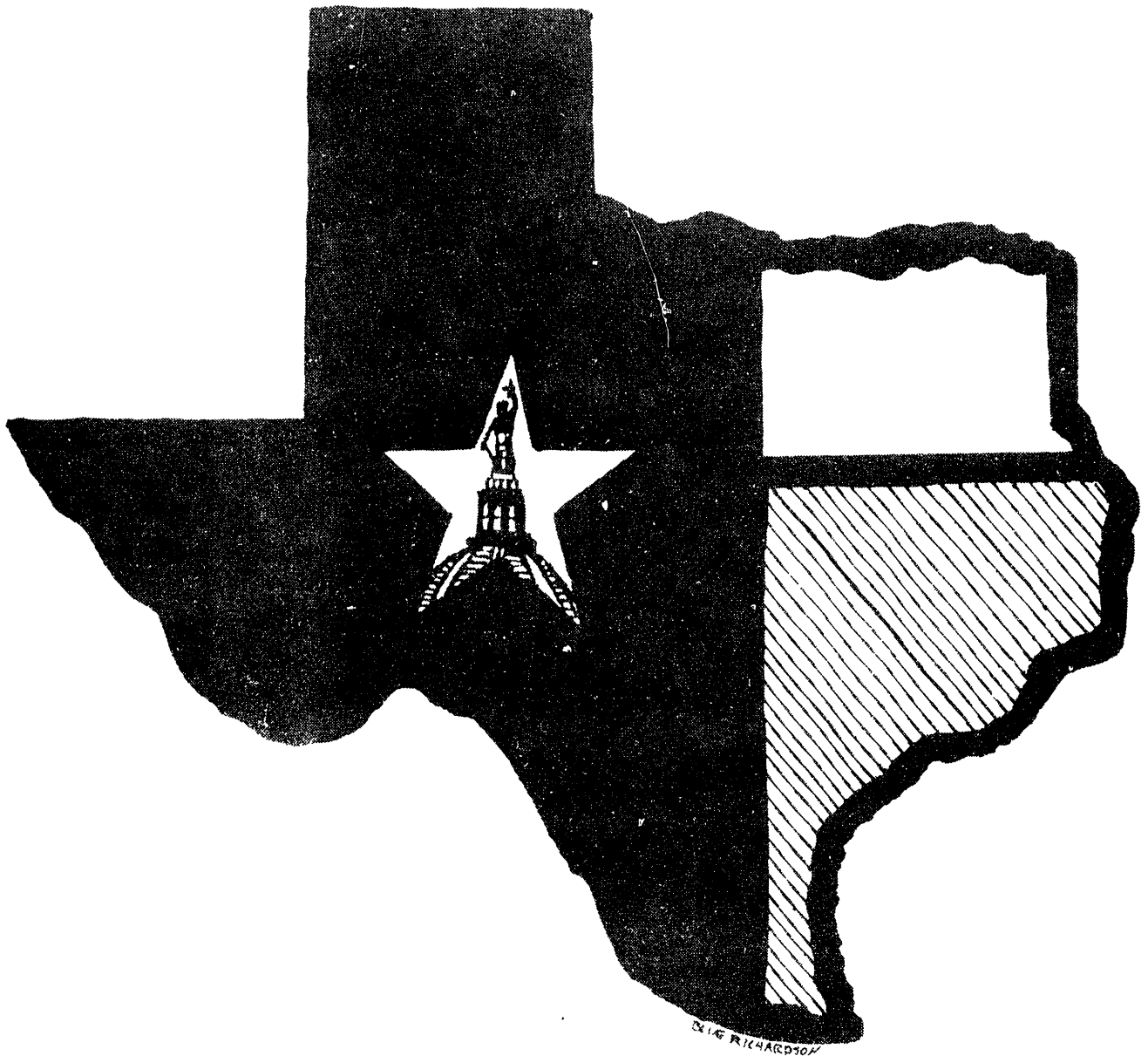


Texas Register

Volume 12, Number 81, October 27, 1987

Pages 3945-3975



Highlights

The **Texas Higher Education Coordinating Board** adopts on an emergency basis a new section transferring responsibilities for adopting rules for determining optional retirement program eligibility. Effective date - October 20, 1987 **page 3953**

