipt of the notification acknowledged and dated by the instructor; or by certified mail, return receipt requested, addressed to the instructor of each class.

(4) Each institution may include in its policies and procedures, provisions whereby the instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination within a reasonable time after the absence. Such provisions must be communicated to the student when the student notifies the instructor of a planned absence under the section.

(5) These policies are to be followed unless they interfere with patient care.

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 November 14, 1986

TRD-8610925

James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Proposed date of adoption.

January 23, 1987

For further information, please call
(512) 462-6420.

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Chapter 9. Public Junior Colleges

Subchapter E. Operational Provisions

★ 19 TAC §9.103

The Coordinating Board, Texas College and University System, proposes an amendment to §9.103, concerning reporting for state reimbursement. The amendment is necessary because of the transfer of authority for postsecondary technical and vocational education and the Texas State Technical Institute from the Texas Education Agency to the coordinating board. The amendment will extend the reporting requirements to postsecondary technical and vocational enrollments and to enrollments in the Texas State Technical Institute.

Dr. Nellie Thorogood, assistant commissioner for community colleges and technical institutes, 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.

Dr. Thorogood 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 uniform reporting. 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 Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the Texas Education Code, §61.065, which provides the coordinating board with the authority to adopt rules regarding operational provisions.

§9.103. Reporting for State Reimbursement.

(a) Class enrollments shall [will] be reported on the CBM-004 for all students enrolled at the reporting institution in coordinating board approved [courses (and TEA approved)] semester-length courses (for which semester credit hours are awarded). Enrollments shall be reported as of the official census date prescribed in the current edition of the educational data reporting system for public community colleges and technical institute. On or before the official census date, each student eligible for inclusion shall have paid in full the amount set as tuition and fees by the respective governing board (or, where applicable, have a valid accounts receivable on record) and shall be eligible for a refund of tuition and mandatory fees according to the schedule prescribed in paragraphs (1)-(2) of this subsection.

(1) Students who officially withdraw from the institution will have their tuition and mandatory fees refunded according to the following schedule. Fall and spring semesters: prior to the first class day—100%; during the first five class days—80%; during the second five class days—70%; during the third five class days—50%; during the fourth five class days—25%; after the fourth five class days—none. Summer semesters: prior to the first class day—100%; during the first, second, or third class day—80%; during the fourth, fifth, or sixth class day—50%; after the sixth class day—none.

(A) (No change.)

(B) A public community/junior college may assess up to \$15 as a matriculation fee if the student withdraws from the institution before the first day of classes.

(C) (No change.)

(2) (No change.)

(b) Class enrollments shall be reported on the CBM-OOC for all students enrolled in courses approved for other than semester length reporting. The third class meeting is the official census date for all such students enrolled in classes that have three or more scheduled meetings. Students enrolled in classes with less than three scheduled meetings may be reported if in attendance at one scheduled meeting.

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 November 14, 1986.

TRD-8610926

James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Proposed date of adoption:

January 23, 1987

For further information, please call
(512) 482-6420.

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Subchapter G. Approval of Postsecondary Technical and Vocational Programs for State Appropriations to Community and Junior Colleges and Texas State Technical Institute

★ 19 TAC §§9.151, 9.153-9.155

The Coordinating Board, Texas College and University System, proposes amendments to §§9.151-9.155, concerning approval of postsecondary technical and vocational programs for state appropriations to community and junior colleges and Texas State Technical Institutes. An amendment is necessary to include language regarding revision of approved programs. The procedure for revision of such

programs was omitted from the initial section. Definitions (§9.153) were amended to further clarify words and terms previously defined. Postsecondary institutions will use the amended section in the application for new technical and vocational programs or in requests for revisions to existing programs. The amendments will clarify and standardize these processes.

Dr. Nellie Thorogood, assistant commissioner for community colleges and technical institutes, 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.

Dr. Thorogood 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 program requests that have been developed with clear objectives, proper articulation with other training sources, needs assessment, and other required information. 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 Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The amendments are proposed under the Texas Education Code, §31.40, §61.051 (e) and (f), and §135.04, which provides the coordinating board with the authority to adopt rules regarding approval of postsecondary technical and vocational programs for state appropriations to community and junior colleges and Texas State Technical Institutes.

§9.151. Purpose.

(a) This subchapter provides rules and procedures for the review, approval, and [or] disapproval of new or revised postsecondary technical and vocational programs for state appropriations [to community and junior colleges and Texas State Technical Institute].

(b) Postsecondary technical and vocational education in Texas is designed to provide individuals the opportunity to make informed occupational choices, to develop employability traits, and to acquire, update, or refine marketable skills. It is further designed to meet the employment needs of the state for a skilled work force. The programs are designed to meet a broad spectrum of student interest, abilities, and needs while directly fulfilling the short and long-range employment demands of the private and public sectors.

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

Postsecondary Institution—A community college, technical institute, or lower division of a university offering technical and vocational degree and certificate programs, adult vocational courses, compensatory courses, and lower division general academic courses. [Public community and junior colleges and Texas State Technical Institute campuses requesting approval of technical and vocational education programs for state funding.]

Postsecondary Technical and Vocational Education—Any organized educational program or course for persons who have completed or left [beyond] high school and [level], which is directly related to the acquisition, updating, or refinement of career occupational skills, and which requires other than a baccalaureate or advanced degree.

Postsecondary Technical and Vocational Program—Organized units of postsecondary technical and vocational instruction and training for which [credit is given toward] a certificate or an associate degree is awarded.

§9.154. Procedures.

(a) In accordance with a format established by the coordinating board staff, each institution wishing to offer a new certificate or applied associate degree program must have completed the following procedures.

(1) Completion of application for approval of technical-vocational program. Application forms and format requesting coordinating board approval will be provided by the coordinating board staff. Application forms will be completed by the institution, approved by the president or chief school administrator, and forwarded to the Coordinating Board, Community Colleges and Technical Institutes Division, and will include the following minimum information:

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

(C) length of program in weeks and semesters/quarters;

(D)-(J) (No change.)

(K) evidence of coordination with other manpower training sources (including articulation with high schools, Job Training Partnership Act, other postsecondary institutions, etc.);

(L) facilities, [and] equipment, and faculty needed and available;

(M)-(N) (No change.)

(O) listing of advisory committee members and minutes of advisory committee meetings conducted for the [involved in] planning of the program; and

(P) (No change.)

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

(4) Approval.

(A) The coordinating board delegates to the commissioner final approval authority for all programs of less than an associate degree at public postsecondary institutions [the public community and junior colleges and Texas State Technical Institute campuses].

(B) Associate degree programs will be approved by the coordinating board or if such a program has been approved by the commissioner under §9.155, of this title (relating to Provisions for Emergency Approval and Ratification), the board may ratify or reject such approval as provided in that section.

(b) In accordance with a format established by the coordinating board staff, each postsecondary institution desiring to revise a certificate or an applied associate degree program must have completed the following procedures:

(1) completion of application for revision of a technical-vocational program. Application form and format will be provided by the coordinating board staff;

(2) submission of the application for coordinating board staff review;

(3) receipt of coordinating board approval or disapproval of the program revision request.

(c) The postsecondary institution must adhere to the approved program criteria and will be subject to monitoring and evaluation procedures to be performed by coordinating board staff.

(d) All programs must be under the direction of an administrator having appropriate authority to ensure that quality is maintained and that programs are conducted in compliance with all applicable laws and rules. Administrative officers must possess credentials, work experience, and/or demonstrated competence appropriate to their areas of responsibility as specified by the Southern Association of Colleges and Schools.

(e) Technical and vocational personnel must be approved by the local postsecondary institution. Each individual must meet the minimum qualifications established by the coordinating board.

§9.155. *Provisions for Emergency Approval and Ratification.* Due to unique needs by the institutions that may arise between coordinating board meetings, the following provisions are made for emergency approval and ratification.

(1) The board delegates to the commissioner the authority to approve [act on] technical and vocational applied associate degree program requests [approval] between scheduled meetings of the board in cases where a delay would seriously impair the ability of an institution to offer a program for which there is an immediate need.

(2) Programs approved by the commissioner under this emergency provision will be ratified by the coordinating board at the next regularly scheduled board meeting.

(3) (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 November 14, 1986.

TRD-8610927

James McWhorter
Assistant Commissioner
Coordinating Board,
Texas College and
University System

Proposed date of adoption:

January 23, 1987.

For further information, please call
(512) 462-6420.

★ ★ ★

Subchapter K. Guidelines to be Followed in Seeking Authorization to Hold a Public Community/Junior College Branch Campus Maintenance Tax Election

★ 19 TAC §§9.231-9.238

The Coordinating Board, Texas College and University System proposes new §§9.231-9.238 concerning guidelines to be followed in seeking authorization to hold a public community/junior college branch campus maintenance tax election. The new sections are proposed to comply with the Texas Education Code, §130.087, the branch campus maintenance tax law. The sections establish basic criteria and procedures for a school district or a county to hold a junior college branch campus maintenance tax election.

Dr. Nellie Thorogood, assistant commissioner for community colleges and technical institutes, 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.

Dr. Thorogood also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to allow the coordinating board to respond effectively and consistently to requests from communities wishing to support a branch campus of an existing junior college. 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 Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The new sections are proposed under the Texas Education Code, §130.087, which provides the coordinating board with the authority to adopt rules regarding guidelines to be followed in seeking authorization to hold a public community/junior college branch campus maintenance tax election.

§9.231. *Purpose.* The purpose of this subchapter is to provide guidelines for compliance with the Texas Education Code, §130.087, which permits a school district or a county to levy a public community/junior college district branch campus maintenance tax, not to exceed \$.05 on each \$100 valuation of all taxable property in the jurisdiction. All requirements of that section shall be met by a school district or county working with an existing public community/junior college district seeking to establish a branch campus maintenance tax, following the guidelines of this subchapter.

§9.232. *Creation of a Local Steering Committee.*

(a) The initial step in preparing to request authorization for an election to establish a branch campus maintenance tax is a local responsibility. A local group interested in establishing a branch campus maintenance tax should appoint a steering committee of at least seven citizens to provide leadership in behalf of the tax effort.

(b) This steering committee should be composed of a cross-section of the population of the area, with representation from major civic groups. A chairman, co-chairman, and secretary should be designated, along with any other officers who may be needed by the committee. (Where the proposed public community/junior college branch campus is to be located in an independent school district, the district board of trustees may serve as a local steering committee).

(c) The steering committee should:

(1) serve a liaison function between the local area, the college district which would operate the branch campus, and the coordinating board;

(2) work with the college in developing a survey of the needs and potential of the area for branch campus;

(3) be responsible for an information program describing the nature and purpose of a branch campus;

(4) work with college officials to summarize and evaluate the results of the survey, and help formulate conclusions for submission to the commissioner of higher education;

(5) be responsible for the preparation and circulation of a petition to obtain not fewer than 5.0% of the qualified voters of the jurisdiction; and

(6) present the petition to the governing body of the school district or county, as appropriate, for certification in compliance with the Texas Education Code, §130.087, as amended.

§9.233. *Contact with Coordinating Board.*

The steering committee and the college that is planning the branch campus should jointly file a letter of intent with the commissioner of higher education as soon as practicable. The staff of the coordinating board will offer advice and assistance on procedures and requirements of the board and state law.

§9.234. Conduct of Local Survey.

(a) A survey of need, potential student clientele, financial ability of the jurisdiction, and other pertinent data must be carried out under the auspices of the local steering committee and the college which will operate the branch campus. The following criteria must be addressed by the steering committee in preparing its study:

(1) demographic and economic characteristics of the area seeking to establish the maintenance tax:

(A) population trends by age group;

(B) economic development trends and projection;

(C) employment trends and projection (supply-demand data);

(2) potential student clientele in the area:

(A) educational levels by age group;

(B) college-going data (trends by age group);

(3) financial ability of the proposed area to be taxed and the state:

(A) projected growth (decline) in tax base;

(B) trends in state appropriations for community colleges and other institutions of higher education;

(4) projected programs and services for the area based on economic and population trends;

(5) proximity to existing community colleges:

(A) identification of institutions that could be affected by a new branch campus;

(B) documentation of existing programs and services:

(i) on the campuses of nearby institutions, available to citizens of the area;

(ii) already offered in the proposed area by other institutions;

(6) impediments to programs and services by existing community colleges:

(A) financial limitations on existing institutions that are inhibiting the offering of programs and services in the area;

(B) availability of facilities, libraries, and equipment for institutions to offer classes in the area;

(C) distance, traffic patterns to existing campuses;

(7) impact on existing institutions of higher education:

(A) effect on enrollments of existing institutions; and

(B) effect on financing of existing institutions.

(b) Coordinating board staff members will be available for assistance in planning. If the survey is to be made by a professional individual or research organization, the local steering committee should fully advise the commissioner of higher education prior to initiating the survey.

§9.235 Circulation of a Petition.

(a) The local steering committee is responsible for the circulation of a petition for authorization of an election to establish a public community/junior college branch campus maintenance tax. The petition must be approved by the commissioner of higher education and must include the maintenance tax limits that will appear on the ballot in the event an election is authorized.

(b) In accordance with the Texas Election Code for a petition signature to be valid, a petition must:

(1) contain, in addition to the signature:

(A) the signer's printed name;

(B) the signer's voter registration number and, if the territory from which signatures may be obtained is situated in more than one county, the county of registration;

(C) the signer's resident address;

and

(D) the date of signing; and

(2) comply with any additional requirements prescribed by applicable state law.

§9.236. Certification of Petition.

(a) The steering committee shall submit its petition to the governing body of the school district or county, as applicable.

(b) The appropriate governing body shall determine the legality and genuineness of the petition.

§9.237. Presentation of Petition to the Coordinating Board.

(a) When the petition has been determined to be legal and genuine by the appropriate body, it shall be forwarded, along with the survey report, to the Coordinating Board, Texas College and University System.

(b) The validated petition and other documents should be received by the commissioner of higher education not later than 90 days prior to a regular quarterly meeting of the coordinating board. Generally, a committee of the coordinating board will visit the community, hear interested parties to the question, and report its recommendation to the full board.

§9.238. Action by the Board.

(a) The statutes of the State of Texas require the coordinating board to consider the needs of the public community/junior college, the needs of the community or communities to be served by the branch campus, and the welfare of the state as a whole when considering a request for a community/junior college branch campus maintenance tax. The board will consider the criteria enumerated in §9.234 of this title (relating to Conduct of Local Survey).

(b) All interested parties may be heard at a regular quarterly meeting of the coordinating board, and permission to hold an election to create a public community/junior college district branch campus maintenance tax will be granted or denied. Favorable

coordinating board action will result in a minute order of the board being sent to appropriate local officials to conduct an election.

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 November 14, 1986.

TRD-8610928

James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Proposed date of adoption:

January 23, 1987

For further information, please call
(512) 462-8420.

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Chapter 89. Adaptations for Special Populations
Subchapter G. Special Education
Clarification of Provisions in Federal Regulations and State Law

★ 19 TAC §89.228, §89.242

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

The Texas Education Agency proposes amendments to §89.228 and §89.242, concerning special education. The amendments are proposed to implement an adjusted method of counting contact hours for special education programs during the 1986-1987 school year. The new method will help reduce the paperwork burden on teachers.

Under the proposed amendment, routine attendance accounting will be used as the basis for determining the amount of contact hours for special education a school district will generate. Handicapped students' attendance will be converted to a predetermined standard amount of contact hours for each instructional arrangement. Each handicapped student will be coded in attendance in only one instructional arrangement, the student's individual educational plan. The only exception to this procedure will be for speech therapy students, who may be coded for speech therapy in addition to being coded into another instructional arrangement. The predetermined number of contact hours for each instructional arrangement is based on an adjusted statewide average using 1985-1986 contact hour information.

The proposed amendment to §89.228

deletes a provision making students served for less than two hours per day eligible for contact hours, since under the new procedures a student must be eligible for average daily attendance to be counted. The proposed amendment to §89.242 removes the maximum three-hour limit of daily contact hours for the vocational adjustment class instructional arrangement.

Lynn M. Moak, deputy commissioner for research and information, 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. Moak and Dr. Beverly Bardsley, director for policy development, have determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that procedures for counting contact hours in special education will be simplified and the paperwork burden on teachers will be reduced. 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 Dr. Beverly Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on the proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 days after notice of a proposed change in rules has been published in the *Texas Register*.

These amendments are proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for administration of the Foundation School Program, and §16.151, which makes special education a part of the Foundation School Program.

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

Issued in Austin, Texas, on November 21, 1986

TRD-8611035 W. N. Kirby
Commissioner of
Education

Proposed date of adoption
February 14, 1987
For further information, please call
(512) 483-9212

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Funding

★ 19 TAC §89.250

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

The Texas Education Agency proposes an amendment to §89.250, concerning special education. The amendment is proposed to implement an adjusted method of counting contact hours for special education programs during the 1986-1987 school year. The new method will help reduce the paperwork burden on teachers.

Under the proposed amendment, routine attendance will be used as the basis for determining the amount of contact hours for special education a school district will generate. Handicapped students' attendance will be converted to a predetermined standard amount of contact hours for each instructional arrangement. Each handicapped student will be coded in attendance in only one instructional arrangement, the student's major instructional arrangement according to the student's individual educational plan. The only exception to this procedure will be for speech therapy students, who may be coded for speech therapy in addition to being coded into another instructional arrangement. The predetermined number of contact hours for each instructional arrangement is based on an adjusted statewide average using 1985-1986 contact hour information.

The proposed amendment describes the new method for counting contact hours and removes the provision for counting excess contact hours, which is not applicable under the new procedure.

Lynn M. Moak, deputy commissioner for research and information, 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. Moak and Dr. Beverly Bardsley, director for policy development, have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that procedures for counting contact hours in special education will be simplified and the paperwork burden on teachers will be reduced. 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 Dr. Beverly Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on

proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for administration of the Foundation School Program; and §16.151, which makes special education a part of the Foundation School Program.

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

Issued in Austin, Texas, on November 21, 1986.

TRD-8611036 W. N. Kirby
Commissioner of
Education

Proposed date of adoption:
February 14, 1987
For further information, please call
(512) 483-9212.

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Chapter 105. Foundation School Program

Subchapter W. Price Differential Index

★ 19 TAC §§105.461-105.465

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

The Texas Education Agency proposes amendments to §§105.461-105.465, concerning the price differential index. The price differential index is a mechanism within the state aid to public education formulas for recognizing variations in resource costs due to factors beyond the control of school districts. The proposed amendments provide that the index in effect for the current biennium will be applicable for the next biennium as well. The 5.0% floor and 1.0% ceiling, as well as the application of the index to 76% of the basic allotment, also remain unchanged.

Lynn M. Moak, deputy commissioner for research and information, 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. Moak and Dr. Beverly Bardsley, director for policy development, have determined that for each year of the first five

years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that the school finance funding formulas will recognize certain cost differences beyond the control of school districts. 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 Dr Beverly Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §16.177(b), which requires the State Board of Education by rule to prescribe the specifications of the econometric model on which the price differential index is based, and §16.179, which requires the State Board of Education to adopt a price differential index based on the information from the econometric model and the formula under which the index is applied to the basic allotment under the Foundation School Program.

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

Issued in Austin, Texas, on November 18, 1986

TRD-8610965

W. N Kirby
Commissioner of
Education

Proposed date of adoption:

February 14, 1987

For further information, please call
(512) 463-9682.

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TITLE 22. EXAMINING BOARDS

Part XXIV. State Board of Veterinary Medical Examiners

Chapter 577. General Administration and Duties Staff and Miscellaneous

★22 TAC §577.11

The Texas Board of Veterinary Medical Examiners proposes an amendment to §577.11, concerning appointments and fund disbursements.

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 assurance of more prompt payment to vendors providing services to the board. 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, Texas Board of Veterinary Medical Examiners, 3810 Medical Parkway, Suite 119, Austin, Texas 78756, (512) 458-1183.

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

§577.11. *Appointments and Fund Disbursements.* The president of the board is authorized to appoint a member of the board, [or staff, and] the executive secretary, or designee, to sign [co-sign] each voucher and any other instrument required by state law to be signed by the board for disbursement of funds or other purposes, or both.

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 November 19, 1986.

TRD-8610940

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

Earliest possible date of adoption:

December 29, 1986

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

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TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 123. Respiratory Care Practitioner Certification

★25 TAC §§123.2, 123.4-123.12, 123.14

The Texas Department of Health proposes amendments to §§123.2, 123.4-123.12, and 123.14, concerning definitions, fees, exceptions to certification, application requirements and procedures, types of certificates and temporary certificates, and

applicant eligibility, examinations, certificate renewal, continuing education requirements, changes of name or address, professional and ethical standards, and violations, complaints, and subsequent actions

These amendments: clarify definitions; update the rules; clarify the exceptions to certification and other sections; require the medical director's signature and license number on the initial application form; require applicants who are licensed or otherwise regulated in any profession in any state to submit a reciprocity information/documentation form, allow the department to disapprove applications from applicants who apply as certified respiratory therapy technicians or registered respiratory therapists if the National Board for Respiratory Care, Inc does not verify that status at the time of application to the department; clarify that approval letters shall be sent to the applicant's address on record at the time the letter is mailed, allow the department to invalidate applications if no response is received within 30 days of the second notice of approval; prevent temporary permit holders who do not complete a respiratory care education program from obtaining extensions; postpone to September 1, 1987, the implementation of the remediation requirement after an applicant fails the second examination; require provision of the medical director's name on renewal applications; clarify that while on indefinite inactive status no continuing education credits are required; change the commencement date of a practitioner's initial continuing education period; expand continuing education opportunities; provide for an automatic one-year extension if delinquent in continuing credits; clarify the continuing education period extension procedures; strengthen the code of ethics; and explain what constitutes medical direction, which is statutorily required whenever and wherever respiratory care services are provided.

Stephen Seale, chief accountant III, has determined that there will be fiscal implications as a result of enforcing or administering the sections. There will be no effect on state or local government. The cost of compliance with the sections for small businesses will range from zero to \$100 per month as a minimum for each practitioner providing respiratory care services, if the practitioner's employer assumes the expenses involved with obtaining and designating a medical director. It is difficult to appropriately compare the cost of compliance for small businesses with the cost of compliance for the largest businesses since the largest businesses are hospitals which are already compliant with the medical direction requirement. However, if the cost of compliance for the smallest and largest businesses such as durable medical equipment providers were compared, the cost per hour of labor might increase by up to \$.58 for the smallest, and

11.6 cents for the largest. It is important to note here that it is the responsibility of the certified respiratory care practitioner to comply with the statutory requirement for medical direction.

Mr. Seale also has determined that for each year of the first five years the sections are in effect the public benefits anticipated as a result of enforcing the sections as proposed will be assurance that the certification and regulation of respiratory care practitioners continues to identify competent practitioners by updating, clarifying, and strengthening the sections. The amendments also include more comprehensive language and procedures. The anticipated additional economic cost to individuals who are required to comply with the amendments as proposed (specifically the clarification of what constitutes medical direction, as set out in §123.14) will range from zero to \$1,200 for each year the rule clarifying the statutory requirement for medical direction is in effect. The additional economic cost applies only to practitioners who are not currently practicing respiratory care under medical direction.

Comments on the proposal may be submitted to Donna S. Hardin, Program Administrator, Respiratory Care Certification Program, 1100 West 49th Street, Austin, Texas 78756-3183. Comments will be received for 30 days from the date of publication of the proposed amendments.

The amendments are proposed under Texas Civil Statutes, Article 4512i, which provide the Texas Department of Health with the authority to establish minimum standards for issuing, renewing, suspending, or revoking any certificate, temporary permit, or temporary certificate.

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

AARC[AART]—The American Association for Respiratory Care [Therapy] and its predecessor or successor organizations.

[Formally trained—

(A) for persons who are duly licensed in another profession, training in respiratory care procedures as established by the scope of practice defined in the statute regulating nursing, vocational nursing, physical therapy, or other appropriate statutorily regulated health profession, and attested to in writing by a qualified medical director or physician licensed by and in good standing with the BME; or

(B) for persons not duly licensed in another profession, training in respiratory care procedures as attested to in writing by a qualified medical director or other physician licensed by and in good standing with the BME.]

Qualified medical director—[The medical director for respiratory care for any inpatient or outpatient respiratory care service, department, or home health care agen-

cy, who is] A physician licensed and in good standing with the BME, and who has special interest and knowledge in the diagnosis and treatment of respiratory care problems who is actively engaged in the practice of medicine. This physician must be a member of the active medical staff of a [Texas licensed] health care facility, agency, or organization who supervises the provision of respiratory care.

Respiratory care—The treatment, management, control, diagnostic evaluation, and care of inpatients or outpatients who have deficiencies and abnormalities associated with the cardiorespiratory system. **Respiratory care does not include the delivery, assembly, set up, testing, and demonstration of respiratory care equipment upon the order of a licensed physician. Demonstration is not to be interpreted here as the actual teaching, administration, or performance of the respiratory care procedure(s).**

Temporary certificate—A certificate which expires August 31, 1987, issued to a person who, at the time of application to the department, is not registered or certified by the NBRC, and who is practicing respiratory care under the direction of a qualified medical director or other physician licensed by and in good standing with the BME [licensed physician].