The **Texas Department of Agriculture** proposes an amendment concerning pesticide and joint

pesticide/herbicide dealer license fees. Earliest possible date of adoption - November 27, 1987 **page 3954**

The **Texas State Board of Medical Examiners** adopts a new section designed to keep order and decorum, not to restrict public access, to the board meeting room and office areas. Effective date - November 10, 1987 **page 3964**

**Office of
the Secretary
of State**

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1987 with the exception of January 6, September 1, December 1, and December 29 by the Office of the Secretary of State.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas.

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

Information Available: The 10 sections of the *Register* represent various facets of state government. Documents contained within them include:

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "12 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 12 TexReg 3."

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



Texas Register Publications

a division of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-463-5561

Jack M. Rains Secretary of State

Director

Dan Procter

Assistant Director

Dee Wright

Documents Section Supervisor

Cynthia Cooke

Document Editors

Lainie Crease

Karen Olson Muldrow

Document Filing

Patty Parris

Production Section Supervisor

Craig Howell

Production Editor

Jody Allen

Typographers

Ann Franklin

Victoria Parrish

Circulation/Marketing

Richard Kallus

Roberta Knight

TAC Editor

Kristine Hopkins Mohajer

Subscriptions—one year (96 regular issues and four index issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues of the *Texas Register* are available at \$3.00 per copy.

Cover illustration by Blue Richardson, Sam Houston High School, Arlington, as part of the *Texas Register* Student Art Contributions.

Table of Contents

Attorney General

Requests for Opinions
3952— RQ-1260—RQ-1269

Opinion
3952— JM-808 (RQ-1162)

Emergency Rules

Texas Higher Education Coordinating Board
3953— Agency Administration

Proposed Rules

Texas Department of Agriculture
3954— Pesticides
3954— Herbicide Regulations
Texas Higher Education Coordinating Board
3955— Agency Administration
3955— Program Development

Withdrawn Rules

State Board of Medical Examiners
3958— Schedule of Fees

Adopted Rules

Texas Department of Community Affairs
3959— Texas Community Development
Program
Railroad Commission of Texas
3959— Oil and Gas Division
Texas Higher Education Coordinating Board
3959— Program Development
3961— Student Services
Texas Cosmetology Commission
3963— Sanitary Rulings
3963— General Provisions
State Board of Medical Examiners
3964— General Provisions
3964— Licensure
Comptroller of Public Accounts
3965— Tax Administration
Teacher Retirement System of Texas
3965— Insurance
State Board of Insurance
3966— Notification Pursuant to the Insurance
Code, Chapter 5, Subchapter L

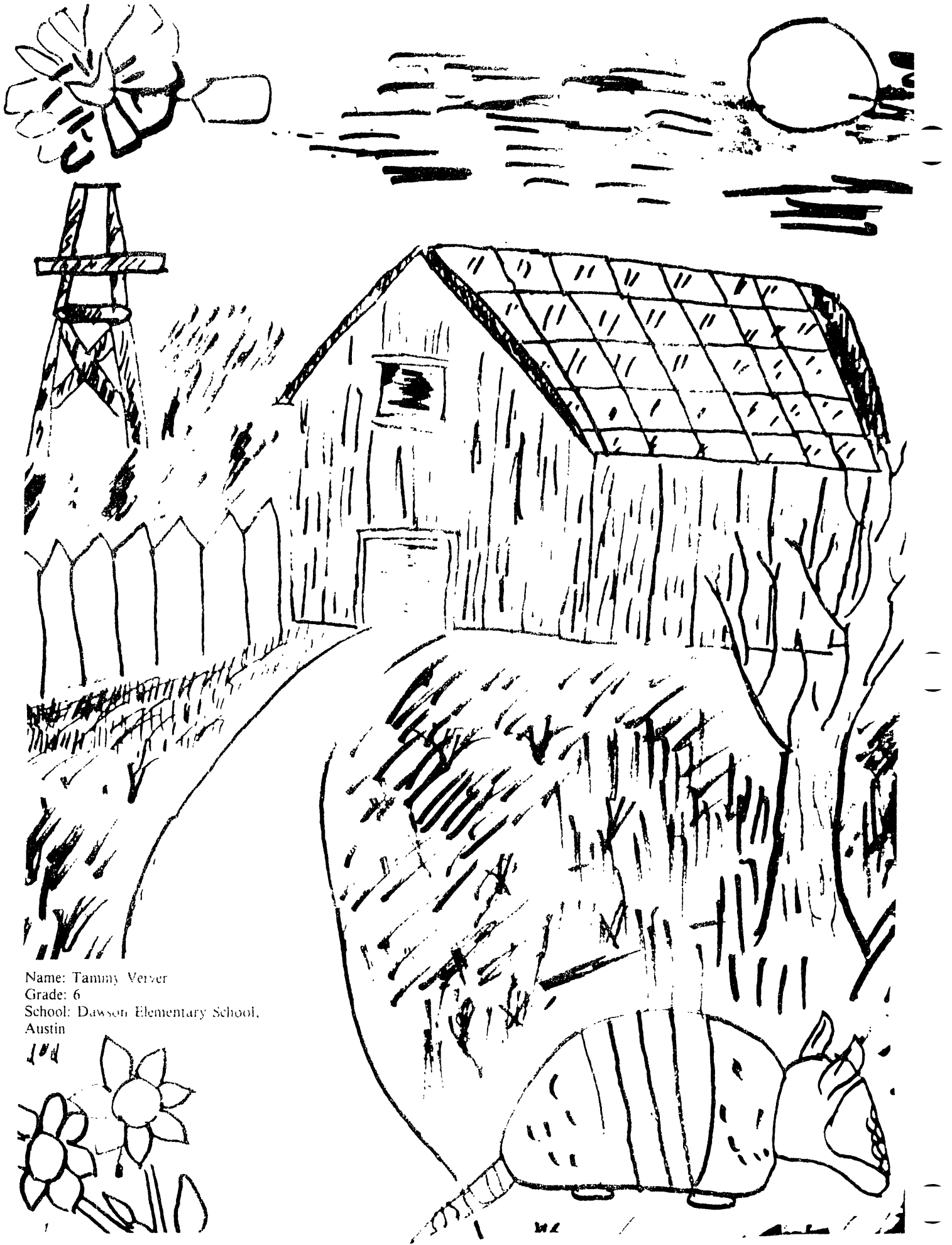
Open Meetings

3967— Texas Antiquities Committee
3967— State Bar of Texas

3967— Bond Review Board
3967— Credit Union Department
3967— Texas Employment Commission
3967— State Department of Highways and
Public Transportation
3968— State Board of Insurance
3968— Texas Department of Labor and
Standards
3968— Lamar University System—Board of
Regents
3968— Board of Pardons and Paroles
3968— Texas State Board of Physical Therapy
Examiners
3969— Public Utility Commission of Texas
3969— The Texas A&M University System,
Board of Regents
3969— University of Houston System
3969— The University of Texas at Austin
3969— Texas Water Commission
3969— Regional Agencies

In Addition

Texas Department of Agriculture
3971— Request for Proposals
Attorney General's Office
3971— Correction of JM-746A
Texas Department of Commerce
3971— Texas Department of Commerce Ad
Agency Invitation
3972— Weekly Report on the 1987 Allocation
of the State Ceiling on Certain Private
Activity Bonds
Office of Consumer Credit Commissioner
3972— Notice of Rate Ceilings
Texas Department of Health
3972— Orders Amending Controlled Substances
Schedules
3973— Request for Proposals
Texas Industrial Accident Board
3973— Correction of Error
State Board of Insurance
3973— Notice of Public Hearing
Texas Department of Mental Health and
Mental Retardation
3974— Notice of Consultant Contract
Railroad Commission of Texas
3974— Public Notice
The Texas A&M University System
3974— Consultant Proposal Request



Name: Tammy Verver
Grade: 6
School: Dawson Elementary School,
Austin



TAC Titles Affected

TAC Titles Affected—October

The following is a list of the administrative rules that have been published this month.