Temporary permit—Effective January 1, 1987, a permit issued for a period of six months to a person who [has successfully completed all requirements for certification except for the examination prescribed by the board. The temporary permit may be extended pending reexamination.]:

(A) is a student within 30 days of completion of a respiratory care educational program; or

(B) is currently practicing respiratory care, or has within the 12-month period immediately preceding the date of application to the department practiced respiratory care in another state, territory, or country, who holds a valid license or other form of registration to practice respiratory care in that state, territory, or country, and is in good standing with that regulatory agency.

§123.4. Fees. The following fees are prescribed by the board and are required to be paid to the department before any certificate or permit is issued. All fees shall be submitted in the form of a check and/or money order and are nonrefundable. The department may direct examination applicants to submit examination fees to the NBRC.

(i) Schedule of fees for certification as a respiratory care practitioner.

(A)-(E) (No change.)

(F) inactive to active status reinstatement fee—\$15 [see Senate Bill 1007, §7(d)]

(G) (No change.)

(H) NBRC examination fee—the fee designated by the NBRC at the time of examination or reexamination.

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

(5) An applicant whose check for the application fee is returned **marked [due to] insufficient funds, account closed or payment stopped** shall be allowed to reinstate the application by remitting to the department a money order or check for guaranteed funds within 30 days of the date of receipt of the department's notice. An application will be considered incomplete until the fee has been received and cleared through the appropriate financial institution.

(6) An approved applicant whose check for the temporary permit, temporary certificate, or certificate fee is returned **marked [due to] insufficient funds, account closed or payment stopped** shall remit to the department a money order or check for guaranteed funds within 30 days of the date of receipt of the department's notice. Otherwise, the application and the approval shall be invalid.

(7) A temporary permit holder whose check for the temporary permit extension fee is returned **marked [due to] insufficient funds, account closed or payment stopped** shall remit to the department a money order or check for guaranteed funds within 30 days of the date of receipt of the department's notice. Otherwise, the temporary permit shall not be extended, or if already extended shall be invalid.

(8) A certificate holder whose check for the renewal fee is returned **marked [due to] insufficient funds, account closed or payment stopped** shall remit to the department a money order or check for guaranteed funds within 30 days of the date of receipt of the department's notice. Otherwise, the certificate shall not be renewed. If a renewal certificate has already been issued, it shall be invalid.

(9) (No change.)

§123.5. Exceptions to Certification.

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

(c) These sections do not prohibit:

(1) the practice of respiratory care that is an integral part of the program of study by a student enrolled in a respiratory care education program approved by the board or the employment by a health care facility of a student enrolled in the clinical part of an approved respiratory care educational program to deliver limited respiratory care support services under the supervision of persons who hold certificates issued under this Act, if such a student does not perform an invasive procedure related to critical respiratory care, including therapeutic, diagnostic, or palliative procedures [a student in an approved respiratory care education program from performing respiratory care services in the capacity of a student. A person who has completed an approved respiratory care education program is not exempt from these sections and may not thereafter practice respiratory care until a certificate, temporary permit, or temporary certificate has been issued by the department];

(2) the gratuitous care of the ill by a friend or member of the family, or care provided in an emergency situation by a person who does not claim to be a respiratory care practitioner who holds a certificate issued under the provisions of the Act or these sections [a student enrolled in the clinical part of an approved respiratory care educational program who is employed by a health care facility and who delivers limited respiratory care support services under the supervision of persons who hold certificates issued under the Act, so long as the student does not perform invasive procedures related to critical respiratory care, including therapeutic, diagnostic, or palliative procedures];

(3) a respiratory care practitioner from performing advances in the art and techniques of respiratory care, as defined in the Act and in §123.2 of this title (relating to Definitions), learned through formal or specialized training [the gratuitous care of the ill by a friend or family member who does not represent claim to be a respiratory care practitioner, R.C.P., certified respiratory care practitioner, respiratory therapist, or who does not use any other words, letters, abbreviations, or insignia indicating or implying that he or she is a respiratory care practitioner];

(4) the practice of respiratory care by health care personnel who have been formally trained in the care used and who are licensed under the practice acts regulating their professions or who are acting under the delegated authority of a physician licensed by the BME [the delivery of emergency respiratory care provided by an individual who does not represent himself as a respiratory care practitioner, R.C.P., certified respiratory care practitioner, respiratory therapist, or who does not use any other words, letters, abbreviations, or insignia indicating or implying that he or she is a respiratory care practitioner];

(5) the practice of any legally qualified respiratory care practitioner employed by the United States government while in the discharge of official duties; or [a person certified under the Act from performing advances in the art and techniques of respiratory care learned through formal or specialized training;]

(6) any person who is licensed, registered, or certified under another law of this state from engaging in the profession or occupation for which the person is licensed, registered, or certified [the delivery of respiratory care services by health care personnel who have been formally trained, as defined in §123.2 of this title (relating to Definitions), in these techniques and who are duly licensed under the Texas practice acts regulating their professions; or any person who is licensed, registered, or certified under another law of this state from engaging in the profession or occupation for which the person is licensed, registered, or certified;]

(7) the delivery of respiratory care services by health care personnel who have

been formally trained, as defined in §123.2 of this title (relating to Definitions), in these techniques who are acting under the delegated authority of a Texas licensed physician, pursuant to the Texas Medical Practice Act, Texas Civil Statutes, Article 4495b §3.06(d) (1), and rules pertaining thereto adopted by the BME;

(8) the delivery of respiratory care services by any legally qualified respiratory care practitioner employed by the United States government while in the discharge of official duties;

(9) the delivery, assembly, setup, testing, and demonstration of respiratory care equipment upon the order of a licensed physician. Demonstration is not to be interpreted here as the actual teaching, administration, or performance of the respiratory care procedure(s); or

(10) aides/orderlies, as defined in §123.2 of this title (relating to Definitions), assisting respiratory care practitioners. Aides/orderlies do not perform respiratory care procedures.]

(d) Student status is further clarified as follows.

(1) Students who are not engaged in the clinical portion of their respiratory care educational program may not be employed for compensation by a health care facility to provide limited respiratory care services unless they hold a temporary permit or temporary certificate.

(2) Students in a nontraditional accredited respiratory care educational program which is delivered off campus according to the Joint Review Committee for Respiratory Therapy Education of the AMA, or its successor organization, may be considered as being engaged in the clinical portion of their educational program during its entire duration. For the purposes of this section, nontraditional shall mean those respiratory care educational programs recognized as nontraditional education systems by the Joint Review Committee for Respiratory Care Education of the AMA.

(3) A clinical student who is employed for compensation by any health care facility, agency, or organization to provide limited respiratory care services should provide his or her employer, on an annual basis, verification that he or she is a bona fide student in an AMA-accredited respiratory care education program. Acceptable verification shall be a letter on program letterhead with the original signature of the program director attesting to the student's bona fide status as an active student in the clinical portion of that program.

(4) Limited respiratory care services provided by an employed clinical student must be supervised by a practitioner certified under this Act. Students may not perform invasive procedures related to critical respiratory care.

(5) Students who are within 45 days of graduation may apply to the department for a temporary permit in accordance with

§123.6 of this title (relating to Application Requirements and Procedures). A person who holds a temporary permit may perform any and all respiratory care procedures which he or she has been trained to perform.

(e)(d) All persons who apply to become certified or permitted as a practitioner, all persons who believe they are exempt under the Act and these sections, and all other persons who are interested in practicing respiratory care need to be aware of the following:

(1) (No change.)

(2) the prohibited acts provisions under the Act, §4. Persons who are not certified or permitted under the Act may not use in connection with their practice or employment the words "respiratory care," "respiratory therapist," "respiratory care practitioner [practitioners]," "certified respiratory care practitioner," or the letters "R.C.P.," or any other words, letters, abbreviations, or insignia indicating or implying that the person is a certified respiratory care practitioner.

§123.6. Application Requirements and Procedures.

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

(c) Required application materials.

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

(3) Examination results.

(A) If the applicant is making application for a temporary permit or temporary certificate, an examination score release form shall be signed allowing the department to obtain the applicant's examination results from the NBRC or other agency administering the examination prescribed by the board.

(B) If an applicant for a regular certificate is:

(i) recognized as certified respiratory therapy technician or registered respiratory therapist [registered or certified] by the NBRC at the time of application, a photocopy of the certificate issued by NBRC shall be submitted in lieu of examination results; or

(ii) (No change.)

(4) Employment/experience documentation report form.

(A) Persons applying for any certificate or permit who are not recognized as a certified respiratory therapy technician or registered respiratory therapist [registered or certified] by the NBRC and who are licensed, registered, or otherwise regulated in another state, territory, or country at the time of application must submit with their applications a properly completed employment/experience documentation report form signed by their [qualified] medical director [as defined in §123.2 of this title (relating to Definitions)] attesting that the applicant is currently practicing, or has practiced respiratory care within the 12-month period immediately preceding application to the department.

(B) Persons applying for a temporary certificate must submit their applications on or before November 16, 1986, with

a properly completed employment/experience documentation report form signed by their qualified medical director as defined in §123.2 of this title (relating to Definitions) attesting that the applicant is presently functioning as a respiratory care practitioner. For the purposes of this section, presently shall mean at the time of application to the department.

(5) **Medical direction requirement.** If the applicant is practicing respiratory care in Texas at the time of application to the department, the applicant shall obtain on the application form the signature and the license number of the qualified medical director as defined in §123.2 of this title (relating to Definitions) or other Texas licensed physician directing the provision of respiratory care services.

(d) **Reciprocity information/documentation form.** Persons applying for any certificate or permit who are licensed, registered, or otherwise regulated in any profession at the time of application to the department must submit with their applications a properly completed reciprocity information/documentation form signed by an agency official. The signature must be notarized if the agency does not have or does not affix its official seal on the form.

(e)[(d)] **Application approval.**

(1) (No change.)

(2) The administrator shall approve all applications which are in compliance with subsections (b)-(d) [and (c)] of this section and which properly document applicant eligibility, unless the application is disapproved under the provisions of subsection (f) [(e)] of this section.

(f)[(e)] **Disapproved applications.**

(1) The department shall disapprove the application if the person:

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

(H) is not currently practicing, or has not practiced within the 12-month period preceding the date of application, respiratory care, as set out in subsection (c)(4)(A) of this section; or

(I) is not recognized as a certified respiratory therapy technician or registered respiratory therapist by the NBRC at the time of application to the department and the applicant has submitted a copy of such a certificate issued by the NBRC in lieu of examination results in accordance with subsection (c)(3)(B)(i) of this section.

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

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

(a) (No change.)

(b) **Issuance of certificates and permits.**

(1) The department shall send each applicant whose application has been approved a form to complete and return with the prorated or temporary permit fee which must be in the form of a personal or certified check or money order. The notice shall be

sent to the applicant's address on record with the department at the time the notice is mailed.

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

(4) If the department does not receive the prorated or temporary permit fee requested within 30 days of the department's second notice of approval, the department may invalidate the application. In order to become certified, such persons must reapply and shall submit appropriate fees and proof satisfactory to the department, of compliance with all the rules of the board and the provisions of the Act in effect at the time of reapplication.

(c) **Replacements.**

[(4)] The department shall replace a lost, damaged, or destroyed certificate, temporary permit, or temporary certificate, and/or identification card(s) upon a written request from the practitioner and payment of the replacement fee. Requests shall include a statement detailing the loss or destruction of the original certificate, temporary permit or temporary certificate, and/or identification card(s), or be accompanied by the damaged certificate, permit, or card(s).

(d)[(c)] **Applicant eligibility.**

(1) **Temporary permit.** Effective January 1, 1987, the department shall issue a temporary permit to practice respiratory care to:

(A) an applicant who has applied on the forms prescribed by the department, who has paid the prescribed application fee, who will complete a respiratory care educational program within 45 days after application to the department, and meets all qualifications for a certificate except taking the written examination prescribed by the department for certification. A temporary permit is valid for six months from date of issuance by the department. After the applicant passes the [prescribed] examination, as set out in §123.8 of this title (relating to Examination), and pays the prescribed fee, a regular certificate may be issued effective on the date of expiration of the temporary permit;

(B) an applicant who has applied on the forms prescribed by the department, who has paid the prescribed application fee, who is currently practicing respiratory care, or has within the 12-month period immediately preceding the date of the application to the department practiced respiratory care in another state, territory, or country, who holds a valid license or other form of registration to practice respiratory care in that state, territory, or country, and is in good standing and who is not recognized, at the time of application to the department, as a certified respiratory therapy technician or registered respiratory therapist [registered or certified] by the NBRC. However, a regular certificate may be issued by the department upon approval of the application and payment of prescribed fees to an applicant who submits evidence, satisfactory to the department, that he or she has passed the [pre-

scribed] examination, as set out in §123.8 of this title (relating to Examination), [with a score equal to or exceeding the pass rate determined by the NBRC at the time of examination or reexamination,] and is in good standing with the agency or organization with which they are licensed or registered to practice respiratory care. The regular certificate issued will be effective on the date of expiration of the temporary permit. Applicants for a temporary permit under this paragraph who have not passed the [prescribed] examination, as set out in §123.8 of this title (relating to Examination), [with a score equal to or exceeding the pass rate determined by the NBRC at the time of examination or reexamination,] shall not be issued a regular certificate; or

(C) an applicant who holds a valid temporary permit pending reexamination who has applied for an extension of the temporary permit on the form prescribed by the department and who has paid the additional prescribed fee. This temporary permit shall expire not more than 12 months from the date of issuance of the original permit. However, a temporary permit holder is not entitled to an extension if the person has not submitted a certificate of completion from a respiratory care education program in accordance with §123.6(c)(2)(C) of this title (relating to Application Requirements and Procedures). After the applicant passes the [prescribed] examination as set out in §123.8 of this title (relating to Examination) [with a score equal to or exceeding the pass rate determined by the NBRC at the time of examination or reexamination,] and has paid the prescribed fee, a regular certificate may be issued effective on the date of expiration of the temporary permit.

(2) **Reapplication for a temporary permit.**

(A) Prior to expiration of a temporary permit which has been extended in accordance with subsection (c) of this section, persons who demonstrate to the department that they have taken the [NBRC] examination as set out in §123.8 of this title (relating to Examination) during the period for which the temporary permit or its extension was valid, may reapply one additional time, on the form prescribed by the department, in accordance with §123.6 of this title (relating to Application Requirements and Procedures) for a temporary permit for a period not to exceed six months, plus one six-month extension period. No further reapplications or extensions will be allowed except when a petition clearly indicates that failure to appear for an examination was unavoidable and the administrator approves the reapplication.

(B) (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) has, prior to making application to the department, passed the entry level certified respiratory therapy technician [(CRTT)] examination administered by or under the auspices of the NBRC with a score equal to or exceeding the pass rate determined by the NBRC at the time of examination, or reexamination; or

(B) has, prior to making application to the department, passed the registered respiratory therapist [(RRT)] examination administered by or under the auspices of the NBRC; or

(C) holds a valid temporary permit and who has passed, prior to the expiration of the temporary permit or an extended temporary permit, the [prescribed] examination as set out in §123.8 of this title (relating to Examination) [with a score equal to or exceeding the pass rate determined by the NBRC at the time of examination or reexamination]. The regular certificate issued will be effective on the date of expiration of the temporary permit; or

(D) (No change.)

(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, as set out in §123.8 of this title (relating to Examination), with a score equal to or exceeding the pass rate determined by the department at the time the application for certification is submitted to the Texas Department of Health;

(E) has submitted satisfactory evidence on a form prescribed by the department that the applicant is currently practicing, or has within the 12-month period immediately preceding the date of application to the department practiced, respiratory care in the state, territory, or country in which the applicant is licensed or otherwise regulated, if the applicant is not recognized, at the time of application to the department, as a certified respiratory therapy technician or registered respiratory therapist [registered or certified by the NBRC]; and

(F) (No change.)

(5) (No change.)

(6) Temporary certificate holders who are students. Effective January 1, 1987, temporary certificate holders who are also students in an approved respiratory care education program who comply with §123.6(c)(2) of this title (relating to Application Requirements and Procedures) may be issued a temporary permit in accordance with subsection (d) [(c)](1) of this section. The temporary certificate must be returned to the department before a temporary permit will be issued.

§123.8. Examination.

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

(e) Completion of application forms.

Each applicant shall be responsible for completing and transmitting appropriate application forms and paying appropriate fees by the deadlines set by the NBRC, if an NBRC examination is prescribed or deadlines set by any other agency approved by the board to administer an examination prescribed in this section.

(f) (No change.)

(g) Reexaminations.

(1) Effective September 1, 1987, an applicant who fails the exam twice during the time the temporary certificate or temporary permit or extension was valid shall furnish the department evidence that said applicant has taken appropriate measures to improve proficiency prior to the third examination. Such evidence must include one or more of the following:

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

(2) (No change.)

(h) (No change.)

§123.9. Certificate Renewal.

(a)-(c)

(d) Certificate renewal.

(1) (No change.)

(2) The renewal form for all practitioners shall require the provision of the preferred mailing address, primary employment address and telephone number, and category of employment, misdemeanor and felony convictions, and continuing education completed. If the applicant is practicing as a respiratory care practitioner at the time of renewal the name of the physician directing the provision of respiratory care and the physician's institutional affiliation(s), if any, shall be provided on the renewal form.

(3)-(4) (No change.)

(e) (No change.)

(f) Inactive status. A respiratory care practitioner who holds a certificate under the Act and who is not actively engaged in the practice of respiratory care may make application to the department in writing on a form prescribed by the department to be placed on an inactive status list maintained by the department. The application for inactive status must be postmarked prior to the expiration of the practitioner's certificate. No refund will be made of any fees paid prior to application for inactive status.

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

(3) A person on inactive status is not required to complete the requirements in accordance with §123.10 of this title (relating to Continuing Education Requirements), except as provided in paragraph (4) (D) of this subsection.

(4) [(3)] If a person on inactive status desires to reenter active practice, the person shall:

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

(g) (No change.)

§123.10. Continuing Education Requirements.

(a) (No change.)

(b) Deadlines. Continuing education requirements for recertification shall be fulfilled during three-year periods beginning on the first day following each practitioner's birth month and ending on the last day of each practitioner's birth month.

(1) The initial period shall begin with the date the department receives the prorated certificate fee and end on the last day of the third renewal cycle [three-year period shall begin on the first day of the practitioner's renewal year which occurs after the effective date of these sections].

(2) At the time the certificate is mailed, each practitioner shall be notified of the beginning and ending dates of the continuing education period and shall be provided with continuing education report forms, in accordance with subsection (g) of this section. [Each practitioner shall be notified of the continuing education requirements with the first annual renewal notice sent after the effective date of these sections.]

(c) (No change.)

(d) Types of acceptable continuing education. Continuing education undertaken by a practitioner for recertification shall be acceptable if the experience falls in one or more of the following categories:

(1) (No change.)

(2) participation in any program (e.g., in-service educational training programs, institutes, seminars, workshops, and conferences) for which continuing respiratory care [therapy] education (CRCE) [(CRTE)], continuing education units (CEU), except as set out in subsection (h) of this section, or equivalent credits are granted through a national or state respiratory care association such as the AARC [AART] or the Texas Society for Respiratory Care [Therapy], or their successor organizations; or

(3) (No change.)

(e) (No change.)

(f) Determination of clock hour credits. The department shall credit continuing education experiences as follows.

(1) (3) (No change.)

(4) Passing the certified respiratory therapy technician recertifying examination shall be credited on the basis of nine clock hour credits.

(5) Passing the written registry examination for advanced respiratory therapy practitioners for credentialing or recertifying shall be credited on the basis of nine clock hour credits.

(6) Passing the registered respiratory therapist clinical simulation examination for credentialing or recertifying shall be credited on the basis of nine clock hour credits.

(7) Passing the advanced cardiac life-support course issued by or through the American Heart Association shall be credited on the basis of eight clock hour credits.

(g) Reporting of continuing education. Each practitioner shall complete and

file with the department an official departmental continuing education report form for each continuing education activity for which credit is claimed.

(1) A practitioner shall submit the required report to the department at the time of certificate renewal. However, if an extension has been granted in accordance with subsection (l) of this section, the practitioner shall file the report immediately following completion of the continuing education activity.

(2) Each report filed by a practitioner must be accompanied by appropriate documentation of the continuing education claimed on the report as follows:

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

(h) Activities unacceptable as continuing education. The department may not grant continuing education credit to any practitioner for:

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

(3) any program or activity is not approved as CRCE or CEU in accordance with subsection (d)(2) of this section [meetings and activities such as in-service programs not approved as CRTE or CEU in accordance with subsection (d)(2) of this section, which are required as a part of one's job];

(4) (No change.)

(5) any continuing education activity completed before or after the three-year period for which the continuing education credit is submitted except as in subsection (i)(1) [(2)] of this section; or

(6) nonsupervised self-study continuing education programs or activities; or

(7) activities in accordance with subsection (f)(4)-(7) of this section which have been completed more than once during the continuing education period.

(i) Failure to complete required continuing education. A practitioner who has failed to complete the requirements for continuing education as specified in subsection (e) of this section: [The department shall not renew the certificate of a person who fails to complete the required continuing education within any three year reporting period.]

(1) may be granted up to a one-year extension to a reporting period at the time of renewal or late renewal, but not more than 120 days after the date the practitioner's identification cards expire. The one-year extension is the maximum that may be granted and there will be no exceptions; [A person whose certificate is not renewed due to failure to meet the requirements for certification renewal shall return the certificate and identification cards to the board and shall not advertise or represent himself or herself as a respiratory care practitioner in any manner.]

(A) following the receipt of the current renewal form and fee, or reinstatement fee if applicable, the department shall issue identification cards which expire on the last day of the practitioner's next birth month, and a written notice that the contin-

uing education period has been extended. The extension period shall end on the date the original reporting period expired plus one year;

(B) if the deficiency is made up prior to the end of the extension, the department will notify the practitioner that the next reporting period commences on the day following the completion of the credits to correct the deficiency. The new reporting period shall end three years from the date the previous continuing education period expired. In other words, whenever an extension is granted, the time is borrowed from the next reporting period;

(C) if an excess number of credits were earned during an extension, the excess will not be credited toward the new reporting period;

(D) a practitioner may not receive another extension at the end of the new reporting period;

(2) who has not renewed the certificate within 120 days of expiration shall return the certificate and identification cards to the department and shall not advertise or represent himself or herself as a respiratory care practitioner in any manner. [A person whose certificate is not renewed due to failure to complete the hour requirements for continuing education, as specified in subsection (c) of this section, may be reinstated as a practitioner within one calendar year after the expiration of the certificate if the person completes the required continuing education within that year, has complied with paragraph (1) of this subsection, and pays the required reinstatement fees and the current renewal fee]

(j) (No change.)

§123.11. *Changes of Name or Address.*

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

(d) Before any [another] certificate or permit and identification cards will be issued by the department, notification of name changes must be mailed to the administrator and shall include a notarized copy of a marriage certificate, court decree evidencing such change, or a social security card reflecting the new name. The practitioner shall return any previously issued [the old] certificate or permit and identification cards and remit the appropriate replacement fee as set out in §123.4 of this title (relating to Fees).

§123.12 *Professional and Ethical Standards.* The purpose of this section shall be to establish the standards of professional and ethical conduct required of a practitioner pursuant to the Act, §11(b)(4).

(1) Professional representation and responsibilities

(A)-(E) (No change.)

(F) A practitioner shall maintain knowledge and skills for continuing professional competence. A practitioner shall participate in continuing education programs and activities as set out in §123.10 of this title (relating to Continuing Education Requirements).

(G)-(N) (No change.)

(O) A practitioner shall not delegate respiratory care functions or responsibilities to a person who lacks the ability or knowledge to perform the function or responsibility. A practitioner providing respiratory care services may be assisted by an aide or orderly. Aides/orderlies may not perform respiratory care procedures.

(P) A practitioner shall not leave an assignment without being properly relieved by appropriate personnel [notifying appropriate personnel].

(Q) The department shall consider the failure of a practitioner to respond to a request for information or other correspondence relating to the certification process or these sections as unprofessional conduct and grounds for disciplinary proceedings in accordance with §123.14 of this section (relating to Violations, Complaints and Subsequent Actions).

(2) Relationships with patients/clients.

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

(H) A practitioner shall not engage in any activities that seek to meet the practitioner's personal needs at the expense or detriment of a patient/client.

§123.14. *Violations, Complaints, and Subsequent Actions.*

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

(c) Disciplinary action. The department, on behalf of the board, shall take disciplinary action if it determines that a person who holds a certificate or permit:

(1)-(7) (No change.)

(8) has practiced respiratory care other than under the direction of a qualified medical director or other physician licensed by the BME. For the purposes of this section, direction shall mean:

(A) assuring that established policies are carried out;

(B) monitoring and evaluating the quality, safety, and appropriateness of respiratory care services and taking action based on findings; and

(C) providing consultation whenever required, particularly on patients receiving continuous ventilatory or oxygenation support.