TITLE 1 ADMINISTRATION

Part IV Office of the Secretary of State

1 TAC §71.8, §71.9	3804
1 TAC §75.1, §75.2	3915
1 TAC §§75.11-75.13	3915
1 TAC §§75.14-75.17	3915
1 TAC §§75.31, 75.32, 75.34	3915
1 TAC §§78.1, 78.11, 78.21	3900, 3903

Part V. State Purchasing and General Services Commission

1 TAC §111.37	3513
1 TAC §113.5	3513
1 TAC §113.10	3540
1 TAC §113.73	3540
1 TAC §§115.31-115.33, 115.36	3514

Part X. Automated Information and Telecommunications Council

1 TAC §201.1	3619, 3634
1 TAC §205.1	3814

TITLE 4 AGRICULTURE

Part I. Texas Department of Agriculture

4 TAC §7.8	3954
4 TAC §11.7	3954

Part II. Texas Animal Health Commission

4 TAC §§32.1-32.12	3540
4 TAC §§32.1-32.8	3540
4 TAC §§35.1, 35.2, 35.4	3514
4 TAC §§35.2, 35.4, 35.5	3541
4 TAC §37.2	3547
4 TAC §§39.1, 39.3, 39.4	3547
4 TAC §41.1	3548
4 TAC §43.2	3548
4 TAC §47.1, §47.2	3515
4 TAC §§47.1-47.6	3516
4 TAC §51.1, §51.2	3549
4 TAC §§51.1-51.3	3548
4 TAC §§55.6, §55.7	3549

TITLE 7. BANKING AND SECURITIES

Part I. State Finance Commission

7 TAC §3.32	3903
-------------	------

Part III. State Banking Board

7 TAC §31.5	3904
7 TAC §§33.91, §33.92	3904

TITLE 10 COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs

10 TAC §9.3	3959
-------------	------

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

16 TAC §3.14	3959
16 TAC §3.31	3584
16 TAC §5.91	3590
16 TAC §5.256	3590
16 TAC §5.316	3590
16 TAC §5.462	3591
16 TAC §5.623	3916
16 TAC §7.44	3867
16 TAC §9.1	3874
16 TAC §9.171	3874
16 TAC §9.400	3874
16 TAC §9.401	3874
16 TAC §9.402	3874
16 TAC §9.403	3874

16 TAC §9.404	3874
16 TAC §9.405	3874
16 TAC §9.406	3874
16 TAC §9.407	3874
16 TAC §9.408	3875
16 TAC §9.409	3875
16 TAC §9.410	3875
16 TAC §9.411	3875
16 TAC §9.412	3875
16 TAC §9.413	3875
16 TAC §9.414	3875
16 TAC §9.415	3875
16 TAC §9.416	3875
16 TAC §9.417	3875
16 TAC §9.418	3875
16 TAC §9.419	3875
16 TAC §9.420	3875
16 TAC §9.421	3875
16 TAC §9.422	3876
16 TAC §9.423	3876
16 TAC §9.424	3876
16 TAC §9.425	3876
16 TAC §9.426	3876
16 TAC §9.427	3876
16 TAC §9.428	3876
16 TAC §9.429	3876
16 TAC §9.430	3876
16 TAC §9.431	3876
16 TAC §9.432	3876
16 TAC §9.433	3876
16 TAC §9.434	3876
16 TAC §9.435	3876
16 TAC §9.436	3877
16 TAC §9.437	3877
16 TAC §9.438	3877
16 TAC §9.439	3877
16 TAC §9.440	3877
16 TAC §9.441	3877
16 TAC §9.442	3877
16 TAC §9.443	3877
16 TAC §9.444	3877
16 TAC §9.445	3877

Part II Public Utility Commission of Texas

16 TAC §23.15	3904
---------------	------

Part III. Texas Alcoholic Beverage Commission

16 TAC §§50.1-50.21	3916
---------------------	------

Part IV. Texas Department of Labor and Standards

16 TAC §69.67	3549
16 TAC §81.71	3874

Part VI. Texas Motor Vehicle Commission

16 TAC §101.45	3867
16 TAC §103.4, §103.12	3868
16 TAC §§107.2, 107.7, 107.8	3869

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

19 TAC §1.6	3953, 3955
19 TAC §5.7	3959
19 TAC §5.154	3960
19 TAC §5.157	3960
19 TAC §§5.191-5.196	3955
19 TAC §5.212	3957
19 TAC §5.221	3961
19 TAC §21.27	3961
19 TAC §21.28	3962
19 TAC §21.51-21.65	3962
19 TAC §§21.307, 21.308, 21.310, 21.316	3963
19 TAC §25.33	3518, 3550
19 TAC §25.72	3550

Part II. Texas Education Agency	
19 TAC §41.61	3634
19 TAC §§149.41, 149.43, 149.44	3506
19 TAC §§149.41, 149.43, 149.44	3519
TITLE 22. EXAMINING BOARDS	
Part IV. Texas Cosmetology Commission	
22 TAC §83.3	3963
22 TAC §§89.28, 89.30, 89.31	3963
22 TAC §89.35	3963
Part VI. Texas State Board of Registration for Professional Engineers	
22 TAC §131.137	3870
Part IX. State Board of Medical Examiners	
22 TAC §161.1	3964
22 TAC §163.4, §163.9	3964
22 TAC §175.1	3958
Part XI. Board of Nurse Examiners	
22 TAC §218.1, 281.5-218.12	3519
Part XII. Board of Vocational Nurse Examiners	
22 TAC §233.76	3602
Part XIV. Texas Optometry Board	
22 TAC §271.4	3905
22 TAC §271.6	3905
22 TAC §273.4	3878
Part XX. Texas Board of Private Investigators and Private Security Agencies	
22 TAC §429.11	3804
22 TAC §§433.1-433.4, 433.7-433.17	3805
22 TAC §433.1-433.11	3805
22 TAC §§435.12-435.16	3806
22 TAC §§435.12-435.15	3806
22 TAC §451.7-§451.8	3807
22 TAC §451.8	3807
22 TAC §455.1	3807
22 TAC §460.1	3808
Part XXII. Texas State Board of Public Accountancy	
22 TAC §501.47	3814
Part XXIII. Texas Real Estate Commission	
22 TAC §523.71	3808
22 TAC §523.72	3808
22 TAC §523.73	3809
22 TAD §523.74	3809
22 TAC §535.61	3775
22 TAC §591.21	3775
22 TAC §§593.1-593.3, 593.5-593.7, 593.21	3775
22 TAC §595.2, §595.3	3777
Part XXIV. State Board of Veterinary Medical Examiners	
22 TAC §575.2	3814
22 TAC §575.3	3815
22 TAC §575.9	3815
22 TAC §575.10	3816
22 TAC §575.12	3816
22 TAC §575.13	3816
22 TAC §575.20	3817
22 TAC §575.21	3817
TITLE 25. HEALTH SERVICES	
Part I. Texas Department of Health	
25 TAC §§1.2, 1.5, 1.7	3592
25 TAC §13.11-13.15	3521
25 TAC §13.11-13.17	3521
25 TAC §§89.4-89.8	3550
25 TAC §§157.63, 157.77, 157.82	3507, 3523
25 TAC §205.51	3817
25 TAC §229.172	3635
25 TAC §229.173	3594
25 TAC §§289.141-289.156	3761
25 TAC §295.2, §295.9	3551
25 TAC §325.5	3819
25 TAC §§325.91, 325.91, 325.93, 325.95	3819
Part VII. Texas Medical Disclosure Panel	
25 TAC §601.1, §601.2	3636