(d)-(i) (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 November 24, 1986.

TRD-8611072

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

Proposed date of adoption

January 31, 1987

For further information, please call
(512) 458-7631.

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 57. Fisheries Endangered Species

★31 TAC §§57.131-57.136

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Parks and Wildlife Commission, 4200 Smith School Road, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Parks and Wildlife Department proposes the repeal of §§57.131-57.136, concerning endangered species. The repeals are necessary to bring the endangered species listing up to date and in correspondence with the listing of the United States Fish and Wildlife Service. Simultaneous with the repeals, the department proposes a new endangered species listing, which lists the identical species as proposed in the December 27, 1985, (10 TexReg 4999) and July 4, 1986, (11 TexReg 3092) issues of the *Texas Register*.

James E. Dickinson, director of finance, has determined that for the first five-year period the proposed repeals 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 repeals.

Mr. Dickson also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be provision of a means of insuring that the State of Texas endangered species list corresponds with the United States Fish and Wildlife Service list of endangered species.

There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

Comments on the proposal may be submitted to Bruce C. Thompson, Program Leader, Nongame/ Endangered Species, 4200 Smith School Road, Austin, Texas 78744, (512) 479-49799 or 1-800-792-1112, ext. 4979.

The repeals are proposed under the Texas Parks and Wildlife Code, Chapter 43, Subchapter C, and Chapter 68, which provides the Texas Parks and Wildlife Commission with authority to adopt regulations concerning endangered species

- §57.131. *Definitions*
- §57.132. *Permits to Take Certain Fish or Wildlife*
- §57.133. *Closed Seasons*
- §57.134. *Penalties*
- §57.135. *Amendments*
- §57.136. *Effective Date*

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 November 21, 1986

TRD-8811060 Boyd M. Johnson
General Counsel
Texas Parks and Wildlife

Earliest possible date of adoption:
December 29, 1986
For further information, please call
(512) 479-4772.

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Chapter 65. Wildlife Subchapter G. Regulations for Taking, Possessing, and Transporting Threatened [Protected] Nongame Species

★31 TAC §§65.172-65.177

The Texas Parks and Wildlife Commission proposes amendments to §§65.172-65.177, concerning regulations for taking, possessing, and transporting threatened species.

The amendments: change regulatory terminology from "protected nongame" under Chapter 67 to "threatened" to eliminate confusion, in that essentially all indigenous wildlife is considered protected in some way under the Texas Parks and Wildlife Code; delete most marine mammals because their distributions are oceanic, they are not specifically identified as being from Texas under federal regulations, and listing would provide no additional identified benefit to them; delete species whose numbers and/or distribution have been found to be greater than when previously listed; add species whose numbers and/or distribution have been found to be experiencing significant

reductions as a result of habitat alteration; partially fulfill the department's responsibility under Texas Parks and Wildlife Code, Chapter 67, to insure the continued ability of nongame species of fish and wildlife to perpetuate themselves successfully; and amend the penalty section to conform with the language of the Texas Parks and Wildlife Code.

The proposal is resubmitted due to the six-month automatic withdrawal rule. The species listing is identical to the proposed sections as published in the December 27, 1986, issue of the *Texas Register* (10 TexReg 5000) and in the July 4, 1986, issue of the *Texas Register* (11 TexReg 3094).

Jim Dickinson, director of finance, 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. Dickinson 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 provision of a means of insuring the perpetuation of species diversity and thus the maintenance of a major segment of the state's natural resources. 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 Bruce C. Thompson, Program Leader, Nongame/Endangered Species, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4979 or 1-800-792-1112, ext. 4979.

The amendments are proposed under the Texas Parks and Wildlife Code, Chapter 43, Subchapter C, and Chapter 67, which provides the Texas Parks and Wildlife Commission with the authority to adopt regulations concerning threatened species.

§65.172. *Closed Seasons*. Except as provided by §65.174 of this title (relating to Permit Required), §65.175 of this title (relating to Permit Exceptions), and §65.176 of this title (relating to Rule Exception), no person may take, possess, transport, export, sell or offer for sale, or ship any species of fish or wildlife within this state listed as **threatened** [protected nongame]; or possess, transport, export, sell, or offer for sale goods made from the fish and wildlife of this state listed as **threatened** [protected nongame].

§65.173. *Threatened [Protected Nongame] Species*. The following species are hereby designated as **threatened** [protected nongame] species:

Mammals

Bat, southern [lesser] yellow

Lasiurus ega [xanthinus]

Bat, Rafinesque's big-eared

Plecotus rafinesquii

[Bat, southeastern]	[Myotis austroriparius mumfordi]
Bat, spotted	Euderma maculatum
[Dolphin, bridled]	[Stenella frontalis]
[Dolphin, rough-toothed]	[Steno bredanensis]
Dolphin, Atlantic spotted	Stenella plagiodon
Mouse, Palo Duro	Peromyscus comanche
Rat, Coues' rice	Oryzomys couesi
Rat, Texas kangaroo	Dipodomys elator
[Whale, dwarf sperm]	[Kogia simus]
[Whale, false killer]	[Pseudorca crassidens]
[Whale, goose-beaked]	[Ziphius cavirostris]
[Whale, Gulf Stream beaked]	[Mesoplodon europaeus]
[Whale, killer]	[Orcinus orca]
[Whale, short-finned pilot]	[Globicephala macrorhyncha]
[Whale, pygmy killer]	[Feresa attenuata]
[Whale, pygmy sperm]	[Kogia breviceps]

Birds

Becard, rose-throated	Pachyramphus aglaiae
Egret, reddish	Egretta [Dichromanassa r.] rufescens
Falcon, Arctic peregrine	Falco peregrinus tundrius
[Falcon, aplomado]	[Falco femoralis septentrionalis]
Hawk, common black-	Buteogallus [a.] anthracinus
Hawk, gray	Buteo nitidus [maximus]
Hawk, white-tailed	Buteo albicaudatus [hypospodius]
Hawk, zone-tailed	Buteo albonotatus
Ibis, white-faced	Plegadis chihi
Kite, American swallow-tailed	Elanoides [f.] forficatus
[Osprey]	[Pandion haliaetus carolinensis]
Owl, ferruginous pygmy-	Glaucidium brasilianum [cactorum]
Parula, tropical	Parula pitiauyumi
Sparrow, Bachman's	Aimophila aestivalis

Sparrow, Botteri's

Stork, wood

Tern, sooty

[Tern, least]

Tyrannulet, northern beardless-

Vireo, black-capped

Warbler, golden-cheeked

Alimophila botteri

Mycteria americana

Sterna fuscata

[Sterna albifrons antillarum]

Camptostoma imberbe

Vireo atricapillus

Dendroica chrysoparia

Reptiles

[Loggerhead, Atlantic]

Tortoise, Texas

Turtle, alligator snapping

Turtle, Atlantic green

[Turtle, Big Bend mud]

Gecko, reticulated [Big Bend]

[Lizard, Big Bend canyon]

[Lizard, Presidio canyon]

Lizard, reticulate collared

Lizard, Texas horned

Lizard, mountain short-horned

Copperhead, Trans-Pecos

[Kingsnake, gray-banded]

[Rattlesnake, rock]

Rattlesnake, timber

Snake, black-striped

Snake, Big bend blackhead

[Snake, northern cat-eyed]

Snake, northern scarlet

Snake, Texas indigo

Snake, Texas lyre

Snake, Texas scarlet

[Snake, Big Bend milk]

[Caretta c. caretta]

Gopherus berlandieri

Macroclemys temminckii

Chelonia m. mydas

[Kinosternon hirtipes murrayi]

Coleonyx reticulatus

[Sceloporus merriami annulatus]

[Sceloporus merriami longipunctatus]

Crotaphytus reticulatus

Phrynosoma cornutum

Phrynosoma douglassii hernandesii

Agkistrodon contortrix pictigaster

[Lampropeltis mexicana alterna]

[Crotalus lepidus]

Crotalus horridus

Coniophanes i. imperialis

Tantilla rubra

[Leptodeira s. septentrionalis]

Cemophora coccinea copei

Drymarchon corais erebennus

Trimorphodon biscutatus wilkinsonii

Cemophora coccinea lineri

[Lampropeltis triangulum celaenops]

[Snake, central plains milk]	[Lampropeltis triangulum gentilis]
[Snake, Louisiana milk]	[Lampropeltis triangulum amaura]
Snake, Mexican milk	Lampropeltis triangulum annulata
[Snake, Louisiana pine]	[Pituophis melanoleucus ruthveni]
Snake, Baird's rat	Elaphe obsoleta bairdi
[Snake, Trans-Pecos rat]	[Elaphe subocularis]
Snake, Brazos water	Nerodia h. harteri

Amphibians

[Frog, Mexican cliff]	[Syrrhophus guttilatus]
[Frog, Mexican tree]	[Smilisca baudini]
[Frog, Rio Grande]	[Syrrhophus cystignathoides campi]
Frog, sheep	Hypopachus variolosus
[Frog, white-lipped]	[Leptodactylus labialis]
[Newt, black-spotted]	[Notophthalmus m. meridionalis]
Salamander, Cascade Caverns	Eurycea latitans
[Salamander, Fern Bank]	[Eurycea neotenes pterophila]
Salamander, Comal blind [Honey Creek]	Eurycea tridentifera
[Salamander, mole]	[Ambystoma talpoideum]
Salamander, San Marcos	Eurycea nana
[Salamander, Valdina Farms]	[Eurycea troglodytes]
[Siren, Rio Grande]	[Siren intermedia texana]
[Toad, giant]	[Bufo marinus]
Toad, Mexican burrowing	Rhinophrynus dorsalis
Treefrog, Mexican	Smilisca baudinii

Fishes

Blindcat, toothless	Trogloglanis pattersoni
Blindcat, widemouth	Satan eurystomus
Chub, Rio Grande	Gila pandora
Chubsucker, creek	Erismyzon oblongus
Darter, blackside	Percina maculata
Darter, Rio Grande	Etheostoma grahami

[Darter, river]	[Hadropterus shumardi]
[Darter, western sand]	[Ammocrypta clara]
[Gambusia, blotched]	[Gambusia senilis]
Minnow, Devils River	Dionda diaboli
Pipefish, opossum	Oostethus brachyurus
Pupfish, Conchos	Cyprinodon eximius
Shiner, bluehead	Notropis hubbsi
Shiner, Chihuahua	Notropis chihuahua
[Shiner, Kiamichi]	[Notropis ortenburgeri]
Shiner, proserpine	Notropis proserpinus
Stoneroller, Mexican	Campostoma ornatum
Sucker, blue	Cycleptus elongatus

§65.174. Permit Required. No person may take, possess, or transport fish or wildlife from the wild, classified as **threatened** [protected nongame] by §65.173 of this title (relating to **Threatened** [Protected Nongame] Species), for scientific or zoological purposes unless a valid scientific or zoological permit has been obtained from the department as required by the Texas Parks and Wildlife Code, §§43.021-43.030

§65.175. Permit Exceptions.

(a) No permit is required to take or transport any species listed as **threatened** [protected nongame] to the nearest Department of Health or medical facility if the species poses an immediate threat to human safety or welfare.

(b) No permit is required to transport within this state mounted or preserved specimens of **threatened** [protected nongame] species obtained after the effective date of this subchapter, provided the transfer is without monetary consideration and is between public or private educational or research institutions, nonprofit municipal zoological gardens, or nonprofit foundations or associations, and provided the specimens to be transferred were originally obtained under a [the] valid scientific or zoological permit. A copy of the voucher or other instrument evidencing the transfer and indicating the species and number of specimens transferred will be forwarded to the department within 20 days following the transfer

(c) No permit is required to possess and transport live, mounted, or preserved specimens of **threatened** [protected nongame] species legally collected in another state, except that the department may require adequate proof of the out-of-state acquisition of the specimens. A copy of a valid out-of-state permit authorizing the collection of

the specimens must be carried by the person during transport within this state.

§65.176. Rule Exception. The provisions of this subchapter do not apply to the possession of live, mounted, or preserved specimens of listed **threatened** [protected nongame] species acquired from the wild in this state prior to the effective date of this subchapter nor to offspring of those specimens born and raised in captivity. Upon request by the department, adequate proof must be provided to establish the date and circumstances regarding acquisition of any listed species.

§65.177. Penalties. Penalties for violation of this subchapter are prescribed by the Texas Parks and Wildlife Code, Chapter 43, Subchapter C, and Chapter 67. [Any person who violates any provisions of these rules is guilty of a misdemeanor and:

[(1) on first conviction, is punishable by a fine of not less than \$100 nor more than \$200;

[(2) on second conviction, is punishable by a fine of not less than \$200 nor more than \$500, or confinement in county jail for not less than 30 days nor more than 90 days, or both fine and confinement in jail;

[(3) on conviction of a third of subsequent violation, is punishable by a fine of not less than \$500 nor more than \$2,000 and confinement in county jail for not less than six months nor more than one year.]

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 November 21, 1986

TRD-8611081

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption:
December 29, 1986
For further information, please call
(512) 479-4772.

★ ★ ★

Subchapter G. Regulations for Taking, Possessing, and Transporting Protected Nongame Species

★ 31 TAC §65.178

(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 Parks and Wildlife Department, 4200 Smith School Road, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Parks and Wildlife Department proposes the repeal of §65.178, concerning regulations for taking, possessing, and transporting threatened species. The repeal eliminates unnecessary text.

The proposal is resubmitted due to the six-month automatic withdrawal rule and is similar to the proposed repeal as published in the December 27, 1985, issue of the *Texas Register* (10 TexReg 5002) and the July 4, 1986, issue of the *Texas Register* (11 TexReg 3096)

Jim Dickinson, director of finance, has determined that for the first five-year period the repeal will be in effect there will

be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeal.

Mr. Dickinson also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the elimination of text that is unnecessary. There is no anticipated economic cost to individuals who are required to comply with the repeal as proposed.

Comments may be submitted to Bruce C. Thompson, Program Leader, Nongame/Endangered Species, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4979 or 1-(800) 792-1112, ext. 4979.

The repeal is proposed under the Texas Parks and Wildlife Code, Chapter 43, Subchapter C, and Chapter 67, which provides the Texas Parks and Wildlife Commission with authority to adopt regulations concerning threatened species.

§65.178. Effective Date

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 November 21, 1986

TRD-8611062 Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption
December 29, 1986
For further information, please call
(512) 479-4979.



Subchapter G. Endangered Species

*** 31 TAC §§65.181-65.184**

The Texas Parks and Wildlife Department proposes new §§65.181-65.184, concerning

endangered species. The sections are transferred from Chapter 57, Fisheries, to Chapter 65, Wildlife. The proposed change is appropriate, as technical personnel who have the expertise to make amendments to rules are within the Wildlife Division, and persons seeking information on regulations concerning endangered wildlife would readily find them in the Wildlife Division section.

The sections incorporate changes from the existing sections that are necessary to bring the endangered species listing up to date and correspond with the listing of the United States Fish and Wildlife Service. The new sections: delete most marine mammals because their distributions are oceanic, they are not specifically identified as being from Texas under federal regulations, and listing would provide no additional identified benefit to them; delete species whose numbers and/or distribution have been found to be greater than when previously listed, add species whose numbers and/or distribution have been found to be experiencing significant reductions as a result of habitat alteration; and partially fulfill the department's responsibility under Texas Parks and Wildlife Code, Chapter 68, to insure the continued existence of the state's fish and wildlife species

James E. Dickinson, director of finance, 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. Dickinson 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 provision of a means of insuring the perpetuation of species diversity and maintenance of a major segment of the state's natural resources. 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 Bruce C. Thompson, Program Leader, Nongame/Endangered Species, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4979 or 1-800-792-1112, ext. 4979.

The new sections are proposed under the Texas Parks and Wildlife Code, Chapter 43, Subchapter C, and Chapter 68, which provides the Texas Parks and Wildlife Commission with the authority to adopt regulations concerning endangered species.

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

Person—Any individual, firm, corporation, association, or partnership.

§65.182. Permits to Take Certain Fish or Wildlife. No person may take, possess, or transport fish or wildlife classified as endangered species and named in this section for zoological gardens or scientific purposes, to take or transport fish or wildlife classified as endangered species, as specified in this section, from the wild, or from their natural habitat, for propagation for commercial purposes, unless he has obtained a valid permit from the department as required by the Texas Parks and Wildlife Code, §§43.021-43.030.

§65.183. Closed Season. Except as provided by §65.182 of this title (relating to Permits to Take Certain Fish or Wildlife), it shall be unlawful for any person to take, possess, transport, export, process, sell or offer for sale, or ship any species of fish or wildlife within this state listed following; and no person shall possess, transport, export, process, sell, or offer for sale goods made from the fish and wildlife in the following list not born and raised in captivity:

Mammals

Ferret, black-footed	Mustela nigripes
Jaguar	Felis onca
Jaguarundi	Felis yagouaroundi
Ocelot	Felis pardalis
Wolf, red	Canis rufus
Wolf, gray	Canis lupus
Bear, black	Ursus americanus
Coati	Nasua nasua
Manatee	Trichechus Manatus

Birds

Pelican, brown	<i>Pelecanus occidentalis</i>
Eagle, bald	<i>Haliaeetus leucocephalus</i>
Falcon, aplomado	<i>Falco femoralis</i>
Falcon, American peregrine	<i>Falco peregrinus anatum</i>
Prairie-chicken, Attwater's greater	<i>Tympanuchus cupido attwateri</i>
Crane, whooping	<i>Grus americana</i>
Curlew, Eskimo	<i>Numenius borealis</i>
Tern, interior least	<i>Sterna antillarum athalassos</i>
Woodpecker, ivory-billed	<i>Campephilus principalis</i>
Woodpecker, red-cockaded	<i>Picoides borealis</i>

Reptiles

Racer, speckled	<i>Drymobius m. margaritiferus</i>
Snake, Louisiana pine	<i>Pituophis melanoleucus ruthveni</i>
Snake, Concho water	<i>Nerodia harteri paucimaculata</i>
Snake, western smooth green	<i>Opheodrys vernalis blanchardi</i>
Snake, northern cat-eyed	<i>Leptoderia s. septentrionalis</i>
Turtle, Big Bend mud	<i>Kinosternon hirtipes murrayi</i>
Ridley, Atlantic	<i>Lepidochelys kemp</i>
Hawksbill, Atlantic	<i>Eretmochelys i. imbricata</i>
Leatherback	<i>Dermochelys coriacea</i>
Loggerhead	<i>Caretta caretta</i>

Amphibians

Newt, black-spotted	<i>Notophthalmus meridionalis</i>
Salamander, Blanco blind	<i>Typhlomolge robusta</i>
Salamander, Texas blind	<i>Typhlomolge rathbuni</i>
Siren, Rio Grande lesser	<i>Siren intermedia texana</i>
Toad, Houston	<i>Bufo houstonensis</i>
Frog, white-lipped	<i>Leptodactylus fragilis</i>

Fishes

Paddlefish	Polyodon spathula
Sturgeon, shovelnose	Scaphirhynchus platyrhynchus
Gambusia, Amistad	Gambusia amistadensis
Gambusia, blotched	Gambusia senilis
Gambusia, San Marcos	Gambusia georgei
Gambusia, Big Bend	Gambusia gaigei
Gambusia, Clear Creek	Gambusia heterochir
Gambusia, Pecos	Gambusia nobilis
Pupfish, Comanche Springs	Cyprinodon elegans
Pupfish, Leon Springs	Cyprinodon bovinus
Darter, fountain	Etheostoma fonticola
Shiner, bluntnose	Notropis simus
Shiner, phantom	Notropis orca
Goby, blackfin	Gobionellus atripinnis

§65.184. *Penalties.* Penalties are as provided by the Texas Parks and Wildlife Code, Chapter 43, Subchapter C, and Chapter 68.

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 November 21, 1986

TRD-8611063

Boyd M. Johnston
General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption
December 29, 1986

For further information, please call
(512) 479-4772

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TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration Subchapter O. State Sales and Use Tax

★ 34 TAC §3.325

The Comptroller of Public Accounts proposes an amendment to §3.325, concerning refunds, interest, and payments under

protest. The amendments were necessary because the Tax Code, §111.106, regarding credit interest, was repealed by the first special legislative session. The repeal becomes law December 4, 1986. Any claim for refund, whether before or after the effective date, will accrue interest from the date interest begins to accrue before December 4, 1986, to December 4, 1986. Interest stops on December 4, 1986.

John Moore, director, Economic Analysis Center for the Comptroller, 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 provision of information concerning their tax responsibilities under the changes made by the legislature. 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 Mona Ezell Shoemate, Tax Administration, PO Box 13528, Austin, Texas 78711.

The amendment is proposed under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt,

and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.325. *Refunds, Interest, and Payments Under Protest.*

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

(c) Interest. Interest will be paid at the rate of 10% per annum on an amount found to have been erroneously paid to the comptroller for reporting periods after January 1, 1982. Refunds for reporting periods prior to January 1, 1982, will not accrue interest.

(1) (No change.)

(2) For overpayments and credits which occurred prior to October 4, 1986, interest stops on December 4, 1986. (This is the date the provision of the Tax Code authorizing payment of interest was repealed). Overpayments and credits on transactions occurring after December 4, 1986, will not draw interest [the date credit is allowed by the comptroller or a date within 10 days prior to the date the refund warrant is issued].

(3)-(4) (No change.)

(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 November 24, 1986

TRD-8611073

Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
December 29, 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 12. Child Nutrition Programs

Child Care Program

★ 40 TAC §12.4, §12.25

The Texas Department of Human Services (DHS) proposes amendments to §12.4 and §12.25, concerning eligibility for participation and denials and terminations of participation in the Child Care Food Program (CCFP). The amendments incorporate United States Department of Agriculture policy issued July 21, 1986, by the Southwest Regional Office. The amendments specify that day home providers who have been found guilty of fraud, including cases in which adjudication is deferred, are ineligible for participation effective with the court sentence and may not be approved for further participation for the duration of the sentence of the court.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the sections are in effect, there will not be fiscal implications as a result of enforcing or administering the sections.

Mr. Packard has also determined that for each year of the first five years the sections as proposed are in effect, the public benefits anticipated as a result of enforcing or administering the sections as proposed will be the facilitation of effective program administration. 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 Cathy Rossberg, administrator, Policy Development Support Division-737, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The amendments are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§12.4. Day Home Facilities

(a) (No change.)

(b) Day home providers who have been found guilty of committing fraud in the CCFP, including cases in which adjudication

is deferred, are ineligible to participate in the CCFP.

(c)[(b)] If a contractor applies and is approved for program participation as a new sponsor of day homes, DHS places an initial cap on the number of day homes the contractor may sponsor. DHS approves sponsorship of additional homes only if the sponsoring organization provides an expansion plan and evidence of administrative and financial capability.

(d)[(c)] For sponsoring organizations of day home facilities already participating in the program, DHS may place a cap on the number of day homes an organization may sponsor. DHS takes this action if the staffing pattern and management plan indicate insufficient administrative capability to administer more homes. DHS approves additional homes commensurate with the organization's capabilities.

(e)[(d)] DHS must make in writing any adjustments to the cap it places on the number of day homes the organization may sponsor. DHS bases the adjustment on the organization's administrative and financial capability and DHS-approved expansion plan.

§12.25. Denials and Terminations.

(a) DHS denies applications for participation and terminates agreements between DHS and contractors for failure to meet basic eligibility requirements, and according to 7 Code of Federal Regulations §§226.6(b)-(e), (h), (j), and (n) 226.15(b), 226.16(b), 226.23(a)-(d) and (f), 226.25, and Part 3015.

(b) [In addition,] DHS denies applications for participation and terminates agreements with contractors sponsoring day homes for failure to submit a balanced and reasonable budget.

(c) Sponsoring organizations of day homes must terminate the participation of day home providers who have been found guilty of committing fraud in the CCFP, including cases in which adjudication is deferred. Denial of participation in the CCFP is effective for the duration of the sentence of the court and termination is effective when the sentence is pronounced.

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 November 20, 1986.

TRD-8610973

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

December 29, 1986

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

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Part XII. Texas Advisory Board of Occupational Therapy

Chapter 367. Types of Licenses

★ 40 TAC §367.1

The Texas Advisory Board of Occupational Therapy proposes an amendment to §367.1, concerning types of licenses. The purpose of this amendment is to insure adequate consumer protection by requiring occupational therapists to be in current practice (within the past 15 years) or be re-examined for competency before issuance of a regular license.

Cary Westhouse, executive director, 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.

Ms. Westhouse 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 in protecting the consumers of occupational therapy services by assuring that the therapists' competency levels are adequate. The possible economic cost to individuals who are required to comply with the rule as proposed will be none.

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

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

§367.1. Types of Licenses.

(a) (No change.)

(b) The board issues a temporary license to:

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

(5) An applicant who has:

(A) successfully passed the certification examination on his or her most recent attempt; and

(B) has been in practice within five years of the date of application, but not in such a time period as that practice would have been in violation of Texas Civil Statutes, Article 8851. The board will issue a temporary license on payment of the administrative fee and evidence satisfactory to the board of proof of practice, and will issue a regular license on approval of the applicant and payment of the regular license fee. Such licensees shall complete two points of the required continuing education within a period of time as set in each case by the executive director.