TITLE 28. INSURANCE	
Part I. State Board of Insurance	
28 TAC §§3.1302, 3.1304-3.1306	3839
28 TAC §§7.1401-7.1414	3809
28 TAC §9.1	3524
Part II. Industrial Accident Board	
28 TAC §41.27	3637
28 TAC §41.135	3637
28 TAC §43.5	3637
28 TAC §43.10	3638
28 TAC §§56.5, 56.10, 56.15, 56.20, 56.25, 56.30, 56.35, 56.40, 56.45, 56.50, 56.55, 56.60, 56.65, 56.70	3638
28 TAC §§69.5, 69.10, 69.15, 69.20, 69.25, 69.30, 69.35, 69.40, 69.45, 69.50, 69.55, 69.60, 69.65, 69.70, 69.75, 69.80, 69.85, 69.90	3639
28 TAC §§69.205, 69.210, 69.215, 69.220, 69.225, 69.230, 69.235, 69.240	3641
TITLE 31. NATURAL RESOURCES AND CONSERVATION	
Part I. General Land Office	
31 TAC §13.1	3587, 3594
31 TAC §13.3	3587, 3594
31 TAC §13.19	3508, 3524
Part II. Texas Parks and Wildlife Department	
31 TAC §57.245	3900
31 TAC §65.205	3813
Part III. Texas Air Control Board	
31 TAC §101.1	3525
31 TAC §103.11	3595
31 TAC §103.41, §103.53	3595
31 TAC §§115.131-115.135	3526
31 TAC §115.163, §115.164	3528
31 TAC §115.171, §115.176	3529
31 TAC §§115.191, 115.193, 115.194	3529
31 TAC §§115.201-115.203	3531
31 TAC §§115.291, 115.293, 115.294	3532
31 TAC §§116.5, 116.7, 116.10	3533
31 TAC §116.13	3535
Part IV. School Land Board	
31 TAC §153.12	3923
31 TAC §155.8	3813, 3821
31 TAC §155.11	3813, 3821
Part IX. Texas Water Commission	
31 TAC §§307.1-307.10	3643
31 TAC §§335.201, 335.202, 335.204	3768
31 TAC §337.34, §337.36	3906
Part X. Texas Water Development Board	
31 TAC §355.1	3508
31 TAC §§355.10-355.19	3509
31 TAC §§355.31-355.40	3822
31 TAC §§355.101-355.110	3512
31 TAC §367.1, §367.2	3825
31 TAC §§367.21-367.23, 367.25, 367.27-367.29	3825
31 TAC §§367.41-367.46, 367.48, 367.49	3827
TITLE 34. PUBLIC FINANCE	
Part I. Comptroller of Public Accounts	
34 TAC §3.11	3596
34 TAC §3.16	3965
34 TAC §3.17	3965
34 TAC §3.175	3777
34 TAC §3.185	3777
34 TAC §3.191	3778
34 TAC §3.228	3870
34 TAC §3.293	3623
34 TAC §3.299	3924
34 TAC §3.319	3626
34 TAC §3.303	3872
34 TAC §3.333	3626
34 TAC §3.340	3878
34 TAC §3.342	3627
34 TAC §3.343	3628
34 TAC §3.354	3629
34 TAC §3.355	3630
34 TAC §3.356	3631
34 TAC §3.410	3924