(6) An applicant who has not worked as an Occupational Therapist Registered (OTR) or Certified Occupational Therapy Assistant (COTA) in the past five years and whose successful completion of the certification examination occurred more than five years from the date of application. Such applicants will have a period of no more than 18 months from the date of issuance of the temporary license in which to successfully complete this certification examination and apply for a regular license. The applicant will work under the direct supervision of an OTR while holding this temporary license.

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

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

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

TRD-8610971 Charles Schiesser
General Counsel
Texas Rehabilitation
Commission

Earliest possible date of adoption
December 29, 1986
For further information, please call
(512) 445-8368

★ ★ ★

Name: Mike Duhr
Grade: 6
School: Hughey Elementary, El Paso



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 105. Foundation

School Program

Subchapter W. Price Differential

Index

★19. TAC §§105.466-105.469

The Texas Education Agency has withdrawn from consideration new sections, concerning Price Differential Index. The text of the new sections appeared in the October 24, 1986, issue of the *Texas Register* (11 TexReg 4397). The effective date of the new sections is November 19, 1986.

Issued in Austin, Texas, on November 19, 1986.

TRD-8610966

Beverly J. Bardsley
Director for Policy
Development
Texas Education Agency

Filed: November 19, 1986

For further information, please call
(512) 463-9682.

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 57. Fisheries

Endangered Species

★31 TAC §§57.134-57.136

The Texas Parks and Wildlife Department has withdrawn from consideration the repeals concerning endangered species.

The text of the repeals appeared in the July 4, 1986, issue of the *Texas Register* (11 TexReg 3093). The effective date of these repeals is November 21, 1986.

Issued in Austin, Texas, on November 21, 1986

TRD-8611065

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Filed: November 21, 1986

For further information, please call
(512) 479-4772

★31 TAC §57.133

The Texas Parks and Wildlife Department has withdrawn from consideration the amendment concerning endangered species. The text of the amendment appeared in the July 4, 1986, issue of the *Texas Register* (11 TexReg 3092). The effective date of this amendment is November 21, 1986.

Issued in Austin, Texas, on November 21, 1986.

TRD-8611064

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Filed: November 21, 1986

For further information, please call
(512) 479-4772.

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★31 TAC §§65.177, §65.178

The Texas Parks and Wildlife Department has withdrawn from consideration the repeals concerning regulations for taking, possessing, and transporting protected nongame species. The text of the repeals appeared in the July 4, 1986, issue of the *Texas Register* (11 TexReg 3096). The effective date of the repeals is November 21, 1986.

Issued in Austin, Texas, on November 21, 1986.

TRD-8611067

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Filed: November 21, 1986

For further information, please call
(512) 479-4772.

★ ★ ★

Chapter 65. Wildlife

Subchapter G. Regulations for

Taking, Possessing, and

Transporting Protected

Nongame Species

★31 TAC §§65.172-65.176

The Texas Parks and Wildlife Department has withdrawn from consideration amendments, concerning regulations for taking, possessing, and transporting protected nongame species. The text of the amendments appeared in the July 4, 1986, issue of the *Texas Register* (11 TexReg 3094). The effective date of the amendments is November 21, 1986.

Issued in Austin, Texas, on November 21, 1986.

TRD-8611068

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Filed: November 21, 1986

For further information, please call
(512) 479-4772.

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Adopted Rules

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

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

TITLE 19. EDUCATION Part I. Coordinating Board, Texas College and University System Chapter 5. Program Development Subchapter I. Approval of Academic Courses for State Appropriations to Public Community Colleges

★ 19 TAC §5.171, §5.172

The Coordinating Board, Texas College and University System, adopts the repeal of §5.171 and §5.172, without changes to the proposed text published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3620).

These sections are repealed and rewritten as new sections to bring them up to date for the approval of academic courses for state appropriations to public junior colleges.

No comments were received regarding adoption of the repeals.

The repeal is adopted under the Texas Education Code, §61.062 and §135.04, which provides the coordinating board with the authority to adopt rules regarding approval of academic courses for state appropriations to public community colleges.

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 November 14, 1986.

TRD-8610929

James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Effective date: December 10, 1986

Proposal publication date: August 15, 1986

For further information, please call
(512) 462-6420.



The Coordinating Board, Texas College and University System, adopts new sections to §5.171 and §5.172, with changes to the proposed text published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3620).

These sections update the approval process for funding of academic courses. The update will increase accountability in what is offered and funded. Changes were made to new §5.171 and §5.172. Changes were also made to the title of the subchapter.

The sections provide up-to-date guidelines to the community/junior colleges, Texas State Technical Institute, Lamar Port Arthur, and Lamar Orange. The guidelines will be used by the Community College and Technical Institute Division of the coordinating board to approve academic courses for state appropriations.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Education Code, §61.062 and §135.04, which provides the coordinating board with the authority to adopt rules regarding approval of academic courses for state appropriations to public community colleges.

§5.171. General Provisions.

(a) State funding shall be provided for lower division level general academic courses in public community and junior colleges and other appropriate public institutions offering lower division general academic courses if:

(1) such courses are listed in the *Course Guide Manual*; or

(2) such courses have been reviewed by the coordinating board staff and have been approved in accordance with the unique need provision.

(b) A standing course review committee composed of representatives from public community and junior colleges and other appropriate public institutions offering lower division general academic courses will meet annually to recommend to the coordinating board staff appropriate courses to be added to, revised, or deleted from the *Course Guide Manual*. The coordinating board staff will provide the committee data regarding course enrollments and transferability for the purpose of considering revisions to the *Course Guide Manual*.

(c) Criteria used to revise the *Course Guide Manual* will include the following.

(1) Courses offered by three or fewer public community and junior colleges and other appropriate public institutions offering lower division general academic courses during the previous academic year will be reviewed by the committee for deletion unless other factors indicate a need to retain such courses.

(2) Unique need courses which have been offered at several public community and junior colleges and other appropriate public institutions offering lower division general academic courses in different geographic regions of the state may be recommended for addition to the *Course Guide Manual* upon request of a sponsoring institution.

(3) Revisions in course content may be considered upon request of a sponsoring institution.

§5.172. Unique Need Courses.

(a) A course may be approved for unique need if it meets the following criteria.

(1) A course that is acceptable for transfer to a regional university is one basis for unique need approval. Copies of letters documenting transferability should be included in the application.

(2) Courses requested for unique need should have college-level rigor. Courses designed to meet a community service, leisure, vocational, or avocational need are inappropriate for unique need approval and state funding.

(3) Up to three technical or vocational transfer courses within a single discipline may be approved as unique courses, provided that they meet all of the following criteria.

(A) The course is acceptable for transfer to a regional university and may be applied toward fulfilling the requirements of a baccalaureate degree.

(B) The course instructor meets the requirements for faculty who teach transfer courses established by the Southern Association of Colleges and Schools.

(C) The institution certifies that appropriate equipment is available for use in the course.

(4) Courses required at the junior level or above in degree programs are not an appropriate basis for approval. When the need for a junior level course is established

and regional universities decline to offer the course, then it may be considered for approval as a unique need course. In such cases, the prerequisites of the public community and junior college or other appropriate public institution offering lower division general academic courses should be comparable to the prerequisites of the senior college course.

(b) Procedures for unique need approval are as follows.

(1) The application for each unique need course submitted to the coordinating board must be accompanied by a statement of need for the course and a syllabus which includes a course description, detailed course outline, and objectives.

(2) Colleges must reapply for approval of unique need courses on an annual basis. At the institution's request upon the third consecutive approval, a course may be considered for continued placement in that institution's course inventory. The request must include the enrollments and frequency with which the course was offered over the preceding two years. The coordinating board will review and evaluate continued need on a five-year cycle.

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 November 14, 1986.

TRD-8610930

James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

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For further information, please call
(512) 462-6420.

★ ★ ★

Subchapter I. Approval of General Academic Courses for State Appropriations to Public Community and Junior Colleges and Other Appropriate Public Institutions Offering Lower Division General Academic Courses.

★ 19 TAC §5.174

The Coordinating Board, Texas College and University System, adopts an amendment to §5.174, without changes to the proposed text published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3621).

This amendment updates the approval process for funding of academic courses. The update increases accountability in what is offered and funded.

The amendment provides up-to-date guidelines to the community/junior colleges, Texas State Technical Institute, Lamar Port Arthur, and Lamar Orange. These will be used by the Community Colleges and Technical Institute Division of the coordinating board to approve academic courses for state appropriations. No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §61.062 and §135.04, which provides the coordinating board with the authority to adopt rules regarding approval of academic courses for state appropriations to public community colleges.

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

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TRD-8610931

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For further information, please call
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Chapter 9. Public Junior Colleges

Subchapter E. Operational Provisions

★ 19 TAC §§9.104-9.112

The Coordinating Board, Texas College and University System, adopts the repeal of §§9.104-9.112, without changes to the proposed text published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3621).

The sections are repealed and new sections rewritten to bring them up to date for the approval of academic courses for state appropriations to public junior colleges.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Education Code, §61.062 and §135.04, which provides the coordinating board with the authority to adopt rules regarding operational provisions.

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

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University System

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Proposal publication date: August 15, 1986
For further information, please call
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★ 19 TAC §§9.104-9.111

The Coordinating Board, Texas College and University System, adopts new §§9.104-9.111. New §§9.105, 9.108, and 9.110 are adopted with changes to the proposed text published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3621). New §§9.104, 9.106, 9.107, 9.109, and 9.111 are adopted without changes and will not be republished.

The new sections update the approval process and operational procedures for funding of academic courses. The update will increase accountability in what is offered and funded.

These revisions are made to bring existing rules and regulations up to date for the approval of academic courses for state appropriations to public junior colleges. The revisions provide up-to-date guidelines to the community/junior colleges, Texas State Technical Institute, Lamar Port Arthur, and Lamar Orange. The guidelines will be used by the Community College and Technical Institute Division of the coordinating board to approve academic courses for state appropriations.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Education Code, §61.062 and §135.04, which provides the coordinating board with the authority to adopt rules regarding operational provisions.

§9.105. Criteria for Similarity of General Academic Courses. The validity of courses based on comparable units of instruction in the state-supported universities shall be determined as follows.

(1) Similarity or likeness of courses shall be in the course content, but not necessarily in title, course number, or amount of credit assigned. Credit hours allowed for the public community and junior colleges and other appropriate public institutions offering lower division general academic courses will be determined by the accepted practice of determining course value by the number of clock-hours of instruction devoted to the course. Under no circumstances will a course be approved for more than six semester hours per semester.

(2) Prerequisites of public community and junior colleges or other appropriate public institutions offering lower division

general academic courses must be comparable to prerequisites of similar courses offered at universities.

(3) A one-semester course offered at a university cannot be offered as a two-semester course at a public community and junior college or other appropriate public institution offering lower division general academic courses when the total credit value of the community junior college course exceeds the credit value of the university course.

(4) Two or more courses in a public community and junior college or other appropriate public institution offering lower division general academic courses may be offered as similar courses to a single course in a university only when such courses are offered as alternates and when the student is prohibited from taking both courses for credit.

§9.108. Music and Art Classes.

(a) Private instruction in music. There must be a minimum of ½ hour of private instruction and two additional practice hours per week for each hour of credit (16 contact hours) awarded to individuals enrolled on a semester basis.

(b) Group instruction in music. There must be a minimum of one class hour and one additional practice hour per week for each hour of credit awarded.

(c) Ensemble courses (vocal and instrumental performing groups). A maximum of three credit hours may be offered for each ensemble each semester. Participation in a minimum of one scheduled class hour of instruction per week is required for each hour of credit awarded to individuals enrolled on a semester basis.

(d) Group instruction in art (studio). There must be a minimum of two class hours per week for each credit hour awarded.

§9.110. Records and Reports. Each public community and junior college or other appropriate public institution offering lower division general academic courses shall maintain complete and accurate records of all students enrolled from the time of registration to withdrawal or graduation. Such records shall be a part of the well-organized system of student accounting, which is accessible and reflects the current status of all students. Such records must conform to the Family Educational Rights and Privacy Act of 1974 (Public Law 93-380, 513), as amended (popularly known as the Buckley Amendment), and Texas Civil Statutes, Article 6252-17a.

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

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TRD-8610933

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Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

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For further information, please call
(512) 462-8420.

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Subchapter H. Postsecondary Apprenticeship Training Program

★19 TAC §§9.171-9.174

The Coordinating Board, Texas College and University System adopts §§9.171-9.174 with changes to the proposed text published in the August 15, 1986, issue of the *Texas Register* (11 Tex-Reg 3623).

The new sections standardize and provide the accountability factors for certificate, applied science degrees, and course training programs for apprenticeship training. Since no rules for this area existed previously, standardized control was absent.

The sections are created as a result of new responsibilities that were assigned to the coordinating board. Senate Bill 911 transferred postsecondary technical and vocational education and Texas State Technical Institute (TSTI) from the Texas Education Agency to the coordinating board. The new sections provide the framework for approval of postsecondary apprenticeship programs that are offered with the TSTI campuses, community/junior colleges, Lamar Fort Arthur, and Lamar Orange.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Education Code, §135.04, which provides the coordinating board with the authority to adopt rules regarding postsecondary apprenticeship training programs.

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

Apprentice—A person participating in an apprenticeship program according to the standards and conditions set forth in a written agreement between the apprentice and the local apprenticeship training committee.

Apprenticeship program—A program that provides supervised on-the-job training and related instruction in an occupation that has been certified as apprenticeable by the Bureau of Apprenticeship and Training of the United States Department of Labor.

Local apprenticeship training committee—A committee whose members are appointed by companies employing apprentices, bargaining agents representing members of an apprenticeable trade, a trade association representing an apprenticeable trade, or a combination of these, whose re-

sponsibility is to direct and to administer the apprenticeship program consistent with the rules and regulations of the coordinating board and the postsecondary institution through which related instruction takes place.

Postsecondary institution (PSI)—A public community college, technical institute, or lower division of a university offering technical and vocational degree programs, adult vocational courses, compensatory courses, and lower division general academic courses.

Registered—The program and the apprentice are registered by the Bureau of Apprenticeship and Training, United States Department of Labor, under standards or fundamentals approved by the federal committee on apprenticeship.

Related instruction—Organized off-the-job classroom instruction in theoretical or technical subjects required for the completion of an apprenticeship program.

Supervised on-the-job training—Employment with a participating business in which each apprentice's work is directly supervised by a journeyman level worker.

§9.172. Approval.

(a) An apprenticeship program may be associated with a postsecondary institution pursuant to a written contract between the postsecondary institution and the local apprenticeship training committee.

(b) An apprenticeship program associated with a postsecondary institution and meeting the requirements established by the coordinating board may be approved as a program leading to an associate of applied science degree or to a certificate of completion.

(c) The related instruction courses in an apprenticeship program associated with a postsecondary institution meeting the requirements established by the coordinating board may be approved as adult vocational courses.

(d) Related instruction for apprentices who are employed to learn skilled occupations may be approved under the following conditions.

(1) The related instruction must be supplemental to the on-the-job training experience of the apprentice.

(2) The skilled occupation for which the apprentice is being trained must possess the following characteristics:

(A) the occupation is customarily learned in a practical way through training and work on-the-job;

(B) the occupation is clearly identified and commonly recognized throughout an industry; and

(C) the occupation involves manual skills and technical knowledge.

§9.173. Procedures.

(a) An institution wishing to offer a new apprenticeship program leading to an associate of applied science degree or a certificate of completion must follow the procedures and meet the requirements of §9.154

of this title (relating to Procedures).

(b) The program provides equal access to both sexes as well as complying with other elements of federal and state civil rights law.

(c) In addition, the institution must show evidence that the apprenticeship training program has:

(1) Bureau of Apprenticeship and Training approval; and

(2) an admissions policy consistent with the philosophy of postsecondary technical and vocational education within the state.

(d) An institution seeking approval for new related instruction courses must follow the procedures and meet the requirements established by the coordinating board for the approval of new adult vocational courses as outlined in Subchapter J of this chapter (relating to Approval of Postsecondary Technical and Vocational Courses for State Appropriations to Public Community Colleges and Texas State Technical Institute).

(e) Instructors teaching related instruction courses in apprenticeship programs must meet the minimum qualifications of personnel established by the coordinating board.

§9.174. Funding.

(a) Related instruction courses in approved apprenticeship programs and adult vocational apprenticeship courses are eligible for state contact hour formula funding.

(b) The on-the-job training component of an apprenticeship program is not eligible for state funding.

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 November 14, 1986.

TRD-8610934

James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

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For further information, please call
(512) 462-6420.

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Subchapter J. Approval of Postsecondary Technical and Vocational Courses For State Appropriations to Public Community Colleges and Texas State Technical Institute

★ 19 TAC §§9.211-9.216

The Coordinating Board, Texas College and University System adopts new §§9.211-9.216. New §§9.211 and 9.213-9.215 are adopted with changes to the proposed

text published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3624). New §9.212 is adopted without changes and will not be republished.

The new sections standardize and provide accountability factors for courses approved for state funding in adult vocational and technical education. Since no rules for this area existed previously, standardized control was absent.

The new sections provide an approval and evaluation framework for adult vocational and technical courses that receive state appropriation at the community/junior colleges as well as Texas State Technical Institute.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Education Code, §135.04, which provides the coordinating board with the authority to adopt rules regarding approval of postsecondary technical and vocational courses for state appropriations to public community colleges and Texas State Technical Institute.

§9.211. *Purpose.* This subchapter provides rules and procedures for the review, approval, or disapproval of postsecondary technical and vocational adult courses, both initial requests and revisions, for state appropriations to public postsecondary institutions.

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

Apprenticeship-related instruction—Technical and vocational education organized for off-the-job classroom instruction in theoretical or technical subjects required for the completion of an apprenticeship training program.

Postsecondary institution (PSI)—A public community college, technical institute, or lower division of a university offering technical and vocational degree and certificate programs, adult vocational courses, compensatory courses, and lower division general academic courses.

Postsecondary technical and vocational adult course—A course conducted to provide intensive preparatory, supplemental, or upgrade training with specific occupational objectives, or related instruction for apprenticeship training.

Preparatory training—Technical and vocational education designed for persons who require preparation to enter the labor market or a new career field.

Supplemental or upgrade training—Technical and vocational education designed to extend, augment, or upgrade the knowledge and skills of persons in an occupation, or related occupation, for which the instruction is given.

§9.214. *Approval.*

(a) Professional practices routinely ac-

ceptable in the development of any course of instruction must be followed for postsecondary technical and vocational adult courses. As a minimum, postsecondary technical and vocational adult course requests must:

(1) be designed for a specific occupation(s) and a specific occupational target population(s);

(2) include appropriate occupational objectives based on local needs;

(3) contain sequential learning experiences sufficient for attainment of the specified occupational objectives; and

(4) include a description of the evaluation process to be used to assess student achievement in terms of meeting the specified occupational objectives.

(b) Postsecondary technical and vocational adult courses will include no fewer than 10 contact hours of instruction for institutions to receive state funding. The coordinating board may grant approval for fewer hours only if an authorized local, state, or national licensing, certifying, regulatory, or accrediting agency requires such training.

(c) Postsecondary technical and vocational adult course revisions must be submitted to the Coordinating Board, Community Colleges and Technical Institutes Division, for approval.

(d) The governing board of the postsecondary institution will establish tuition and fees for state-funded, postsecondary technical and vocational adult courses. Tuition and fees for state-funded courses will be uniformly and consistently assessed.

(e) Postsecondary technical and vocational adult courses will be approved for five years from the beginning of the quarter following the approval date. The termination date for each course will be reflected on the approved course list. Approved revisions or updates to the course list will renew that five-year approval, and any course not offered within a five-year period will be deleted from the approved course list.

(f) Any postsecondary technical and vocational adult course request meeting or exceeding 360 contact hours must be dealt with as a new postsecondary technical and vocational program request and will be subject to all the requirements for postsecondary technical and vocational programs for state appropriations as outlined in Subchapter G of this chapter (relating to Approval of Postsecondary Technical and Vocational Programs for State Appropriations to Community and Junior Colleges and Texas State Technical Institute).

(g) Postsecondary institutions offering more than one course that provides instruction for one occupational area and that when added together meets or exceeds 360 contact hours may be requested to submit an application for a new postsecondary technical and vocational program as outlined in Subchapter G of this chapter (relating to Approval of Postsecondary Technical and Vocational Programs for State Appropriations to Com-

munity and Junior Colleges and Texas State Technical Institute).

§9.215. Procedures.

(a) In accordance with a format established by the coordinating board staff, each postsecondary institution desiring to offer a new postsecondary technical and vocational adult course must have completed the following procedures:

(1) completion of the application for approval of postsecondary technical and vocational adult course, using application forms and guidelines provided by the coordinating board staff;

(2) submission of the application for coordinating board staff review; and

(3) receipt of coordinating board approval or disapproval of postsecondary technical and vocational adult course request.

(A) The application forms will be reviewed by the appropriate program director for satisfactory fulfillment of criteria.

(B) Once a course is approved, the course data are submitted to the Data Processing Division at the coordinating board, and will appear on the technical and vocational course list.

(b) In accordance with a format established by the coordinating board staff, each postsecondary institution desiring to revise a postsecondary technical and vocational adult course must have completed the same application form and procedures as described in subsection (a) of this section. The postsecondary institution will need to supply a rationale and need for the revision.

(c) All courses must be under the direction of an administrator having appropriate authority to ensure that quality is maintained and that courses are conducted in compliance with all applicable laws and rules. Administrative officers must possess credentials, experience, and/or demonstrated competence appropriate to their areas of responsibility as specified by the Southern Association of Colleges and Schools.

(d) Technical and vocational personnel must be approved by the local postsecondary institution. Each individual must meet the minimum qualifications established by the coordinating board.

§9.216. Reporting. Contact hours for postsecondary technical and vocational adult courses must be determined and reported in compliance with state law and coordinating board policy.

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 November 14, 1986.

TRD-8610936

James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

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For further information, please call
(512) 462-6420.

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Chapter 21. Student Services
Subchapter C. Hinson-Hazlewood College Student Loan Program for all Loans made for or after Fall Semester, 1971 and Which are Subject to the Provisions of the Guaranteed Student Loan Program and the Health Education Assistance Loan Program

★ 19 TAC §§21.53, 21.55-21.66

The Coordinating Board, Texas College and University System adopts the repeal of §§21.53, 21.55-21.66, without changes to the proposed text published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3626).

These sections are being repealed and rewritten to improve opportunities for students and to eliminate sections based on old federal law.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Education Code, §52.54, which provides the Coordinating Board with the authority to adopt rules regarding the Hinson-Hazlewood College Student Loan Program for all loans made for or after Fall Semester, 1971 and which are subject to the provisions of the Guaranteed Student Loan Program and the Health Education Assistance Loan 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.

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TRD-8610937

James McWhorter
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Coordinating Board,
Texas College and
University System

Effective date: December 10, 1986
Proposal publication date: August 15, 1986
For further information, please call
(512) 462-6420.

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★ 19 TAC §§21.53, 21.55-21.65

The Coordinating Board, Texas College and University System adopts new §§21.53, 21.55-21.65, without changes to the proposed text published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3626).

The public benefit from these changes lies in increased opportunity for needy students in Texas to obtain a higher education with less repayment burden compared to similar student loans once the education is completed.

The new sections will encourage new borrowers in the Hinson-Hazlewood College Student Loan Program and will significantly reduce the repayment burden on student borrowers after completion of their education. Also, the changes will reduce the paperwork required of student borrowers and student financial aid administrators at public and independent institutions of higher education and significantly improve the processing time for loan applications.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Education Code, §52.54, which provides the Coordinating Board with the authority to adopt rules regarding the Hinson-Hazlewood College Student Loan Program for all loans made for or after Fall Semester, 1971, and which are subject to the provisions of the Guaranteed Student Loan Program and the Health Education Assistance Loan 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.

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TRD-8610938

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For further information, please call
(512) 462-6420.

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Subchapter J. The Physician Student Loan Repayment Program

★ 19 TAC §21.262

The Coordinating Board, Texas College and University System adopts an amendment to §21.262, without changes to the proposed text published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3629).

The benefit to the public will be realized in improved health care in economically depressed or medically underserved areas of the state or for the Texas Youth Council, Texas Department of Health, Texas Department of Mental Health and Mental Retardation, and the Texas Department of Corrections.

The amendment will enable the program to serve better to recruit newly graduated physicians to practice medicine in the

areas and agencies noted above. Doubling the repayment of student loans incurred by physicians from \$15,000 to \$30,000 over a five year period significantly increases the encouragement of physicians to practice medicine where physicians are needed.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §61.537, Subchapter J, which provides the Coordinating Board with the authority to adopt rules regarding the Physician Student Loan Repayment 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.

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TRD-8610839

James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
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University System

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Proposal publication date: August 15, 1986
For further information, please call
(512) 482-6420.

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TITLE 22. EXAMINING BOARDS

Part IX. Texas State Board of Medical Examiners

Chapter 163. Licensure

★22 TAC §163.3, §163.9

The Texas State Board of Medical Examiners adopts amendments to §163.3 and §163.9. The amendment to §163.9 is adopted with changes to the proposed text published in the September 12, 1986, issue of the *Texas Register* (11 TexReg 3917). The amendment to §163.3 is adopted without changes and will not be republished.

The amendments were necessary to update portions of the wording in the licensure chapter, including the recent name change of the National Board of Osteopathic Medical Examiners. The amendments also clarify requirements for reciprocity applicants who are required to sit for further examination before being granted licensure in Texas. They further outline board requirements regarding membership in the American Board of Medical Specialties or the Advisory Board for Osteopathic Specialists.

The amendments clarify licensure requirements for those wishing to be licensed as physicians in Texas.

No comments were received regarding adoption of the amendments. The board,

however, voted to leave in the reference to the secretary-treasurer.

The amendments are adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with the Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of the Act.

§163.9. *Procedural Rules for All Licensure Applicants.*

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

(h) A licensure applicant who has not been examined for licensure in a 10-year period prior to the filing date of his or her application must pass Component II of FLEX, unless the applicant has obtained specialty certification or recertification by a board that is a member of the American Board of Medical Specialties or the Advisory Board for Osteopathic Specialists within the preceding 10 years.

(i)-(j) (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 November 19, 1986.

TRD-8611005

G. V. Brindley, Jr., M.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date: December 11, 1986
Proposal publication date: September 12, 1986
For further information, please call
(512) 452-1078.

★ ★ ★

Chapter 171. Institutional Permits

★22 TAC §171.8

The Texas State Board of Medical Examiners adopts new §171.8, without changes to the proposed text published in the September 12, 1986, issue of the *Texas Register* (11 TexReg 3918).

The new section was necessary to outline the requirements for those physicians in the National Health Service Corps to qualify for such a permit.

The new section will enable the agency to more expeditiously and efficiently process the applications leading to such a permit.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4495b, provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the gov-

erning of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

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

Issued in Austin, Texas, on November 20, 1986.

TRD-8611039

G. V. Brindley, Jr.
Executive Director
Texas State Board of
Medical Examiners

Effective date: December 12, 1986
Proposal publication date: September 12, 1986
For further information, please call
(512) 452-1078.

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Chapter 175. Schedule of Fees

★22 TAC §175.1

The Texas State Board of Medical Examiners adopts an amendment to §175.1, without changes to the proposed text published in the September 12, 1986, issue of the *Texas Register* (11 TexReg 3918).

The board agreed that an increase in the annual registration fee should be initiated at this time.

It is believed that the amendment will enable the agency to more expeditiously perform its functions.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

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

Issued in Austin, Texas, on November 20, 1986.

TRD-8611040

G. V. Brindley, Jr.
Executive Director
Texas State Board of
Medical Examiners

Effective date: December 12, 1986
Proposal publication date: September 12, 1986
For further information, please call
(512) 452-1078.



Chapter 195. Administrative Sanction Procedure

★ 22 TAC §§195.1-195.4

The Texas State Board of Medical Examiners adopts amendments to §§195.1-195.4, with changes to the proposed text published in the September 12, 1986, issue of the *Texas Register* (11 TexReg 3918).

Adoption of the amendments was thought necessary because of the apparent need for a change in the method of holding and reporting administrative sanctions. The board agreed that the procedures and reporting should be more public in nature.

The amendments enable the agency to make public certain procedures involving administrative sanctions, as well as to report the actions.

During the public comment period, Chester Hill stated his opposition to any part of the meetings being held in closed session and requested that the sanctions be made public. A portion of Mr. Hill's comments, however, were supportive of the amendment.

In considering Mr. Hill's comments, the board explained that the outcome of the sanctions would be public information. It was further explained that, at the time the sanction is called for, the validity of the complaint has not yet been determined.

Further, board members reconsidered deletion of the language regarding the secretary and decided that it would be advisable to leave that language in the sections, i.e., the secretary and the chief executive officer would be authorized to take actions as called for in the sanction sections. This would represent a sharing of the duties, if the need arose.

The amendments are adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with the Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of the Act.

§195.1 Purpose. The purpose of these sections is to encourage the expeditious resolution or correction of medical practice activities resulting in a violation of the statutes or rules regulating a licensee of the board where the director of the Field Operations Division and the secretary or chief executive officer of the board concur that the alleged violation is either minor in nature or subject to proper resolution by voluntary restriction or limitation of the authority to practice medicine by the licensee. It is the further purpose of these sections to make public when possible the action taken to modify, limit, or restrict the physician's practice pattern.

§195.2 Approval for Administrative Sanction. Upon completion of investigation by the Field Operations Division, the director of the division shall evaluate the final investigation reports and if he or she determines that the alleged violations may be properly handled by the administrative sanction procedure, he or she shall present a summary of the investigation reports and his or her recommendation to the secretary or chief executive officer of the board. The secretary or chief executive officer of the board shall determine if violations are minor in nature or subject to proper resolution by voluntary restriction or limitation of the authority to practice medicine by the licensee, that the public health and welfare will not be adversely affected in any way by utilization of the administrative sanction procedure, that the public will be served by institution of the administrative sanction procedure in lieu of formal disciplinary procedure as provided by law or rule, and that the matter may be more expeditiously handled by the utilization of the administrative sanction procedure. The secretary or chief executive officer of the board shall approve the matter for administrative sanction and notify the licensee as set out in this chapter.

§195.3 Procedure. If the secretary or chief executive officer of the board approves administrative sanction hearing procedure for the resolution of alleged violations of Texas Civil Statutes, Article 4495b, or the rules of the board, the following procedure is to be followed.

(1) The secretary or chief executive officer will notify the licensee in writing of the time, date, and place of the administrative sanction hearing. Such notice shall provide sufficient time for the licensee to adequately prepare and arrange for appearance at the site of the hearing but shall not be less than 10 nor more than 40 days following receipt of the notice. Such letter of notification shall inform the licensee of the nature of the alleged violation, shall inform the licensee that he or she may be represented by counsel but need not be necessarily so represented, that the licensee may offer testimony of such witnesses as the licensee may desire, that the hearing will be before a hearings officer and one or more representatives of the board or members of a district review committee and that the licensee may exercise his or her option to have the matter presented by formal complaint as provided by law or rule. A copy of the board rules relating to the administrative sanction hearing shall be enclosed with the notice of the hearing. Notice of the hearing, with enclosures, shall be sent by certified mail, return receipt requested, to the current address of the licensee on file with the Texas State Board of Medical Examiners.

(2) Notice of the hearing, with enclosures, shall be sent by certified mail, return receipt requested, to the current address of the complainant on file with the Texas State Board of Medical Examiners.

The complainant shall be given the opportunity to appear and testify. At the election of the complainant, a written statement may be submitted for consideration at the hearing.

(3) The hearing procedure shall be informal in nature and need not follow the procedure established for other disciplinary hearings pursuant to a formal complaint, but the licensee, his or her attorney, and representatives of the board shall have the opportunity to question witnesses, make statements as are relevant to the hearing, present affidavits or statements of persons not in attendance, and present such documentary evidence as deemed appropriate by the hearings officer.

(4) The administrative sanction hearing will be conducted by a hearings officer who shall explain to the licensee and his or her counsel the provisions of these sections relating to the conduct of the hearing, shall swear each witness, question each witness, and afford all parties to the hearing the opportunity to make such statements as are material and relevant. The hearings officer may exclude irrelevant, immaterial, or unduly repetitious evidence. The secretary or chief executive officer may designate one or more members of the board or members of a district review committee to serve as board representatives for the hearing.

(5) The hearings officer shall not require the parties to the hearing to offer proof of admissibility of documents and may receive and consider such statements as he or she deems relevant and material even though such testimony may be hearsay in nature.

(6) The hearings officer may review the file of the Field Operations Division but may prohibit review of such file by the licensee, his or her attorney, the complainant, and his or her representative, if such review would jeopardize confidential information or jeopardize an ongoing investigation.

(7) Minutes of the hearing shall be taken by an employee of the board or, at the direction of the hearings officer, a recording of the testimony may be made in lieu of minutes. The minutes or recording, or transcription thereof, shall be for the exclusive use of the board and shall not be made available to the licensee, his or her attorney, or any other person, unless such minutes, recording, or transcription is to be used in a subsequent disciplinary proceeding.

(8) The hearings officer shall exclude from the hearing room all persons except witnesses during their testimony, the licensee, his or her attorney, the complainant and his or her representative, board members, district review committee members, and board employees.

(9) At the conclusion of the hearing or as soon thereafter as is practicable, the hearings officer and the board representatives, if any, shall make findings of fact and conclusions of law which shall be recorded and shall make recommendations for

resolution or correction of the matters found in violation of the Medical Practice Act, Texas Civil Statutes, Article 4495b, or board rules. Such recommendations may include limitation or cancellation of the licensee's authority to practice medicine; limitation or cancellation of the licensee's authority to possess, prescribe, administer, or dispense drugs or medications; limitation or cancellation of hospital privileges; change or limitation of practice setting or practice organization; requirement that the licensee submit to care, counseling, or treatment of physicians designated by the secretary or chief executive officer of the board as a condition for initial, continued, or renewal of license or other authorization to practice medicine; requirement that the person participate in a program of education or counseling prescribed by the secretary or chief executive officer or recommended by the hearings officer; and requirement that the person practice under the direction of a physician designated by the secretary or chief executive officer of the board for a specified period of time.

(10) Following the presentation of recommendations by the hearings officer and with the advice of counsel, if licensee is so represented at the hearing, licensee shall either reject or voluntarily accept the recommendations of the hearings officer. If the licensee accepts such recommendations, the licensee shall execute as soon thereafter as is practicable such letters, agreements, affidavits, or other documents as are necessary to effect the accomplishment of the voluntary acceptance of the recommendations. If the licensee rejects the recommendations of the hearings officer, the matter shall be automatically referred to the secretary or chief executive officer for appropriate action.

(11) Following acceptance of the recommendations presented by the hearings officer and the execution of the necessary documents as provided in paragraph (10) of this section, a report of the hearing, the findings made by the hearings officer and representatives of the board, and the executed documents shall be subject to review by the secretary or chief executive officer of the board who may approve or disapprove the recommendations and actions taken pursuant to the administrative sanction hearing.

(12) If the secretary or chief executive officer approves the actions taken as a result of the hearing, then the approval shall be noted in the investigation file and the licensee and the complainant notified. The results and any letter, agreement, or affidavit shall be an open record.

§195.4. Approval By Secretary or Chief Executive Officer and Reporting to Board. Following recommendation by the hearings officer and upon presentation of a summary of the findings of the hearings officer and documents evidencing licensee's voluntary acceptance of the recommendations, the secretary or chief executive officer shall take the following actions.

(1) If the secretary or chief executive officer approves the recommendations of the hearings officer and the limitations or other restrictions, if any, voluntarily agreed upon by the licensee, the secretary or chief executive officer shall note his or her approval of such action and make a report at the next meeting of the board for its acceptance or rejection of the administrative sanction report or action concerning the licensee.

(2) The report of the secretary or chief executive officer to the board shall include the name and license number of the physician, the city or county of the physician's practice, and a summary of the action taken and voluntary acceptance of limitation or restriction of license, if any.

(3) Upon presentation of the administrative sanction report to the board, the board shall approve or disapprove the report. If the board approves the administrative sanction action, the approval shall be noted in the minutes of the board and the investigation file, and the licensee and the complainant shall be so notified. The results, as well as the letters, agreements, and affidavits, shall be open records.

(4) If the board fails to approve the administrative sanction action, such failure to approve shall be likewise noted, the licensee shall be so informed, and the matter shall be referred to the secretary or chief executive officer of the board for filing of formal complaint for disciplinary action before the board or other appropriate action. In such event, where voluntary limitation of practice notification has been made under the provisions of Texas Civil Statutes, Article 4495b, or in accordance with these sections, such additional notification indicating failure to approve the action by the board shall be promptly made.

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 November 17 1986.

TRD-8611006

G. V. Brindley, Jr.
Executive Director
Texas State Board of
Medical Examiners

Effective date: December 11, 1986
Proposal publication date: September 12, 1986
For further information, please call
(512) 452-1078.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 16. ICF/SNF Medical Review and Reevaluation

★40 TAC §16.7103

The Texas Department of Human Services adopts an amendment to §16.7103, with changes to the proposed text published in the September 19, 1986, issue of the *Texas Register* (11 TexReg 3991).

The amendment is justified because it ensures that level-of-care assessment forms are processed as quickly as possible and because it facilitates implementing the prepayment edit system, which stops reimbursement to facilities for Medicaid recipients-patients whose levels of care are not currently valid.

The amendment will function by separating the continued-stay review from the inspections-of-care function. Because of this separation, the continued-stay review will be performed as a desk-review only, and the inspections-of-care function will no longer serve to update the levels of care or verify the level-of-care assessment form information.

No comments were received regarding adoption of the amendment. The department, however, made a minor editorial change to improve the clarity and accuracy of the section. Information about changing a recipient-patient's level of care in §16.7103(g)(6)(D) is inconsistent with information in §16.7103(g)(7). The department changed "may submit" to "must submit" in §16.7103(g)(6)(D) to require the facility to submit a request when changing a recipient-patient's level of care.

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

§16.7103. Utilization Review Plan.

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

(g) Requirements of the review process. A continued-stay review is the determination of the need for continuing nursing facility care and a reevaluation of the established level of care.

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

(6) For long-term care unit utilization reviews:

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

(D) the facility must submit the medical-nursing care evaluation requesting a change in level of care whenever there are changes in diagnosis or substantial change in the plan of care. This will serve as a continued-stay review and will establish a new continued-stay date.

(7) Continued-stay reviews are ini-

tiated by facility staff or the long-term care unit staff during a visit to the facility, if the recipient-patient's condition has significantly improved or worsened. If a substantial change in the medical plan of care is indicated, a new level of care is required, based on an evaluation of the recipient-patient's current medical needs. This level of care establishes a new continued-stay date.

(8) Continued-stay reviews are accomplished not later than the established continued-stay date and establish a new continued-stay date.

(9) If the recipient-patient is discharged or transferred to another section of the facility, the administrator of the facility must submit, within 72 hours, a patient transaction notice showing the change to the long-term care unit. The administrator must include the recipient-patient's post-discharge address, if known, on the patient transaction notice. If the recipient-patient moves to another Title XIX facility or is readmitted to the same Title XIX facility (ICF II, ICF, SNF, or ICF-MR), the administrator of the admitting facility must initiate a level-of-care assessment for admission (which includes current certification by a physician) when:

(A)—(E) (No change.)

(10) The Texas Department of Human Services (DHS) does not make vendor payment when a level of care expires. A provider is not entitled to payment for services rendered from the expiration date to the new effective date of a recipient-patient's level of care. Vendor payment made by DHS for that period is subject to recoupment.

(11) If more than 30 days elapse between the effective dates of a facility's contract cancellation and new contract, the facility must initiate a level-of-care assessment for admission for recipient-patients who have remained in the facility during the noncontracted period.

(h)-(i) (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 November 21, 1986.

TRD-8611032

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: December 19, 1986

Proposal publication date: September 19, 1986

For further information, please call

(512) 450-3766.

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Chapter 46. Residential Care Program

Support Documents

★ 40 TAC §46.7001

The Texas Department of Human Services (TDHS) adopts new §46.7001, concerning

reimbursement methodology, in its Residential Care chapter. The section is adopted with changes to the proposed text published in the August 5, 1986, issue of the *Texas Register* (11 TexReg 3467).

The section establishes a reimbursement methodology for the Residential Care Program and outlines the requirements for determining a reimbursement rate. The section defines allowable and unallowable costs for rate determination, specifies the requirements for completion and submission of cost reports, and allows for desk and on-site audits to be performed on submitted cost reports.

The section serves as a guide to residential care providers in the completion of cost reports and defines for providers the method by which cost report data is analyzed in determining recommended reimbursement rates.

Comments were received from one commenter on behalf of Granny and Gramps, Austin, and Heritage Village, Fort Worth.

A summary of the comments, and the department's response to each, follows.

The commenter requested clarification of the reporting period referenced in subsection (a)(3). The department has modified the text to specify that the provider's fiscal year is the reporting period to be used for cost report completion.

The commenter requested that references in subsection (a)(6)-(7) to other department rules not be used, and that actual audit and record-keeping requirements be stated. The department disagrees with this comment and believes that rule references are sufficient. Copies of the referenced rules are available from the department. No change has been made based on this comment.

The commenter requested clarification of the period of time that expenses are projected in subsection (b)(1)(C). The department has modified the text to clarify the rate period.

The commenter recommended that the economic inflators or adjusters referenced in subsection (b)(1)(C) and (2)(B)(iii) be specified. The department does not agree with this comment and believes that it should retain the flexibility to use the most appropriate inflation factors that apply to the cost components of this program.

The commenter questioned the rationale for adopting two different rate determination schemes for two similar types of care (supervised living/emergency care and residential health care) in subsection (b). Residential health care, unlike supervised living/emergency care, uses a state-federal match instead of pure state dollars and must use a reimbursement methodology that meets federal requirements. The department's methodology is consistent with federal requirements.

The commenter requested clarification of the "allocated portion" referred to in

subsection (b)(2)(A). The department has reworded the text to specify that a portion of the administration cost area associated with room and food costs is used in determining the room and food cost component.

The commenter requested clarification of the services covered by the personal care cost component in subsection (b)(2)(B). The department has modified the text to specify that the balance of services not covered by the room and food cost component is reimbursed under the personal care cost component.

The commenter questioned the use of cost methods used in the Primary Home Care Program for residential care. He recommended using a cost-based approach in subsection (b)(2)(B)(iii). The department disagrees with this recommendation. Residential health care is a pre-paid health plan arrangement. The department's proposed methodology is consistent with federal regulations that establish the upper limits of rates paid for pre-paid plans.

The commenter requested that the "latest available time period" referenced in subsection (b)(2)(B)(iii) be clarified. The department has modified the text to define that the latest available one-year time period is the base period.

The commenter recommended that the department specify which variables addressed in subsection (b)(2)(B)(iii) are used to analyze the hours per month during the base period, and specify what will be done with the results. The department does not agree with the first part of this recommendation and believes it should retain the flexibility to analyze all statistical measures and to use those most appropriate to project a trend factor. The department intends to analyze all statistical measures outlined in the new section to project a trend factor to be applied to the base period hours of service. This will be used to forecast the estimated hours of service for the rate period.

The commenter recommended that the department consider yellow pages advertising as an allowable cost. The department agrees with this recommendation and has amended the text of subsection (e)(1). Yellow pages advertising and newspaper advertising for employee recruitment will be allowable costs.

The commenter recommended that the department allow reimbursement for memberships in health-related groups. The department has amended the text of subsection (e)(6). Dues are allowable if they are to organizations directly and predominantly concerned with resident or patient care.

The department modified the text of subsection (a)(2) to clarify that requests for extensions of cost report due dates must be submitted to the department before the due date, and that the department will respond to requests within 10 workdays of receipt.

Although no comments were received on subsection (c)(4), the department has made one change to the text to clarify that costs must be consistent with policies, regulations, and procedures that apply to the Residential Care Program.

Minor editorial changes have been made to the section for clarification.

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

§46.7001. Reimbursement Methodology for Residential Care.

(a) Cost reporting.

(1) Submittal of cost report. Each contracted provider must submit financial and statistical information at least annually in a cost report prescribed by the department.

(2) Cost report due date. The provider must submit the cost report no later than 90 days following receipt of the cost report forms. The department may grant an extension of the due date for good cause. Good cause is that cause outside the control of the provider. The provider must submit a request for extension in writing to the department before the cost report due date. Economic Analysis Division staff respond to requests within 10 workdays of receipt.

(3) Reporting period. The provider must prepare the cost report to reflect the activities of the provider during the provider's previous fiscal year. Cost reports may be required for other periods at the discretion of the department.

(4) Failure to file an acceptable cost report. If a provider fails to file a cost report according to all applicable rules and instructions, the department may withhold all provider payments until the provider submits an acceptable report.

(5) Accounting requirements. The provider must ensure that financial and statistical information submitted in cost reports is based upon the accrual method of accounting, except for governmental institutions operated on the cash method of accounting. The provider's treatment of any financial or statistical item must reflect the application of the generally accepted accounting principles (GAAP) approved by the American Institute of Certified Public Accountants.

(6) Financial audits. TDHS financial audits are performed according to the requirements stated in §46.5003 of this title (relating to Audits).

(7) Record-keeping requirements. Providers must maintain records according to the requirements stated in §51.50 of this title (relating to Record Retention Requirements).

(8) Failure to maintain records. If a provider does not maintain adequate records to support the financial and statistical information reported in cost reports, the department allows 90 days for

him to bring record keeping into compliance. If a provider fails to correct deficiencies within 90 days from the date of notification of deficiency, the department may cancel the provider's contract for services.

(b) Reimbursement rate determination.

(1) Supervised living and emergency care rates. The department determines rates for supervised living and emergency care in the following manner.

(A) Cost determination by cost area. The department's cost determination process recasts reported expense data in a consistent manner to determine per diem allowed costs. Reported expenses are combined into seven cost areas:

- (i) direct care;
- (ii) food;
- (iii) meal preparation;
- (iv) activities;
- (v) transportation;
- (vi) facility;
- (vii) administration.

(B) Occupancy adjustment. The department lowers facility, transportation, and administration expenses to reflect per diem expenses at the 85% rate of occupancy for a provider with an occupancy rate less than 85%.

(C) Projected costs. The department projects allowable expenses from the provider's reporting period to the next ensuing rate period. The rate period is the period of time that the rate is expected to be in effect. The department determines reasonable and appropriate economic inflators or adjusters to calculate a prospective expense.

(D) Projected cost arrays. The department rank-orders cost area per diem expenses from low to high to produce projected per diem expense arrays.

(E) Rate setting methodology. The department determines reimbursement rates by selecting the median day of service and the corresponding per diem expense times 1.07, from each cost area. The resulting cost area amounts are totaled to determine the per diem reimbursement rate.

(2) Residential health care rates. The department determines rates for residential health care in the following manner.

(A) Room and food cost component. The department determines this cost component by totaling the food cost area, facility cost area, and a portion of the administration cost area associated with these costs which result from the supervised living and emergency care rate determination calculations in subsection (b)(1)(A)-(D) of this section.

(B) Personal care cost component. This component provides reimbursement for the balance of services not covered under the room and food cost component. The department determines this component by using the following methodology.

(i) Prepay = Hours X Rate

where: Prepay = the monthly rate to be paid during the prospective period for the personal care cost component;

Hours = the expected hours of service per month for Primary Home Care (PHC) clients; and
Rate = the expected PHC cost per day for personal care cost.

(ii) The department determines the rate by cost finding methods used in the Primary Home Care Program. The cost per hour is determined for the latest available one-year time period, which is the base period. The department determines appropriate and reasonable economic inflators or adjusters and applies them to the base period cost per hour. The result is the prospective period personal care cost per hour, or the rate.

(iii) The department determines the hours by measuring the hours per month for an actuarially equivalent population receiving PHC, during the latest available time period (the base period). The actuarially equivalent population is defined as those primary home care clients, with live-in providers, who tend to have homogeneous health statistical characteristics. In measuring the hours per month during the base period, the department computes statistical measures of central tendency and variability such as the mean, median, mode, standard deviation, and percentiles. After an evaluation of the statistical measures cited, the department determines a reasonable and appropriate trend factor to apply to the base period hours of service per month. The trend factor is based on an analysis of the base period and previous time periods, and includes appropriate contingency margins inherent in forecasting. The result of applying the trend factor to the base period service hours per month yields the hours. It is possible that a trend factor may not be required, if data analysis shows that the expected number of hours in the prospective time period should not change from the base period. The department also considers the statistically appropriate number of hours which gives the provider a consistent incentive to provide services in an economic manner which is in the best interest of the client. The department considers the use of percentiles (and other statistical measures, as appropriate) that are statistically and actuarially prudent for risk basis rate setting in calculating the hours component of the prepaid rate.

(C) Rate setting methodology. The department determines the resulting room and food cost component and personal care cost component separately.

(3) Exceptions to the rate setting methodology. The department may adjust reimbursement rates to compensate for anticipated future changes in the Residential Care Program requirements.

(c) Factors affecting allowable costs. Costs are allowable under this program if the provider ensures that they are:

- (1) necessary and reasonable for the proper and efficient administration of a program to deliver services for which the department has contracted;
- (2) authorized or not prohibited under state or local laws or regulations;
- (3) consistent with any limitations

or exclusions described in this section, federal or state laws, or other governing limitations as to types or amounts of cost items;

(4) consistent with policies, regulations, and procedures that apply uniformly to both the Residential Care Program and other activities of the organization of which the provider is a part;

(5) treated consistently using generally accepted accounting principles (GAAP) appropriate to the circumstances;

(6) not allocable to or included as a cost of any other program in either the current or a prior period; and

(7) the net of all applicable credits.