34 TAC §3.411	3924	40 TAC §§35.501-35.504	3554
34 TAC §3.544	3778	40 TAC §35.501, §35.502	3554
34 TAC §3.545	3778	40 TAC §§35.601-35.610	3554, 3555
34 TAC §3.548	3778	40 TAC §§35.701-35.710	3555
34 TAC §3.562	3632	40 TAC §§35.701-35.709	3555
34 TAC §3.601	3900	40 TAC §§35.801-35.804	3556
34 TAC §5.113	3633	40 TAC §§35.801-35.808	3556
Part III. Teacher Retirement System of Texas		40 TAC §§35.901-35.904	3556
34 TAC §41.1	3926	40 TAC §35.9001	3556
34 TAC §41.5	3926	40 TAC §§35.9801, 35.9803, 35.9804	3556
34 TAC §41.7	3965	40 TAC §48.3904	3597
TITLE 37. PUBLIC SAFETY AND CORRECTIONS		40 TAC §48.3905	3597
Part I. Texas Department of Public Safety		40 TAC §48.8901	3598
37 TAC §1.122	3829	40 TAC §§81.101-81.128	3831
37 TAC §3.59	3536	40 TAC §85.7005	3539
Part VII. Texas Commission on Law Enforcement Officer Standards and Education		40 TAC §§85.7005-85.7007	3539
37 TAC §§211.102, 211.103, 211.105, 211.106	3907	40 TAC §§85.1403, 85.1405, 85.1406	3832
37 TAC §211.104	3909	40 TAC §§85.1801, §85.1803	3832
Part IX. Texas Commission on Jail Standards		40 TAC §§§5.2006, 85.2012, 85.2014, 85.2019, 85.2033, 85.2035, 85.2037-85.2039, 85.2041, 85.2044	3832
37 TAC §253.1	3538	40 TAC §§85.2016, 85.2034, 85.2043	3833
37 TAC §259.345	3538	40 TAC §§85.2034, 85.2046, 85.2047	3833
37 TAC §259.346	3538	40 TAC §§85.3044, 85.3047, 85.3049, 85.3050, 85.3054, 85.3057, 85.3071-85.3073, 85.3075	3834
Part X. Texas Adult Probation Commission		40 TAC §§85.3051, 85.3052, 85.3060	3834
37 TAC §321.13	3878	40 TAC §85.5010	3835
TITLE 40 SOCIAL SERVICES AND ASSISTANCE		40 TAC §§85.5010, 85.5021, 85.5022	3835
Part I. Texas Department of Human Services		40 TAC §§85.5012, 85.5014, 85.5020	3835
40 TAC §27.108	3839	40 TAC §§85.6003, 85.6006, 85.6007, 85.6018, 85.6027	3836
40 TAC §27.1206	3830, 3838	Part III. Texas Commission on Alcohol and Drug Abuse	
40 TAC §27.1804	3840	40 TAC §§151.11-151.17, 151.21, 151.22	3840
40 TAC §27.3010	3830	40 TAC §§151.41-151.50	3842
40 TAC §29.603	3901, 3910	Part V. Veterans Land Board	
40 TAC §29.1112, §29.1125	3901, 3910	40 TAC §§175.7, 175.17, 175.21	3602
40 TAC §33.112	3779	Part IX. Texas Department on Aging	
40 TAC §33.122	3779	40 TAC §§293.1, 293.3, 293.5, 293.7, 293.9, 293.11, 293.13, 293.15, 293.17, 293.19, 203.21, 293.23	3910
40 TAC §33.306, §33.317	3779	Part X. Texas Employment Commission	
40 TAC §33.402	3779	40 TAC §301.1	3599
40 TAC §§35.1-35.6	3553	40 TAC §302.1	3600
40 TAC §35.101, §35.102	3553	Part XII. Texas Advisory Board of Occupational Therapy	
40 TAC §§35.201-35.203, 35.205-35.210	3553	40 TAC §375.1	3772
40 TAC §§35.201-35.205	3554		
40 TAC §35.301, §35.302	3554		
40 TAC §§35.301-35.303	3554		
40 TAC §§35.401-35.404	3554		
40 TAC §§35.401-35.408	3554		

Attorney General

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

Requests for Opinions

RQ-1260. Request from George Pierce, Chairman, House Committee on Urban Affairs, P.O. Box 2910, Austin, concerning whether a police chief may see results of a psychological evaluation of a police officer given under civil service requirements.
TRD-8709198



RQ-1261. Request from Tom O'Connell, Criminal District Attorney, Collin County Courthouse, McKinney, concerning whether prior service as a substitute teacher constitutes prior continuous service under the Nepotism Act.
TRD-8709197



RQ-1262. Request from David H. Cain, Chairman, House Committee on Transportation, P.O. Box 2910, Austin, concerning whether a legislator may receive payment from a state agency for serving as special commissioner in condemnation proceedings.
TRD-8709196



RQ-1263. Request from Larry R. Soward, Executive Director, Texas Water Commission, P.O. Box 13087, Austin, concerning whether the federally required reports of releases of certain hazardous substances into the environment are exempted from disclosure under the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, when the reports indirectly reveal customer list information.
TRD-8709195



RQ-1264. Request from Edward H. Perry, Assistant City Attorney, City Hall, Dallas, concerning whether the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, §3A and §3(a)(1), apply to governmental employees who have already retired.
TRD-8709194



RQ-1265. Request from Bob Bullock, Comptroller of Public Accounts, L.B.J.