(d) Definition of reasonableness. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by an ordinarily prudent person in the conduct of competitive business. In determining the reasonableness of a given cost, the department considers the following:

(1) whether the cost is of a type generally recognized as ordinary and necessary for the operation of the business or the performance under the contract;

(2) the restraints or requirements imposed by generally accepted sound business practices, arm's length bargaining, federal and state laws and regulations, and contract terms and specifications; and

(3) the action that a prudent person would take in the circumstances, considering his responsibilities to the public, the government, his employees, clients, shareholders, or members, and the fulfillment of the purpose for which the business was organized.

(e) Unallowable costs. Unallowable costs are expenses incurred by a provider which are not directly or indirectly related to the provision of contracted services according to applicable laws, rules, and standards. The following list is a general guide to the various unallowable costs frequently encountered in cost reports submitted by providers and is not intended to be inclusive of all possible unallowable costs:

(1) advertising expenses other than those for yellow pages advertising, newspaper advertising for employee recruitment, and advertising to meet statutory or regulatory requirements;

(2) allowances for bad debts or other uncommon accounts;

(3) business expense from business operations not related to the provision of services for which the department has contracted;

(4) contributions to political activities or contributions to charity;

(5) discounts for administrative reasons; courtesy, cash, trade, and quantity discounts; rebates; or other discounts granted;

(6) dues to all political and social organizations, and to professional organizations not directly and predominantly concerned with resident or patient care;

(7) entertainment expenses, except for entertainment which is reported as an employee benefit;

(8) expenses incurred for services not related to the provision of services for which the department has contracted;

(9) expenses for purchases of goods and services from revenues received from restricted or unrestricted gifts, donations, endowments, and trusts;

(10) expenses which are not the legal obligation of the provider;

(11) expenses of donated items, including depreciation and amortization of the value of the donations;

(12) fees for corporation or association board of directors; partnership or corporation filing fees;

(13) fines and other penalties for violation of statute or ordinance; penalties for late payment of taxes, utilities, mortgages, and other similar penalties;

(14) fund-raising and promotion expenses; public relations expenses;

(15) insurance expenses for life insurance premiums if the beneficiary is the provider organization; and for insurance on assets not related to the delivery of services

for which the department has contracted;

(16) interest expense on loans for assets not related to the delivery of services for which the department has contracted; interest expenses must be reduced or offset by interest income except interest income from funded depreciation accounts or qualified pension funds;

(17) personal compensation not related to the delivery of services for which the department has contracted;

(18) personal expenses not related to the delivery of services for which the department has contracted;

(19) expenses for the purchase of services, facilities or supplies from related organizations or parties must not exceed the lower of the cost to the related party or organization or the price of comparable services, facilities, or supplies purchased in an arm's length transaction;

(20) rental or lease expense on any item not related to the delivery of services for which the department has contracted;

(21) tax expense for federal, state, or local income tax; any tax levied on assets not related to the delivery of services for which the department has contracted; and

(22) transportation expenses for vehicles which are not generally suited to functions related to the provision of services for which the department has contracted.

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 November 21, 1986.

TRD-8611030

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: December 12, 1986
Proposal publication date: August 5, 1986
For further information, please call
(512) 450-3766.

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Open Meetings

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

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

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

Texas Department of Agriculture

Friday, December 5, 1986, 1:30 p.m. The Texas Department of Agriculture will meet in the Ninth Floor Conference Room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the department will review alleged default of the loan of Dennis L. and Barbara Arnold guaranteed under the Family Farm and Ranch Program to First State Bank in Archer City, as petitioned by First State Bank in Archer City.

Contact: Margo P. Wilton, P. O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 21, 1986, 1:33
TRD-8611038

The Texas Department of Agriculture will meet in the District Office, Expressway 83, two blocks west of Morningside Road, San Juan. Days, times, and agendas follow.

Tuesday, December 9, 1986, 9:30 a.m. The department will conduct an administrative hearing to review the alleged violation of the Texas Agriculture Code, §103.001, by Sun Valley Foods, Inc., C. R. Snyder, Gordon R. Todd, and Lynn Thomas as petitioned by GAR Farms, Inc.

Contact: Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 25, 1986, 8:56 a.m.
TRD-8611128

Wednesday, December 10, 1986, 11 a.m. The department will conduct an administrative hearing to review the alleged violation of the Texas Agriculture Code, §103.001, by Robert Ruiuz, Inc., Robert Ruiz, Sr., and Lucia Ruiz as petitioned by Valley Farmers Co-Op.

Contact: Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 25, 1986, 8:56 a.m.
TRD-8611129

Wednesday, December 10, 1986, 2 p.m. The department will conduct an administrative hearing to review the alleged violation of the

Texas Agriculture Code, §103.001, by Manuel Cantu, doing business as Green Gold Produce as petitioned by Raymond Euler.

Contact: Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 25, 1986, 8:56 a.m.
TRD-8611130

Friday, December 12, 1986, 11 a.m. The department will conduct an administrative hearing to review the alleged violation of the Texas Agriculture Code, §103.001, by Robert C. DeBruyn, Robert S. DeBruyn, and H. Donald DeBruyn, doing business as DeBruyn Produce Company as petitioned by Rudy Jesko and Richard Jesko, doing business as DeBruyn Produce Company.

Contact: Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 25, 1986, 8:56 a.m.
TRD-8611131

Wednesday, December 17, 1986, 9:30 a.m. The department will conduct an administrative hearing to review the alleged violation of the Texas Agriculture Code, §103.001, by Sun Valley Foods, Inc., as petitioned by Progreso Produce Company.

Contact: Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 25, 1986, 8:56 a.m.
TRD-8611132

Wednesday, December 17, 1986, 10:30 a.m. The department will conduct an administrative hearing to review the alleged violation of the Texas Agriculture Code, §103.001, by Sun Valley Foods, Inc., as petitioned by Craig Bookout.

Contact: Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 25, 1986, 8:56 a.m.
TRD-8611133

Wednesday, December 17, 1986, 2:30 p.m. The department will conduct an administrative hearing to review the alleged violation of the Texas Agriculture Code, §103.001, by

John Wallace, Inc., as petitioned by Eluid George.

Contact: Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 25, 1986, 8:57 a.m.
TRD-8611134

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State Aircraft Pooling Board

Tuesday, December 2, 1986, 3 p.m. The State Aircraft Pooling Board will meet at 4900 Old Manor Road, Austin. According to the agenda, the board will consider the Department of Public Safety helicopter request, Texas State Technical Institute aircraft request, and other aircraft pooling board operational matters.

Contact: Sherry Johnson, 4900 Old Manor Road, Austin, Texas 78711, (512) 477-8900.

Filed: November 21, 1986, 3:46 p.m.
TRD-8611056

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Automated Information and Telecommunications Council

Tuesday, November 25, 1986, 9 a.m. The Automated Information and Telecommunications Council met in an emergency session in Room 103, John H. Reagan Building, Austin. According to the agenda, the council considered rules, heard the TASSCC Committee report on hardware/software maintenance contract, heard reports concerning disaster recovery and management consultant status, deliberated on the Telecommunications Steering Committee long-range plan recommendations, and future business. The emergency status was necessary due to deliberation on the telecommunications long-range plan.

Contact: Tina J. Miles, 510 South Congress, #216, Austin, Texas 78711, (512) 463-5530.

Filed: November 21, 1986, 3:58 p.m.
TRD-8611059

Battleship Texas Advisory Board

Saturday, December 13, 1986, 10 a.m. The Battleship Texas Advisory Board will meet at Battleship Texas, 3527 Battleship Road, LaPorte. According to the agenda, the board will hear the chairman's address, consider proposed cancellation of contract with Texas Dynamics, Inc., and approve expenses. The board may also meet in executive session.

Contact: Denny G. Hair, 1003 Eastlake, Houston, Texas 77034, (713) 947-8089.

Filed: November 21, 1986, 1:41 p.m.
TRD-8611041

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Texas Commission for the Deaf

Friday, November 21, 1986, 11 a.m. The Texas Commission for the Deaf met in emergency session via conference call at #300, 510 South Congress Avenue, Austin. According to the agenda, the commission briefed the new commissioner and had a final consensus regarding the sunset review hearing. The emergency status was necessary due to conflicting schedules.

Contact: Larry D. Evans, 510 South Congress Avenue, Austin, Texas 78704, (512) 469-9891.

Filed: November 21, 1986, 8:47 a.m.
TRD-8611008

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Texas Economic Development Commission

Thursday, November 20, 1986, 3 p.m. The Texas Small Business Industrial Development Corporation of the Texas Economic Development Commission made an emergency revision to the agenda for a meeting held at the Hyatt Regency Hotel, 123 Losoya, San Antonio. The revision concerned final action on commission rules regarding the Texas Small Business Industrial Development Corporation Revenue Bond Programs, emergency and proposed action on omission rules, an update on TECAP Program, discussion and action on TEX-CAP guidelines, amendments to bylaws of Texas Small Business Industrial Development Corporation, discussion and action on projects requesting bond resolutions: Mita Copystar America, Inc., and Mouldig Products, discussion concerning Texas Small Business Industrial Development Corporation accounting system, administration, and expenditures. The corporation also will meet in executive session to discuss personnel matters under Texas Civil Statutes Article 6252-17, §2(g), including the selection of an executive administrator for the corporation. The agenda revision was necessary due to the last minute addition of personnel matters to be discussed.

Contact: Wardaleen Belvin, 410 East Fifth Street, Austin, Texas 78711, (512) 472-5059.

Filed: November 20, 1986, 11:33 a.m.
TRD-8610979

Monday, November 24, 1986, 9 a.m. The Texas Small Business Industrial Development Corporation of the Texas Economic Development Commission met in an emergency session in Room 221, Anson Jones Building, 410 East Fifth Street, Austin. According to the agenda, the corporation discussed the proposed issuance of industrial development revenue bonds in an amount not to exceed \$8,000,000 to finance the cost of acquisition of approximately 20 acres of land and the acquisition and rehabilitation of a portion of a manufacturing facility located thereon containing approximately 412,000 square feet to be used to manufacture and assemble atrium doors and wooden windows, together with equipment and facilities which are functionally related and subordinate to the foregoing project, to be owned by Moulding Products, Inc. The project will be located on approximately 20 acres of land at 9001 Ambassador Row, Dallas. The emergency status was necessary because TEFRA required a hearing to comply with IRS regulations.

Contact: Wardaleen Belvin, 410 East Fifth Street, Austin, Texas 78711, (512) 472-5059.

Filed: November 20, 1986, 11:33 a.m.
TRD-8610980

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Texas Education Agency

Tuesday, December 2, 1986, 10 a.m. The Committee for Long-Range Planning of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will hold a work session on the long-range plan for Texas public school education.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682.

Filed: November 24, 1986, 12:20 p.m.
TRD-8611079

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Texas Employment Commission

Wednesday, December 3, 1986, 8:30 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. Items on the agenda include prior meeting notes, internal procedures of commission appeals, consideration and action on liability cases and higher level appeals in unemployment compensation cases on commission Docket 48, and setting the date of the next meeting.

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

Filed: November 24, 1986, 3:08 p.m.
TRD-8611119

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Texas State Board of Registration for Professional Engineers

Wednesday, December 3, 1986, 3 p.m. The Ad-Hoc Committee of the Texas State Board of Registration for Professional Engineers will meet in the boardroom, 1917 IH 35 South, Austin. According to the agenda, the committee will review proposed amendments to the Texas Engineering Practice Act.

Contact: Kenneth J. Bartosh, 1917 IH 35 South, Austin, Texas 78784, (512) 440-7723.

Filed: November 24, 1986, 1:58 p.m.
TRD-8611103

Thursday, December 4, 1986, 8:30 a.m. The Texas State Board of Registration for Professional Engineers will meet in the boardroom, 1917 IH 35 South, Austin. According to the agenda, the board will review proposed amendments to the Texas Engineering Practice Act (board attorney will be present).

Contact: Kenneth J. Bartosh, 1917 IH 35 South, Austin, Texas 78741, (512) 440-7723.

Filed: November 24, 1986, 1:57 p.m.
TRD-8611104

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Finance Commission of Texas

Friday, December 5, 1986, 9:30 a.m. The Consumer Credit Section of the Finance Commission of Texas will meet at 2601 North Lamar Boulevard, Austin. According to the agenda, the section will discuss SCR 4 and report to the legislature; and consider possible proposals of legislation and possible proposal of rules.

Contact: Jorge A. Gutierrez, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Filed: November 25, 1986, 9:54 a.m.
TRD-8611147

Friday, December 5, 1986, 10:30 a.m. The Finance Commission of Texas will meet at the Banking Department of Texas, 2601 North Lamar Boulevard, Austin. Items on the agenda include consideration of the legislative report relating to mortgage banking pursuant to SCR 4; reports from the Consumer Credit Department, Savings and Loan Department, and Banking Department, including departmental operations, personnel, legislative update, and consideration and review of departmental budgets. The commission also will meet in executive

session to consider personnel and litigation reports.

Contact: Jorge A. Gutierrez, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Filed: November 25, 1986, 9:56 a.m.
TRD-8611145

Friday, December 5, 1986, 9:30 a.m. The Banking Section of the Finance Commission of Texas will meet at 2601 North Lamar Boulevard, Austin. Items on the agenda include the review and approval of minutes; consideration of rules relating to branch banking; discussion of statutory provisions relating to financial institutions and trust companies; review of departmental operations including budget, personnel, and pending litigation; consideration of legislative report relating to mortgage banking pursuant to SCR 4; legislative update; and consideration of rule relating to refund of examination.

Contact: Jorge A. Gutierrez, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Filed: November 25, 1986, 9:56 a.m.
TRD-8611146

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Texas Grain Sorghum Producers Board

Tuesday, December 16, 1986, 10 a.m. the Texas Grain Sorghum Producers Board of the Texas Department of Agriculture will meet in the Mockingbird II, Sheraton Mockingbird West, 1893 West Mockinbird Lane, Dallas. According to the agenda, the board will hear the financial report, consider market development activities, hear a report on TEA projects, consider future TEA projects, agriculture in the classroom, the farm crisis hotline, and other business.

Contact: Elbert Harp, Box 530, Abernathy, Texas 79111-0530, (806) 298-2543.

Filed: November 24, 1986, 2:26 p.m.
TRD-8611111

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University of Houston System

Tuesday, November 25, 1986, 12:15 p.m. The Board of Regents of the University of Houston System met in the Constellation Room, Conrad N. Hilton College Building, University of Houston. According to the agenda summary, the board discussed the personnel recommendation and coach emeritus for William F. Yeoman, and refunding bonds, Series 1986.

Contact: Micheal T. Johnson, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: November 20, 1986, 1:28 p.m.
TRD-8610981

Texas Industrial Accident Board

Monday, December 1, 1986, 1:30 p.m. The Texas Industrial Accident Board made a revision to the agenda for a meeting to be held in Room 107, Bevington A. Reed Building, 200 East Riverside Drive, Austin. The revision concerns a personnel matter regarding a discussion of qualification of applicants for prehearing examiner positions in Tyler and Dallas; and action on filling prehearing examiner position in Tyler and Dallas. The board also will meet in executive session to consider personnel matters and discuss qualification of applicants of prehearing examiner positions in Tyler and Dallas.

Contact: William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

Filed: November 25, 1986, 9:53 a.m.
TRD-8611144

Monday, December 1, 1986, 1:30 p.m. The Texas Industrial Accident Board will meet in Room 107, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board will discuss the adoption of internal procedures (this is a continuation from November 17 meeting); and consider and adopt the medical evaluation proposal. The board also will meet in executive session review board files pursuant to workers' compensation statute.

Contact: William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

Filed: November 21, 1986, 3:40 p.m.
TRD-8611054

Tuesday, December 9, 1986, 9:30 a.m. The Legislative Advisory Committee of the Texas Industrial Accident Board will meet in Floor Room 255, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the committee will discuss remedial legislation for submission to the 70th Legislature concerning changes in the Workers' Compensation Law, Texas Civil Statutes, Article 8306-8309.

Contact: William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

Filed: November 21, 1986, 3:40 p.m.
TRD-8611055

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State Board of Insurance

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

Tuesday, December 2, 1986, 9 a.m. In Room 342, the section will consider Docket 9398—application of PW Investors, Inc., to acquire control of Western Alliance Insurance Company, Austin, and Providence Lloyds, Austin.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: November 24, 1986, 1:14 p.m.
TRD-8611085

Tuesday, December 2, 1986, 9 a.m. In Room 353, the section will consider Docket 9375—whether disciplinary action should be taken against Richard Bruce Sable, Dallas, who holds a Group I, legal reserve life insurance agent's license issued by the State Board of Insurance.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: November 24, 1986, 1:15 p.m.
TRD-8611086

Tuesday, December 2, 1986, 9 a.m. In Room 350, the section will consider Docket 9334—whether disciplinary action should be taken against James D. Morgan, Mesquite, who holds a Group I, legal reserve life insurance agent's license and Group II, life, health, and accident insurance agent's license issued by the State Board of Insurance.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: November 24, 1986, 1:15 p.m.
TRD-8611087

Wednesday, December 3, 1986, 9 a.m. In Room 342, the section will consider Docket 9401—application of David A. Blakey, Dallas, to acquire control of Alpha Life Insurance Company, Carrollton.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: November 24, 1986, 1:15 p.m.
TRD-8611088

Wednesday, December 3, 1986, 9 a.m. In Room 353, the section will consider Docket 9374—whether disciplinary action should be taken against George Keen Renau, Burleson, and Fort Worth, who holds a Group I, legal reserve life insurance agent's license and a Group II, health and accident license issued by the State Board of Insurance.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Thursday, December 4, 1986, 1:30 p.m. In Room 342, the section will consider Docket 9405—application of Eddie Richardson to acquire control of Lewis Life Insurance Company, Marshall.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: November 24, 1986, 1:15 p.m.
TRD-8611090

Thursday, December 4, 1986, 1:30 p.m. In Room 342, the section will consider Docket 9393—whether disciplinary action should be taken against Betty June Alread, doing busi-

ness as Roadway Insurance, Dallas, who holds a local recording insurance agent's license and Group I and Group II insurance agent's license.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: November 24, 1986, 1:15 p.m.
TRD-8611091

Friday, December 5, 1986, 9 a.m. In Room 353, the section will consider Docket 9396—application of William M. Buchanan to acquire control of American Federation Life Insurance Company.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: November 24, 1986, 1:15 p.m.
TRD-8611092

Monday, December 8, 1986, 9 a.m. In Room 342, the section will consider Docket 9400—application of I.C.H. Corporation, Louisville, Kentucky, to acquire control of Southwestern Life Insurance Company, Dallas, and SWL RE Life Insurance Company, Dallas.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: November 24, 1986, 1:16 p.m.
TRD-8611093

Monday, January 12, 1987, 9 a.m. The State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the board's designate will consider the appeal of Richard Devona from action of the Texas Catastrophe Property Insurance Association.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: November 21, 1986, 1:41 p.m.
TRD-8611042

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Legislative Budget Board

Friday, December 5, 1986, 9:30 a.m. The Legislative Budget Board will meet in Room 310, State Capitol, Austin. According to the agenda, the board will consider appropriation requirements for the 1988-1989 biennium and any other business that might come before the board.

Contact: Jim Oliver, Room 207-A, State Capitol, Austin, Texas 78711, (512) 463-1166.

Filed: November 21, 1986, 1:26 p.m.
TRD-8611031

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Texas State Board of Medical Examiners

Committees of the State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. Days, times, committees, and agendas follow.

Monday, December 1, 1986, 7:30 a.m. The Legislative Committee will consider district review committees, feasibility of hearings of officers conducting licensure hearings, possible legislation, immunity from liability, mandatory reporting and availability of records. The board also will meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Texas Civil Statutes, Article 4495b, §§ 2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Attorney General Opinion H-484, 1974.

Contact: Jean Davis, Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: November 20, 1986, 4:00 p.m.
TRD-8610988

Monday-Thursday, December 1-4, 1986, 8 a.m. daily. The board will consider exams, hear reports concerning legal structure, research league, school visits, CME, corporate practice, liability, district committees, hearings officers, legislation, director's report, hearings, field operations, sanction, and financial; consider license cancellations, medical schools, training programs, resolutions, licensure, probationary and special request interviews, proposed drug rule hearing, computer analysis, coronary bypass, picture, proposals for decisions, and the 1987 calendar. The board also will meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Texas Civil Statutes, Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Attorney General Opinion H-484, 1974.

Contact: Jean Davis, Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: November 20, 1986, 4:01 p.m.
TRD-8610987

Tuesday, December 2, 1986, 7:30 a.m. The Disciplinary Process Review, Ad Hoc on Malpractice, and District Review Committee will meet jointly to discuss the processing of multiple liability claims, and district review committee regions. The committees also will meet in executive session under authority of Texas Civil Statutes Article 6252-17, as related to Texas Civil Statutes, Article 4495b §§2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Attorney General Opinion H-484, 1974.

Contact: Jean Davis, Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: November 20, 1986, 4:00 p.m.
TRD-8610990

Wednesday, December 3, 1986, 7:30 a.m. The Corporate Practice Division will discuss consumer health services and the handling of general complaints regarding corporate

practice of medicine. The division also will meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Texas Civil Statutes, Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Attorney General Opinion H-484, 1974.

Contact: Jean Davis, Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: November 20, 1986, 4:00 p.m.
TRD-8610989

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Texas Mohair Producers Board

Wednesday, December 10, 1986, 10:30 a.m. The Texas Mohair Producers Board of the Texas Department of Agriculture will meet at the Civic Center, Brady. According to the agenda, the board will discuss financial reports, old business, new business, and date and place of next meeting.

Contact: Robert M. Paschal, P. O. Box 5337, San Angelo, Texas 76902, (915) 655-3161.

Filed: November 24, 1986, 2:26 p.m.
TRD-8611112

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State Board of Morticians

Tuesday-Thursday, December 2-4, 1986, 9 a.m. daily. The State Board of Morticians will meet at the Viscount Hotel, 2828 Southwest Freeway, Houston. According to the agenda summary, the board will hold formal hearings on complaints; consider applicant for funeral director apprenticeship; discuss review of reciprocal interviews and recommendations, funeral establishment inspection policy and new personnel policy manual; set dates for next exams; consider requests for reinstatement of apprenticeships, requests for extension of period to register as apprentices, requests to register as apprentices; hear a report from the Consumer Complaint Procedural Review Committee, discuss consulting proposal from licensed private investigator; hear reports from committee, executive secretary, and investigators; and discuss legislative changes.

Contact: Larry A. Farrow, 8100 Cameron Road, Building B, Suite 550, Austin, Texas 78753, (512) 834-9992.

Filed: November 21, 1986, 1:40 p.m.
TRD-8611043

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Texas Municipal Retirement System

Saturday, December 6, 1986, 9 a.m. The Board of Trustees of the Texas Municipal Retirement System will meet at 1200 IH 35 North, Austin. According to the agenda summary, the board will hear and approve the minutes of the September 12, 1986,

meeting; review and approve service and disability retirements, supplemental death benefits payments, death benefits coverage, and financial statements; consider and approve transfer of inactive accounts and unclaimed refunds; hear and approve budget for 1987; consider the adoption of the resolution transferring monies from interest reserve fund to expense fund; consider the adoption of resolution granting distributive benefits to annuitants and supplemental interest of certain funds and accounts; consider changes in benefit structure by member cities, the designation of depositories, recommendation of the amendment to raise entry age in conformity with Adea amendments; hear the reports by actuary, legal counsel, and the director; elect officers for 1987; and consider any other business to come before the board.

Contact: Jimmie L. Mormon, P.O. Box 2225, Austin, Texas 78768, (512) 476-7577.

Filed: November 21, 1986, 4:39 p.m.
TRD-8611069

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Texas National Guard Armory Board

Saturday, November 22, 1986, 1:00 p.m. The Texas National Guard Armory Board met in emergency session in the conference room, Building 64, Camp Mabry. According to the agenda, the board considered the feasibility study. The emergency status was necessary because the feasibility study, due to Legislative Budget Board in December, needs to be finalized and coordinated with Adjutant General's Department.

Contact: Sandra Hille, P.O. Box 5218, Austin, Texas 78763-5218, (512) 451-6143.

Filed: November 20, 1986, 10:22 a.m.
TRD-8610972

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Pan American University

Tuesday, December 2, 1986. Committees of the Board of Regents of Pan American University will meet in the boardroom, Administration Building, Pan American University, Edinburg. Times, committees, and agendas follow.

1 p.m. The Buildings and Grounds Committee will be given informational items.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

Filed: November 24, 1986, 1:59 p.m.
TRD-8611097

1:15 p.m. The Finance Committee will consider requested budget changes, the approval of the bid for computer hardware, the alumni contract renewal, and informational items.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

Filed: November 24, 1986, 1:59 p.m.
TRD-8611098

1:30 p.m. The Development Committee will consider gifts and donations of the Davidson Family Charitable Foundation Scholarship, the Central Power and Light Company Scholarship, and Exxon Education Foundation; and informational items.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

Filed: November 24, 1986, 1:59 p.m.
TRD-8611099

1:45 p.m. The Academic Affairs Committee will consider informational items. The committee also will meet in executive session to consider employment of faculty, the request for adjunct professor status, and pending litigation.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

Filed: November 24, 1986, 2 p.m.
TRD-8611100

2 p.m. The Brownsville Committee will be presented with informational items.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

Filed: November 24, 1986, 2 p.m.
TRD-8611101

2:15 p.m. The Board of Regents will hear reports of the Buildings and Grounds Committee, Finance Committee, Development Committee, Academic Affairs Committee, Brownsville Committee, and Committee of the Whole; consider president's informational items; and set the next meeting date. The board also will meet in executive session.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

Filed: November 24, 1986, 2 p.m.
TRD-8611102

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Board of Pardons and Paroles

Monday-Friday, December 1-5, 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 releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752-3892, (512) 451-0241.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713.

Filed: November 12, 1986, 10:13 a.m.
TRD-8611010

Tuesday, December 2, 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) 459-2704.

Filed: November 21, 1986, 10:14 a.m.
TRD-8611009

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State Pension Review Board

Monday, December 15, 1986, 10 a.m. The State Pension Review Board will meet in Conference Room 403, Employees Retirement System, 18th and Brazos Streets, Austin. According to the agenda, the board will discuss the upcoming legislative session and elect officers.

Contact: Jeanette Owen, Room 501, Employees Retirement System Building, 18th and Brazos Streets, Austin, Texas 78701, (512) 463-1736.

Filed: November 25, 1986, 8:54 a.m.
TRD-8611135

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Texas State Board of Public Accountancy

Monday, December 8, 1986, 9 a.m. The Long-Range Planning Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, the committee will review the proposed amendments to the Public Accountancy Act of 1979, as amended; consider the five-year plan for the board; review board resolutions; consider the definition of "supervision"; and consider other matters coming before the board.

Contact: Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752-3892, (512) 451-0241.

Filed: November 24, 1986, 3:01 p.m.
TRD-8611120

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Public Utility Commission of Texas

Tuesday, November 25, 1986, 9 a.m. The Hearings Division of the Public Utility Com-

mission of Texas made an emergency addition to the agenda for a meeting held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The addition concerned Champion International Corporation's motion to clarify filing date for responses in Dockets 6765 and 6766—petition of Houston Lighting and Power Company for authority to change rates/petition of Houston Lighting and Power Company for approval of proposed interim accounting treatment for Limestone Unit I. The emergency status was necessary because of the need for an immediate ruling to preserve commission's authority over issues in the motion.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 24, 1986, 3:24 p.m.
TRD-8611124

Tuesday, November 25, 1986, 1:30 a.m. The Hearings Division of the Public Utility 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 Dockets 6765 and 6960—HL&P's motion for clarification, application of Houston Lighting and Power Company for authority to change rates and appeals of City of Houston Rate Ordinance 86-984. The emergency status was necessary because rates based on the order requiring clarification will be taking effect shortly under deadlines imposed by statute and prior commission orders.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 25, 1986, 9:54 a.m.
TRD-8611148

Tuesday, November 25, 1986, 9 a.m. The Hearings Division of the Public Utility 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 Dockets 7159 and 7182—petition of the Office of Public Utility Counsel to establish an interim fixed fuel factor for and to refund fuel costs over-recovered by the Texas Utilities Electric Company and the application of Texas Utilities Electric Company for authority to refund an overrecovery of fuel cost revenues and to reduce its interim fixed fuel factors. The emergency status was necessary in order for timely refund of sizable fuel cost over-recovery.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 21, 1986, 2:36 p.m.
TRD-8611045

The Hearings Division of the Public Utility Commission will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and agendas follow.

Monday, December 1, 1986, 10 a.m. A prehearing conference in Docket 7193—petition of Central Power and Light Company for order to refund fuel cost overrecoveries and to set interim fixed fuel factors.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 21, 1986, 2:35 p.m.
TRD-8611046

Tuesday, December 2, 1986, 10 a.m. A prehearing conference in Docket 7143—complaint by the Office of Public Utility Counsel concerning refunds by Houston Lighting and Power Company.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 24, 1986, 3:25 p.m.
TRD-8611125

Tuesday, December 2, 1986, 10 a.m. A prehearing conference in Docket 7185—application of Hunt-Collin Electric Cooperative, Inc., to change rates.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 21, 1986, 2:35 p.m.
TRD-8611047

Wednesday, December 3, 1986, 1:30 p.m. A prehearing conference in Docket 7167—application of El Paso Electric Company for authority to refund an overrecovery of fuel cost revenues and to set interim fuel factors.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 21, 1986, 2:34 p.m.
TRD-8611048

Wednesday, December 3, 1986, 1:30 p.m. A prehearing conference in Docket 7184—application of Fort Bend Telephone Company for detariffing and deregulation of inside wire.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 20, 1986, 2:37 p.m.
TRD-8610983

Thursday, December 4, 1986, 1 p.m. A prehearing conference in Docket 6928—inquiry into the legality of the services, practices, and rates of Nueces Electric Cooperative, Inc., relating to switchovers.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 25, 1986, 9:54 a.m.
TRD-8611149

Monday, December 8, 1986, 10 a.m. A prehearing conference in Docket 7195—application of Gulf States Utilities Company

for authority to change rates.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 20, 1986, 2:36 p.m.
TRD-8610984

Thursday, December 11, 1986, 2 p.m. A prehearing conference in Docket 7016—application of General Telephone Company of the Southwest for approval of emergency number service (911) tariff.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 20, 1986, 2:36 p.m.
TRD-8610985

Wednesday, January 21, 1987, 10 a.m. A hearing on the merits in Docket 7154—application of Hill Country Electric Cooperative, Inc., for authority to change rates.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 20, 1986, 2:37 p.m.
TRD-8610986

Monday, February 23, 1987, 10 a.m. A hearing on the merits in Docket 7169—application of Southwestern Bell Telephone Company for authority to introduce a Type II interconnection for cellular mobile carrier customers.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 21, 1986, 2:35 p.m.
TRD-8611049

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State Purchasing and General Services Commission

Tuesday, December 2, 1986, 1:30 p.m. The Texas School Bus Committee of the State Purchasing and General Services Commission will meet in Room 916, L B J Building, 111 East 17th Street, Austin. According to the agenda, the committee will discuss specification requirements of 1987 school bus bodies, chassis, components, options, and engines.

Contact: Troy Martin, P.O. Box 13047, Austin, Texas 78711, (512) 463-3415.

Filed: November 20, 1986, 3:43 p.m.
TRD-8610991

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Railroad Commission of Texas

Monday, November 24, 1986, 9 a.m. Divisions of the Railroad Commission of Texas made emergency revisions to the agendas for meetings held in the 12th Floor Conference

Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Revised agendas follow.

Consideration of Gas Utilities Dockets 6453 and 6456—statements of intent filed by Neches Gas Distribution Company to change rates charged to Texaco Butadiene Company and Texaco Chemical Company. The emergency status was necessary due to Dockets being noticed for conference on November 17, 1986, and were passed.

Contact: Lucia Sturdevant, P. O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

Filed: November 21, 1986, 11:06 a.m.
TRD-8611013

Consideration of Docket 3-85, 750—District 3, administrative penalty, agreed order in the consideration of whether to enter a commission order assessing administrative penalties and/or requiring compliance with commission regulations on the Oleum, Inc., H. S. Phillips *et al* (12477) Lease, well Number 1, Nelsonville Field, Austin County. The emergency status was necessary due to the item being properly noticed for the meeting of November 17 and being passed.

Contact: Lori Wrotenbery, P. O. Drawer 12967, Austin, Texas 78711, (512) 463-6763.

Filed: November 21, 1986, 11:06 a.m.
TRD-8611014

Consideration in Docket 10-87, 351—application of Drillers Oil and Gas, Inc., to inject fluid into a reservoir productive of oil or gas, Giant lease, well Number 1, Panhandle Moore County Field, Moore County. Hearing rescheduled to June 5 from March 12, 1986. The emergency status was necessary because this item was properly noticed for the meeting of November 17 and was passed.

Contact: Bob Rago, P. O. Drawer 12967, Austin, Texas 78711, (512) 463-6919.

Filed: November 21, 1986, 11:05 a.m.
TRD-8611015

Monday, December 1, 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: November 21, 1986, 11:08 a.m.
TRD-8611016

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: November 21, 1986, 11:06 a.m.
TRD-8611017

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: November 21, 1986, 11:08 a.m.
TRD-8611018

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: November 21, 1986, 11:06 a.m.
TRD-8611019

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: November 21, 1986, 11:07 a.m.
TRD-8611020

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: November 21, 1986, 11:06 a.m.
TRD-811021

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: November 21, 1986, 11:07 a.m.
TRD-8110022

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: November 21, 1986, 11:07 a.m.
TRD-8611023

Consideration of Docket 3-88,383—application for Stroden Minerals and Energy, Inc., to consider an exception to SWR 38 for the Simpson-Benton Lease, well Number 3, Giddings (Austin Chalk 3) Field, Burleson County (3).

Contact: Walter Davis, P.O. Box 12967, Austin, Texas 78711, (512) 463-6922

Filed: November 21, 1986, 4:17 p.m.
TRD-8611068

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: November 21, 1986, 11:09 a.m.
TRD-8611024

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: November 21, 1986, 11:08 a.m.
TRD-8611025

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 463-7149.

Filed: November 21, 1986, 11:07 a.m.
TRD-8611026

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters; and application by Exxon Corporation to revise Permit 009 issued for its uranium mining operations in Live Oak County.

Contact: J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, (512) 463-7149.

Filed: November 21, 1986, 11:09 a.m.
TRD-8611027

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: November 21, 1986, 11:09 a.m.
TRD-861028

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Texas Rehabilitation Commission

Thursday, December 4, 1986, 1 p.m. The Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet at the Austin South Plaza Hotel, 3410 IH 35 South, Austin. Items on the agenda include the grant project updates; the approval of minutes; and Planning and Evaluation Committee report.

Contact: Roger A. Webb, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-68004.

Filed: November 25, 1986, 8:53 a.m.
TRD-8611136

Friday, December 5, 1986, 9:30 a.m. The Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet at the Austin South Plaza Hotel, 3401 IH 35 South, Austin. Items on

the agenda include the Planning and Evaluation report; Advocacy and Public Information Committee report; the election of Executive Committee member-at-large; update on protection and advocacy for persons with mental illness; the chairman's report; executive director's report; videotape presentations; and public comments.

Contact: Roger A. Webb, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8004.

Filed: November 25, 1986, 8:52 a.m.
TRD-8611137

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Texas Savings and Loan Department

Thursday, December 4, 1986, 9 a.m. The Texas Savings and Loan Department will meet at 2601 North Lamar Boulevard, #201, Austin. According to the agenda summary, the department will accumulate a record of evidence in regard to the application of San Antonio Savings Association, San Antonio, Bexar County, for a branch office at the southeast corner of Old Culebra (to become Crissom Road) and New Culebra (extension of Tezel), San Antonio, Bexar County, from which record the commissioner will determine whether to grant or deny the application.

Contact: Russell R. Oliver, 2601 North Lamar Boulevard, #201, Austin, Texas 78705, (512) 479-1250.

Filed: November 21, 1986, 3:55 p.m.
TRD-8611057

Friday, December 5, 1986, 9:30 a.m. The Texas Savings and Loan Department will meet at 2601 North Lamar Boulevard, Austin. According to the agenda summary, the department will discuss SCR 4, 69th Legislature, Third Called Session, 1985; the hearing held on November 18; and the proposed report required by SCR 4; and consider the resolution adopting the annual fee to do business under Rule 63.8 and examinations fees under Rule 63.5. The department also will meet in executive session in regard to personnel and supervisory matters.

Contact: Russell R. Oliver, 2601 North Lamar Boulevard, #201, Austin, Texas 78705, (512) 479-1250.

Filed: November 21, 1986, 3:55 p.m.
TRD-8611058

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School Land Board

Tuesday, December 2, 1986, 10 a.m. The School Land Board will meet in Room 831, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will consider and approve of bids received

for the land sale, pooling applications, applications to lease highway right-of-way for oil and gas, coastal public lands-commercial lease applications, easement applications, lease applications, and excess acreage application; consider land trades in Brewster and El Paso Counties; discuss use of escrow account for acquisition of Matagorda County land; discuss the direct land sale in Andrews County; and consider sealed bid sale, January 6, 1987.

Contact: Linda K. Fisher, 1700 N. Congress Avenue, Austin, Texas 78701, (512) 463-5016.

Filed: November 24, 1986, 3:25 p.m.
TRD-8611123

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Senate

Friday, December 5, 1986, 1 p.m. The Senate Task Force on the State Purchasing of Electricity will meet in the Lieutenant Governor's Committee Room, State Capitol, Austin. According to the agenda, the task force will consider a bond financing option, hear public testimony, and consider discussions and concluding remarks.

Contact: Carmen Serna, Lieutenant Governor's Office, Capitol Building, Room G-31, Austin, Texas 78711, (512) 463-0010.

Filed: November 24, 1986, 2:15 p.m.
TRD-8611109

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Board of Tax Professional Examiners

Friday, November 21, 1986, 10 a.m. The Board of Tax Professional Examiners made an emergency addition to the agenda for a meeting held in Room 107, John H. Reagan Building, 15th Street and Congress Avenue, Austin. The addition concerned the discussion of a case of cancellation of a person's registration with the board and subsequent actions by local authorities. The emergency status was necessary because the chairman of the board felt that there was an urgent need to discuss the recent cancellation of chief appraiser/assessor/collector and the effects on local agencies and individuals of cancellations due to failures to meet requirements.

Contact: Sam H. Smith, 9501 IH 35 North, Austin, Texas 78761, (512) 834-4981.

Filed: November 20, 1986, 11:26 a.m.
TRD-8610975

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Teacher Retirement System of Texas

Friday, December 5, 1986, 10:30 a.m. The Insurance Advisory Committee of the Tea-

cher Retirement System of Texas will meet in the boardroom, 1001 Trinity Street, Austin. According to the agenda, the committee will hear the director's report; discuss rule implementation; consider proposed legislative change considerations; and review the TRS-care video cassette presentation.

Contact: Stan Blake, 1001 Trinity Street, Austin, Texas 78701, (512) 397-6456.

Filed: November 24, 1986, 2:25 p.m.
TRD-8611113

Friday, December 5, 1986, 4:30 p.m. The Board of Trustees of the Teacher Retirement System of Texas will meet in the boardroom, 1001 Trinity Street, Austin. According to the agenda summary, the board will approve the minutes; consider recommendations of the Investment Advisory Committee; consider the proposed emergency rules for the Public School Employee Group Insurance Program; hear the report of general counsel; consider proposed legislation, the amendment of the 1986-1987 Teacher Retirement System operating budget; and hear the report of the Member Benefits Division.

Contact: Mary Godzik, 1001 Trinity Street, Austin, Texas 78701, (512) 397-6400.

Filed: November 25, 1986, 9:46 a.m.
TRD-8611143

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Texas A&M University System

Monday, November 24, 1986, 10:30 a.m. The Board of Regents of the Texas A&M University System made an emergency revision to the agenda for a meeting held at the MSC Annex, Texas A & M University, College Station. The revision concerned the authorization to appropriate funds from unappropriated sources and reserves. The emergency status was necessary to authorize the chancellor to appropriate funds to meet emergency needs.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: November 21, 1986, 4:40 p.m.
TRD-8611070

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University of Texas System

Thursday and Friday, December 4, 1986 and December 5, 1986, 1 p.m., and 9 a.m., respectively. The Board of Regents and Standing Committees of the University of Texas System will meet in Room 1.208, Nursing School Building, U. T. Health Science Center-San Antonio, 7703 Floyd Curl Drive, San Antonio. According to the agenda summary, the board and committees will consider amendments to bond restructuring program, the proposed amendment to RRR, appointments to development boards, advisory councils and endowed academic posi-

tions, proposed amendments to 1986-1987 educational and general operating budgets, insurance contract, chancellor's docket (submitted by system administration), student service fee increase at UTEP, buildings and grounds matters including authorization for projects, approval of preliminary and final plans, award contracts, affiliation agreements, land and investment matters, acceptance of gifts, bequests and estates, establishment of endowed positions and funds, real estate matters, pending litigation and personnel matters, and land acquisition.

Contact: Arthur H. Dilly, P. O. Box N, Austin, Texas 78713-7328, (512) 499-4402.

Filed: November 24, 1986, 2:25 p.m.
TRD-8611110

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Texas Tech University

Friday, November 21, 1986, 11:05 a.m. The Board of Regents of Texas Tech University made an emergency addition to the agenda for a meeting held in the Board Suite, Administration Building, Texas Tech University, Lubbock. The addition concerned consideration of the acceptance of a gift of \$1,000,000 from Joe and Beverly Pevehouse to endow the Adobe Chair in Geosciences. The emergency status was necessary because the donor wants this item implemented before the January meeting.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 21, 1986, 8:33 a.m.
TRD-8611007

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Texas Woman's University

Wednesday, December 3, 1986, 1:30 p.m. The Board of Regents of the Texas Woman's University will meet on the 16th Floor, Administration and Conference Tower, Denton. According to the agenda summary, the board will consider personnel additions and changes, gifts and grants, agreements and contracts, federal funds, sale of surplus property, insurance coverage, change orders, hear a small class report, discuss summer late registration fees, fees collection for student installment plan, transfer to quasi-endowment fund, fiscal 1987 operating budget, hear a report on cogeneration, consider plans for Higher Education Assistance Fund utilization, amendment to the Texas Woman's University by-laws, naming of Administration Drive, setting speed limits, and authorizing signs, signatory authority for the general counsel, and appointment of Texas Woman's University board secretary. The board also will meet in executive session.

Contact: Shirley S. Chater, Texas Woman's University, Denton, Texas 76204, (817) 898-3201.

Filed: November 24, 1986, 1:58 p.m.
TRD-8611105

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Board of Veterinary Medical Examiners

Sunday-Tuesday, December 7-9, 1986, 8 a.m. Monday-Tuesday and 1 p.m. Sunday. The Board of Veterinary Medical Examiners will meet at College Station Hilton, 801 University Drive, College Station. According to the agenda summary, the board will conduct disciplinary and administrative hearings, review proposed rules of professional conduct and practice and procedure, consider the 1988-1989 budget request, evaluate House Bill 900 peer assistance, elect officers, and conduct other board business. The board also will meet in executive session to consider pending litigation and personnel evaluation on Sunday.

Contact: Donald B. Wilson, 3810 Medical Parkway, Suite 119, Austin, Texas 78756, (512) 458-1183.

Filed: November 20, 1986, 3:42 p.m.
TRD-8611003

Tuesday-Wednesday, December 9-10, 1986, 8 a.m. daily. The Board of Veterinary Medical Examiners will meet at the Memorial Student Center, Texas A & M Campus, College Station. According to the agenda, the board will administer the National Board Examination on Tuesday, the Clinical Competency Test on Wednesday morning, and the State Board Examination on Wednesday afternoon. All examinations are required for licensure in Texas.

Contact: Donald B. Wilson, 3810 Medical Parkway, Suite 119, Austin, Texas 78756, (512) 458-1183.

Filed: November 20, 1986, 3:43 p.m.
TRD-8611004

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University Interscholastic League

Thursday, December 4, 1986, 1 p.m. The State Executive Committee of the University Interscholastic League will meet in Room 2.102, Thompson Conference Center, 26th and Red River Streets, University of Texas campus, Austin. According to the agenda summary, the committee will conduct hearings of alleged violations by school district personnel and member schools.

Contact: Bonnie Northcutt, Box 8028, University Station, Austin, Texas 78713, (512) 471-5883.

Filed: November 24, 1986, 4:23 p.m.
TRD-8611127

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Texas Water Commission

The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow.

Monday, December 1, 1986, 2 p.m. In Room 118, the commission will consider the application by the City of Austin to amend Certified Filing 330, motion by the City of Austin to compel service, and request by the City of Austin for a rate relief.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: November 20, 1986, 3:55 p.m.
TRD-8610992

Tuesday, December 2, 1986, 10 a.m. In Room 118, the commission will consider water district bond issues, the release from escrow, the use of surplus funds, change in plans, certificates of convenience and necessity, water quality permits, amendments and renewals, water use applications, abandonment of DF-39, and a contract matter.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: November 20, 1986, 3:58 p.m.
TRD-8610993

Tuesday, December 2, 1986, 11 a.m. In Room 123, the commission will discuss, deliberate and consider any formal action relating to dismissal from employment or discipline of a commission hearings examiner.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: November 20, 1986, 3:56 p.m.
TRD-8610994

Wednesday, December 3, 1986, 2 p.m. In Room 118, the commission will consider noncompliance orders for Boling Municipal Water District (Permit 10343-01); Bacliff Utility District (Permit 10627-01); application by City of Kyle for amendment to Certificate of Convenience and Necessity 20410; and application by Hugh Hornsby and Max Walden for Permit 13259-01 to authorize discharge of treated domestic effluent from a proposed Highway 973 wastewater treatment plant, Travis County, Colorado River Basin.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: November 20, 1986, 3:58 p.m.
TRD-8610995

Wednesday, December 3, 1986, 2 p.m. In Room 118, the commission will consider a revised agenda concerning a request by the City of Houston for an order pursuant to §26.019 and §26.027(c) of the Texas Water Code authorizing construction of expanded wastewater treatment facilities in connection with wastewater disposal Permits 10495-79 and 10495-120.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: November 21, 1986, 2:31 p.m.
TRD-8611050

Wednesday, December 17, 1986, 9:30 a.m. In Room 118, the commission will consider the application by Koch Refining Company, TA-5599, for a permit to use 39 acre-feet of water for a three month period from Viola Turning Basin, tributary Viola Channel, tributary Tule Lake Channel, tributary Corpus Christi Turning Bay, tributary Corpus Christi Bay, Nueces, Rio Grande Coastal Basin for industrial purposes in Nueces County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: November 21, 1986, 2:32 p.m.
TRD-8611051

Wednesday, December 17, 1986, 11 a.m. In Room 118, the commission will consider the application by the City of Lindale for Proposed Permit 10412-02 to authorize a discharge of treated domestic wastewater from the Southside Wastewater Treatment Plant, Smith County, Neches River Basin.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: November 20, 1986, 3:59 p.m.
TRD-8610996

Tuesday, January 6, 1987, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in Room 1149A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider the application of Ralph J. Berg, 2011 Rockwood Drive, Bryan, Texas 77801, for an amendment to Permit 11038-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 15,000 gallons per day to an average flow of 32,000 gallons per day from the Ramblewood Mobile Home Park Wastewater Treatment Facilities. The applicant plans to add an additional treatment plant to the existing unit to increase treatment capacity.

Contact: Cynthia Hayes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: November 20, 1986, 3:57 p.m.
TRD-8610997

Tuesday, January 6, 1987, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in the Third Floor Courtroom, Hopkins County Courthouse, on the Square, Sulphur Springs. According to the agenda summary, the office will consider the application of Borden, Inc.—Consumer Products Division, P.O. Box 447, Sulfur Springs, Texas 75482, for a Proposed Permit 02872 to authorize disposal by irrigation of treated wastewater at a volume not to exceed an average flow of

60,000 gallons per day from a dairy processing plant that makes specialty products and fruit juices. The applicant proposes to irrigate approximately 15.9 acres of company owned property with the treated sludge/water effluent stream only when irrigation is appropriate. No discharge of pollutants into waters of the state is authorized by this permit.

Contact: Martin Wilson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: November 20, 1986, 3:56 p.m.
TRD-8610998

Wednesday, January 17, 1987, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in the City of Houston Emergency Pollution Control Laboratory, 7411 Park Place Boulevard, Houston. According to the agenda summary, the office will consider the application of Stauffer Chemical Company, 8615 Manchester, Houston, Texas 77012 for a Proposed Permit HW50095-001 to operate a Class I hazardous and nonhazardous and Class II, commercial industrial solid waste storage and processing facility at its existing manufacturing plant. The facility will burn industrial solid waste for energy and material recovery and disposal in conjunction with the operation of sulfuric acid regeneration furnace.

Contact: Charmaine Rhodes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: November 20, 1986, 3:59 p.m.
TRD-8610999

Tuesday, January 13, 1987, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in Room 1149A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider the application of Les Anders, doing business as Silver Creek Lodge, Star Route 396, Burnet, Texas 78611 for renew of Permit 11394-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,000 gallons per day from the Silver Creek Lodge wastewater treatment facilities which are located on the north side of Lake Buchanan within the Silver Creek Village Subdivision, approximately one mile south of FM Road 2341 in Burnet County. The effluent is discharged into Lake Buchanan in Segment 1408 of the Colorado River Basin.

Contact: Kevin McCalla, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: November 20, 1986, 3:56 p.m.
TRD-8611000

Wednesday, January 14, 1987, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in Room 1149A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will con-

sider the application of Dove Springs Development Company, Inc., P.O. Box 858, Georgetown, Texas 78627, for a Proposed Permit 13322-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 250,000 gallons per day from the Dove Springs Wastewater Treatment Facility. The proposed facility is to serve existing and proposed development.

Contact: Claire Patterson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: November 20, 1986, 3:57 p.m.
TRD-8611001

Tuesday, January 27, 1987, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in Conference Room 4100A, City of Houston City Hall Annex, 900 Bagby Street, Houston. According to the agenda summary, the office will consider the application of Harris County Fresh Water Supply District 1A, P.O. Box 1104, Highlands, Texas 77562, for an amendment to Permit 11195-01 in order to change the interim discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 190,000 gallons per day to a volume not to exceed an average flow of 320,000 gallons per day and add a final discharge at a volume not to exceed an average flow of 500,000 gallons per day from the McNair wastewater treatment facilities. The proposed amendment would also revise monitoring requirements for biochemical oxygen demand and total suspended solids from 20 mg/l to 10 mg/l and 15 mg/l, respectively, and add requirements for monitoring ammonia nitrogen upon completions of the final phase. The meeting is rescheduled from October 7 and 8, 1986.

Contact: Martin Wilson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: November 20, 1986, 3:58 p.m.
TRD-8611002

Wednesday, January 28, 1987, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in the County Courtroom, Presidio County Courthouse, Main street, Marfa. According to the agenda summary, the office will consider the application of Gold Fields Mining Corporation, 200 Union Boulevard, Suite 500, Lakewood, Colorado 80228, for an amendment to Permit 02297 to authorize an increase in the discharge of settled mine water at Outfall 002 from a volume not to exceed an average flow of 125,000 gallons per day to an average flow of 250,000 gallons per day. The permit also authorizes the discharge of settled mine water via Outfall 001 at a volume not to exceed an average flow of 25,000 gallons per day which is to remain the same. The applicant operates a silver mine which has been shut down since June 2, 1983; however, the applicant wishes to retain their permit in order to resume operation in the future. The meeting is rescheduled from December 3, 1986.

Contact: Michael Filed, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: November 21, 1986, 2:33 p.m.
TRD-8611052

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Regional Agencies

Meetings Filed November 20

The Houston-Galveston Area Council, Project Review Committee, met in the Fourth Floor Conference Room, 3555 Timmons, Houston, on October 25, 1986, at 8:30 a.m. The Board of Directors met at the same location at 9:30 a.m. Information may be obtained from Aquina Janice, P. O. Box 22777, Houston, Texas 77227, (713) 627-3200, ext 555.

TRD-8610982

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Meetings Filed November 21

The Alamo Area Council of Governments,, Executive Committee, met in Room 420, Atlee B. Ayres Building, San Antonio, on November 26, 1986, at 12:30 p.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Hunt County Tax Appraisal District, Appraisal Review Board, will meet in the Boardroom, 4815-B King Street, Greenville, on December 9, 1986, at 8:30 a.m. Information may be obtained from Joe Pat Davis, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Lavaca County Central Appraisal District, Board of Directors, will meet at the Appraisal District, 113 North Main, Hallettsville, on December 1, 1986, at 4:00 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Lower Colorado River Authority, Board of Directors, met at 3700 Lake Austin

Boulevard, Austin, on November 26, 1986, at 8:00 a.m. Information may be obtained from John E. Bagalay, Jr., P. O. Box 220, Austin, Texas 78767, (512) 473-3200.

The Tyler County Tax Appraisal District, Board of Directors, will meet at 103 Pecan, Woodville, on December 2, 1986, at 4 p.m. Information may be obtained from Mary F. Mann, P. O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

TRD-8611012

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Meetings Filed November 25

The Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1, Board of Directors, will meet at the District Office, Natalia, on December 1, 1986, at 8:00 a.m. Information may be obtained from C. A. Mueller, P. O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Bosque County Appraisal, Board, will meet at the Bosque County Court House, Meridian, on December 6, 1986, at 9:00 a.m. Information may be obtained from David G. Cooper, P. O. Box 393, Meridian, Texas 76665, (814) 433-2304.

The Burnet County Appraisal District, will meet at 1205 Highway 1431 West, Marble Falls, on December 11, 1986, at 6:30 p.m. Information may be obtained from Alvin C. Williams, Drawer E, Burnet, Texas 78611, (512) 756-8291.

The Wheeler County Appraisal District, Board of Directors, will meet in the District's Office, County Courthouse Square, Wheeler, on December 1, 1986, at 2:00 p.m. Information may be obtained from Marilyn Copeland, P. O. Box 349, Wheeler, Texas 79096, (806) 826-5900.

TRD-8611138

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Meetings Filed November 24

The Alamo Area Council of Governments, Board of Managers Bexar Metro 9-1-1 Network, will meet in Room 420, Atlee B. Ayres Building, San Antonio, on December 8,

1986, at 10:00 a.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Dallas Area Rapid Transit, Board Meeting, met in the Dart Office, 601 Pacific Avenue, Dallas, on November 25, 1986, at 6:30 p.m. The Minority Affairs Committee met the same day at the same location at 4:00 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dawson County Central Appraisal District, Board of Directors, will meet at 920 North Dallas Avenue, Lamesa, on December 3, 1986, at 7:00 a.m. Information may be obtained from Tom Anderson, P. O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Education Service Center, Region VI, Board will meet in the First National Bank Building, Huntsville, on December 4, 1986, at 5:00 p.m. Information may be obtained from M. W. Schlotter, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 295-9161.

The Region IV Education Service Center, Board of Directors, will meet in the Board Room, 7145 West Tidwell, Houston, on December 9, 1986, at 5:00 p.m. Information may be obtained from Tom Pate, Jr., P. O. Box 863, Houston, Texas 77001, (713) 462-7708.

The Region 18 Education Service Center, Board of Directors, will meet at 2811 LaForce Boulevard, Midland, on December 4, 1986, at 6:30 p.m. Information may be obtained from J. W. Donaldson, P. O. Box 6020, Midland, Texas 79711, (915) 563-2380.

TRD-8611071

The Heart of Texas Region Mental Health and Mental Retardation, Board of Trustees, met at 110 South 12th Street, Waco, on November 25, 1986, at 10:30 a.m. Information may be obtained from Jan Baty, 110 South 12th Street, Waco, Texas 76701, (817) 752-3451.

TRD-8611071

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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 Correction of Error

A proposed rule submitted by the Texas Department of Agriculture contained several errors as submitted in the November 18, 1986, issue of the *Texas Register* (11 Tex-Reg 4704).

Paragraph two of the preamble, line eight should read: "revenue of \$200,000 each year in 1987-1991." Line 16 should read: "business will be \$12 per year."

Paragraph three, line 10 should read: "proposed section will be \$12 each year in 1987" Paragraph three, line 13 should read: "pay an average of \$12 more per year . . ."

Ark-Tex Council of Governments Request for Proposals

The Ark-Tex Council of Governments (ARCOG) hereby solicits proposals for production of a variety of marketing tools that will be utilized to support the Job Training Partnership Act (JTPA) Program in the Northeast Texas Service Delivery Area (NETSDA). The NETSDA includes Bowie, Red River, Lamar, Delta, Hopkins, Franklin, Titus, Morris, and Cass Counties. ATCOG operates the JTPA program in behalf of the Ark-Tex Private Industry Council, and under contract to the Texas Department of Community Affairs. Products to be generated and their specifications are as follows: A video tape film to explain to employers and residents of the NETSDA the purpose and benefits of JTPA programs. Said tape shall have the following characteristics: twenty to thirty minutes running time; concept and script by producer; one 1 inch or 3/4 inch video tape master with a minimum of two 1/2 inch copies in VHS format; professional voice-over narrator, library music, and rights; film to be shot on location throughout NETSDA. The film should highlight what happens to real people and real graduates of the program when they take advantage of JTPA. The style of the film should be documentary, using the actual words of trainees and business personnel managers, edited for brevity and impact. Footage should show people actually studying, working, and gaining a place in the job market. Delivery dates to be negotiated. Proposals should include the company's name, location, staff qualifications, summary of past projects, detailed specifications of the film, and detailed budget and estimated time of completion.

An edited version of the film referred to in the first paragraph, with the following characteristics is required: five to ten minutes running time; appropriate in format, scope, and intent for commercial television; all editing to be accomplished by producer; one 1 inch or 3/4 inch video tape master with a minimum of two 1/2 inch copies in VHS

format. Proposals should include company's name, location, staff qualifications, summary of past projects, detailed specifications of the film, detailed budget, and estimated time of completion.

A printed brochure should be included to explain to employers and residents of the NETSDA the purpose, benefits, and activities of JTPA programs. Said brochure shall have the following characteristics: 10 to 12 pages, 6 inch x 9 inch trimmed and folded, and saddle stitched; printed on 80-lb coated text paper; four color process, including up to eight 5 inch x 7 inch color separations; back cover to include a gate-folder, perforated flap for use as a reply card; concept and copy writing, design, typesetting, mechanicals, printing, binding, and shipment to ATCOG to be accomplished by producer. Proposals for both 5,000 and 10,000 quantities should be provided. The date of delivery of finished brochures is to be negotiated. Proposals should include the company's name, location, staff qualifications, summary of past projects, detailed specifications of the brochure, detailed budget, and estimated time of completion.

Recorded radio public service announcements should be included (PSA) to explain to selected employers and residents of the NETSDA the purpose, benefits, and activities of JTPA programs. Said PSA shall have the following characteristics: concept and script by producer; one to five minutes running time as negotiated; professional narrator; ATCOG retains rights; and a minimum of four PSA's to be localized to specific geographical parts of NETSDA. Delivery dates are to be negotiated. Proposals should include the company's name, location, staff qualifications, summary of past projects, detailed specifications of the PSA's, a detailed budget, and estimated time of completion.

Separate proposals are to be submitted for each of the items in the four preceding paragraphs. Proposals may be submitted for any one or more of the items. ATCOG may award all of the items to one offeror or may award different items to different offerors depending upon the proposals submitted and the qualification of the offerors involved. Items referred to in the first two paragraphs, however, in light of their relationship, will be awarded to the same offeror. Selections or awards will be based upon the qualifications of offerors submitting proposals, their experience with JTPA or related programs, and the cost identified. ATCOG retains the right to decline one or all proposals, depending upon what is in the best interest of ATCOG and JTPA. Proposals should be mailed to the Ark-Tex Council of Governments, P. O. Box 537, Building A, Centre West, 911 Loop 151, Texarkana, Texas 75505 and postmarked no later than December 12, 1986, in accordance with this request for proposals. Questions concerning this request for proposals should be addressed to either Erner Pondexter and/or James D. Goerke, ATCOG, (214) 832-8636.

Issued in Austin, Texas, on November 19, 1986.

TRD-8611044 Margaret Haak-Muse
Director of Finance
Ark-Tex Council of Governments

Filed: November 21, 1986
For further information, please call (512) 832-8636.

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Banking Department of Texas Notices of Application

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On November 18, 1986, the banking commissioner received an application to acquire control of Plano Bank and Trust, Plano, by Jeanne Fields Shelby, Dallas, and Patrick B. Shelby, Dallas.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451

Issued in Austin, Texas, on November 18, 1986

TRD-8610949 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: November 19, 1986
For further information, please call (512) 479-1200.

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Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On November 4, 1986, the banking commissioner received an application to acquire control of the Farmers State Bank, Groesbeck, by James L. Bradley, Sr., Groesbeck.

On November 18, 1986, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

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

TRD-8610948 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: November 19, 1986
For further information, please call (512) 479-1200.

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Texas Department of Community Affairs Consultant Contract Award

Contractor. The Texas Department of Community Affairs announces that United Technical Services Inc., has been awarded a contract, under the provisions of Texas Civil Statutes, Article 6252-11c, for the period of November 17, 1986-June 30, 1987. The contract provides curriculum development and training for local program operators and staff in courses related to performance-based contracting under the Job Training Partnership Act (JTPA) in the State of Texas. The consultant proposal request was published in the May 27, 1986, issue of the *Texas Register* (11 TexReg 2486).

Description of Services. The services to be provided by United Technical Services Inc., shall include, but not be limited to, the following: providing contract management workshops to increase the ability of JTPA administrators and contract management staff to create and direct productive JTPA programs. Workshops will be conducted in the following areas: request for proposals and contract development; performance contract negotiation; contract management; performance monitoring and reporting techniques; and contract close-out and pre-audit preparation.

Contract Amount. The total cost of services to be performed under the contract with United Technical Services, Inc. is presently estimated to be \$65,600.

Project Reports. Reports to be generated under this contract shall be submitted to TDCA upon completion.

Issued in Austin, Texas, on November 19, 1986.

TRD-8610924 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: November 19, 1986
For further information, please call (512) 834-8080.

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Comptroller of Public Accounts Gasoline and Alcohol Mixture Determination of Credits Allowable

Pursuant to the Tax Code, §53.123, the Comptroller of Public Accounts is required to publish the credit against the gasoline tax allowable for the first sale or use of gasoline and alcohol mixture blended from products produced in a state allowing a reciprocal credit for Texas-produced products.

The Comptroller of Public Accounts has determined that \$0.04 per gallon credit for the first sale or use of gasoline and alcohol mixture blended with alcohol produced in Texas or from Texas products will be available for the months of January, February, and March 1987.

The maximum credit allowed to be claimed for the first sale or use in January, February, and March 1987, of a gasoline and alcohol mixture blended from alcohol produced outside Texas and not from Texas-produced products will be \$0.03 per gallon if from one of the following states: Alaska; North Dakota; Kansas; Nebraska; South Dakota; Alabama; Washington; and Tennessee.

Based upon the credit allowed by the following states, the maximum allowed by Texas will be: Ohio and Kentucky, \$0.025 per gallon; Illinois, \$0.02 per gallon; and Nevada, Florida, and Iowa, \$0.01 per gallon.

No credit will be allowed for mixtures containing alcohol produced outside the United States, or those state which do not allow credit or exemptions for Texas-produced alcohol.

Inquiries should be directed to the Texas Administration Division, Tax Policy Section, Comptroller of Public Accounts, Austin, Texas 78774, (512) 463-4600, or toll free anywhere in Texas at 1-800-252-5555.

Issued in Austin, Texas, on November 24, 1986.

TRD-8611074 Bob Bullock
Comptroller of Public Accounts

Filed: November 24, 1986
For further information, please call (512) 463-4004.

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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) 11/24/86-11/30/86	18.00%	18.00%
Monthly Rate— Article 1.04(c)(1) 11/01/86-11/30/86	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 10/01/86-12/31/86	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11(3) 10/01/86-12/31/86	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d)(3) 10/01/86-12/31/86	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 10/01/86-12/31/86	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11(3) 10/01/86-12/31/86	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 10/01/86-12/31/86	18.00%	N/A
Judgment Rate—Article 1.05, §2 12/01/86-12/31/86	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 November 17, 1986.

TRD-8610941 Al Endsley
Consumer Credit
Commissioner

Filed: November 19, 1986
For further information, please call (512) 479-1280.

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Texas Department of Health Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Stephenville	Allen D Ahlchier, M.D.	05-3965	Stephenville	0	11/05/86

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Austin	Brackenridge Hospital	06-268	Austin	44	10/24/86
Austin	Seton Medical Center	06-2896	Austin	11	10/24/86
Borger	Golden Plains Com- munity Hospital	01-2542	Borger	6	10/30/86
Breckenridge	Stephens Memorial Hospital	04-3264	Breckenridge	3	10/30/86
Dallas	Dallas Diagnostic Imaging Center, Ltd	05-3989	Dallas	1	10/30/86
Dallas	Medical City Dallas Hospital	05-1976	Dallas	45	11/05/86
Dallas	The University of Texas Health	05-384	Dallas	46	11/04/86
El Paso	HCA Sun Towers Hospital	03-2715	El Paso	6	10/30/86
Friendswood	Iso-Tex Diagnostics, Inc.	11-2999	Friendswood	9	11/04/86
Hillsboro	Grant-Bue Hospital	06-1949	Hillsboro	14	11/04/86
Houston	Diagnostic Clinic of Houston	11-3452	Houston	3	11/04/86
Irving	Syncor International Corporation	05-2048	Irving	48	11/04/86
Navasota	Tubular Fishing Works, Inc	06-2318	Navasota	6	10/31/86
Port Arthur	Parik Place Hospital	10-1707	Port Arthur	16	10/30/86
Port Arthur	U S Industrial Chemicals Company	10-804	Port Arthur	26	11/04/86
San Antonio	Beta Diagnostics, Inc	09-3574	San Antonio	8	10/24/86
San Antonio	Southwest Im- munodiagnosics Inc	09-3796	San Antonio	4	11/05/86
San Antonio	The University of Texas at San Antonio	09-1962	San Antonio	19	11/04/86
San Antonio	Medical Center Ophthalmology	09-1343	San Antonio	10	10/30/86
Taylor	Johns Community Hospital	06-3657	Taylor	6	10/30/86

Throughout Texas	Superior Production Logging, Inc.	04-1983	Snyder	24	11/04/86
Throughout Texas	Brown & Root, Inc.	05-3176	Glen Rose	5	11/04/86
Throughout Texas	PTL—Inspectorate, Inc.	05-431	Yates	23	11/04/86
Throughout Texas	PTL—Inspectorate Inc.	11-1830	Houston	14	11/04/86
Throughout Texas	Rebel Pipe Services Inc.	11-3840	Houston	1	10/30/86
Throughout Texas	Logtech Wireline Services, Inc.	07-2501	Tyler	13	10/31/86

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Throughout Texas	Hillside Equities, Inc.	09-3972	San Antonio	1	10/29/86
Throughout Texas	G & G X-Ray, Inc.	08-3326	Corpus Christi	8	10/28/86
Throughout Texas	Sunbelt Laboratories, Inc.	03-3926	El Paso	1	10/28/86
Throughout Texas	McClelland Engineers, Inc.	11-58	Houston	23	10/28/86
Throughout Texas	In-House Inspection Company	11-3381	Huffman	4	10/28/86
Throughout Texas	X-Cal NDE, Inc.	12-3548	Odessa	4	10/28/86
Throughout Texas	ITL Manlift Services, Inc.	11-3795	Searcy, Arkansas	5	10/31/86
Throughout Texas	Coastal Inspection Company	11-3716	Alvin	13	10/31/86
Throughout Texas	Goolsby Testing Laboratories, Inc.	11-3115	Humble	13	10/31/86
Throughout Texas	Gearhart Industries, Inc.	05-2113	Fort Worth	45	10/31/86
Tyler	Internal Medicine and Nephrology	07-3883	Tyler	2	10/31/86

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Alvin	E I du Pont de Nemours and Co	11-3363	Alvin	3	11/04/86
Bruni	Tenneco Uranium, Inc.	08-3024	Bruni	8	11/07/86
Fort Worth Suburban	Continental Hospital	5-2980	Fort Worth	7	10/30/86

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Carrollton	Nutopes	05-3472	Denton	10	10/30/86
Mineola	Mineola General Hospital	07-3292	Mineola	4	11/04/86
San Marcos	Southwest Texas State University Physics Department	06-1333	San Marcos	17	10/30/86

In issuing new licenses and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with Texas Regulations for Control of Radiation in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the Texas Regulations for Control of Radiation.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in

which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, Texas, from 8:00 a.m. to 5:00 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on November 20, 1986.

TRD-8610976 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: November 20, 1986

For further information, please call (512) 458-7245.

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Rescission of Orders

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following orders:

(1) Order of revocation issued August 7, 1986, to H. L. Watkins, DDS, 100 East 2nd Street, P. O. Box 848, Irving, Texas 75060, holder of Certificate of Registration 5-12203.

(2) Order of revocation issued September 19, 1986, to Chiropractic Arts and Science Center, 3300 Crawford, Houston, Texas 77004, holder of Certificate of Registration 11-11579.

(3) Order of revocation issued September 19, 1986, to R. W. Thomson, D.C., 3751 East Lancaster, Fort Worth, Texas 76103, holder of Certificate of Registration 5-04055.

(4) Order of revocation issued August 7, 1986, to Duane K. Taylor, DDS, 4130 West Jefferson, Dallas, Texas 75211, holder of Certificate of Registration 5-13189.

(5) Order of revocation issued July 16, 1986, to Bill V. Banta, DDS, 3358 Wedgewood, El Paso, Texas 79925, holder of Certificate of Registration 3-08385.

(6) Order of revocation issued August 11, 1986, to Allen P. Koeppel, DDS, 917 East Curtis, Suite 12, Pasadena, Texas 77502, holder of Certificate of Registration 11-07274.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

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

TRD-8610950 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: November 19, 1986
For further information, please call (512) 458-7236.

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Notice of Revocation of Certificates of Registration

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation*, Part 13.8, has revoked the following certificates of registration.

Registrant	Registration No.	Location	Date of Action
Melvyn E. Huckaby, D.D.S., Dayton Memorial Hospital, Inc.	11-10137	Houston	10/15/86
Dayton Memorial Hospital, Inc.	11-02853	Dayton	10/18/86

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas, Monday through Friday 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on November 20, 1986

TRD-8610977 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: November 20, 1986
For further information, please call (512) 835-7000.

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Notice of Revocation of Radioactive Material Licenses

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation*, Part 13.8, has revoked the following radioactive material licenses.

Registrant	Registration No.	Location	Date of Action
Leak Specialists, Inc.	11-2466	Houston	10/15/86
Ralson Pipe Services, Inc.	11-2579	Channelview	10/15/86
Rochester Gauges, Inc. of Texas	5-1564	Dallas	10/15/86
Jefferson County Crime Lab	10-731	Beaumont	10/15/86

BHP Dasco 11-3094 Pearland 10/15/86

R. Cain and Associates, Inc. 5-3073 Colleyville 10/15/86

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas, Monday through Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on November 21, 1986.

TRD-8610978 Robert A. MacLean
Deputy Commissioner
Professional Service
Texas Department of Health

Filed: November 20, 1986
For further information, please call (512) 835-7000.

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Texas Department of Human Services Amended Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (TDHS) published notice of a consultant contract award in the September 24, 1985, issue of the *Texas Register* (10 TexReg 3699).

The contract was awarded to David Malitz, Ph.D., 4203 Sendero Drive, Austin, Texas 78735. At this time, TDHS is increasing the contract amount by an additional \$12,000.

Issued in Austin, Texas, on November 20, 1986.

TRD-8610974 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: November 20, 1986
For further information, please call (512) 450-3786.

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Railroad Commission of Texas Extension of Rulemaking Comment Period

The Railroad Commission of Texas, Surface Mining and Reclamation Division, has proposed an amendment to 16 TAC §11.221, concerning coal mining regulations pertaining to effluent limitations, prime farmland, notices of violation, and lands unsuitable for mining.

The proposed rulemaking was announced in 11 TexReg 4467 on October 31, 1986. The comment period on the proposed rulemaking has been extended until January 15, 1987, at 5:00 p.m.

Issued in Austin, Texas, on November 21, 1986.

TRD-8611029 Walter Earl Lille
Special Counsel
Railroad Commission of Texas

Filed: November 21, 1986
For further information, please call (512) 483-7149.

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**Texas Water Commission
Application for Provisionally-
Issued Temporary Permits**

Notice is given by the Texas Water Commission of provisionally issued temporary permits issued during the period of November 7-21, 1986.

These permits were issued without notice and hearing pursuant to the Texas Water Code, §11.138, and commission rules 31 TAC §§303.91-303.93.

The executive director has reviewed each application and found that sufficient water was available at the proposed point of diversion to satisfy the requirements of the applications as well as all existing water rights. It is further noted that these diversions are for not more than 10 acre-feet of water and for a period of not more than one year. If a complaint is received before or after diversions are commenced, a preliminary investigation shall be made by the executive director to determine whether there is a reasonable basis for such complaint. Should the investigation indicate that there is a probability that diversions could result in injury to the complainant, the permit will be canceled, and the application will revert to the status of a pending application and no further diversions may be made until a public hearing is held. Notice of the hearing shall then be sent to the complaining person.

Information concerning any aspect of these permits may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8218.

Listed are the names of the permittees, diversion point, watercourse, amount of water authorized, period of time of the permit, permit number, and the date issued/administratively-complete.

Mitchell Energy Corporation; from the stream crossing near FM Road 1810, approximately four miles northwest of Decatur, Wise County; Watson Creek, tributary Big Sandy Creek, tributary West Fork Trinity River, tributary Trinity River, Trinity River Basin; two acre-feet, six-month period, TP-5598; November 7, 1986

Alice Southern Equipment Service, Inc.; from the stream crossing near US Highway 83, approximately 17 miles north of Zapata, Zapata County; Rio Grande; 10 acre-feet, six-month period, TP-5600; November 10, 1986

South Texas Construction Company; from two stream crossings of State Highway 61 and State Highway 97, approximately 3/10 mile north of Tilden, McMullen County, and 26 miles east of Cotulla, La Salle County; Frio River, tributary Nueces River; 10 acre-feet, one-year period, TP-5601; November 10, 1986

Young Brothers, Inc.; from the stream crossing of State Highway 36, approximately 15 miles south of Caldwell, Burleson County; Yegua Creek, tributary Brazos River, 10 acre-feet, one-year period, TP-5602; November 10, 1986

Issued in Austin, Texas, on November 21, 1986.

TRD-8611053 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: November 21, 1986
For further information, please call (512) 463-7898.

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Name: John Saldivar
Grade: 6
School: Hughey Elementary, El Paso