Building, Austin, concerning whether information that is stored in a private entity's computer and that is available to a governmental body only through telephone link access is subject to the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a.
TRD-8709193



RQ-1266. Request from Robert Shaddock, General Counsel, State Department of Highways and Public Transportation, DeWitt C. Greer Building, 11th and Brazos, Austin, concerning whether the subscriber mailing list of the Texas Highways magazine is subject to required public disclosure under the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a.
TRD-8709192



RQ-1267. Request from Colonel John F. McAhon, Public Information Officer, Odessa Police Department, 295 North Grant, Odessa, concerning whether a police department may grant certain members of the media special access to observe police actions without waiving the confidentiality of information relating to those actions under the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a.
TRD-8709191



RQ-1268. Request from Lloyd Garza, San Antonio City Attorney, P.O. Box 9066, San Antonio, concerning whether the recent amendment of the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, §3(a)(15), to include birth and death records maintained by a local registration official prohibits a city from releasing summary daily birth and death lists.
TRD-8709200



RQ-1269. Request from Christopher S. Shields, Counsel to the Secretary of State, State Capitol, Austin, concerning whether information in notary complaint investigation files maintained by the secretary of state must be released under the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a.
TRD-8709199



Opinion

JM-808 (RQ-1162). Request from Mike Driscoll, Harris County Attorney, 1001 Preston, Suite 634, Houston, concerning whether a dead body must be transferred to a county morgue under the direction and supervision of a licensed funeral director or embalmer.

Summary of Opinion. A county medical examiner has no obligation to engage a licensed funeral director or embalmer to supervise the transfer of a dead body found under circumstances described in the Code of Criminal Procedure, Article 49.25, §6, from the place the body is found to the county morgue. A funeral director or embalmer who has been engaged by the next of kin of a deceased person has no right or obligation to supervise the transfer of the body of the deceased to the county morgue unless the county medical examiner has authorized the funeral director to transfer the body. If a licensed funeral director or embalmer has been authorized and therefore has the responsibility to move a dead body from the place it is found to the county morgue, then the move must be made under the personal supervision and direction of the licensed funeral director or embalmer unless there is no reasonable probability that unlicensed personnel will encounter family members or other persons with whom funeral arrangements are normally made.
TRD-8709190



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 19. EDUCATION

Part I. Texas Higher

Education Coordinating Board

Chapter 1. Agency Administration

Subchapter A. General Provisions

★19 TAC §1.6

The Texas Higher Education Coordinating Board adopts on an emergency basis new §1.6, concerning optional retirement program eligibility. The new section transfers responsibilities for adopting rules for determining eligibility for the Optional Retirement Program (ORP) from the governing boards of each institution to the coordinating board.

The new section is adopted on an emergency basis so that the transfer of responsibilities from the governing boards of each institution to the coordinating board can be effective immediately.

The new section is adopted on an emergency basis under Texas Civil Statutes, Title 110B, §31.001, which provide the coordinating board with the authority to adopt rules regarding Optional Retirement Program eligibility.

§1.6. Optional Retirement Program Eligibility. In accordance with Texas Civil Statutes, Title 110B, §31.001, Subdivision (8), governing boards shall use any of the following definitions of a full-time faculty member for determining eligibility for participation in the Optional Retirement Program.

(1) A member of the faculty whose duties include teaching or research shall mean all persons whose specific assignments are made for the purposes of conducting instruction or research as a principal activity (or activities), and who hold titles of professor, associate professor, assistant professor, instructor, lecturer, or equivalent faculty title.

(2) An administrator responsible for teaching and research faculty shall mean deans, directors, associate deans, assistant deans, chairpersons, or heads of academic departments if their principal activity is planning, organizing, and directing the activities of faculty as defined in paragraph (1) of this section.

(3) A member of the administrative staff of the Texas Higher Education Coordinating Board shall mean a member of the Texas Higher Education Coordinating Board staff whose assignments would require college graduation and prior experience in higher education or experience of such kind and amounts to provide a comparable background, whose national mobility requirements are similar to those of faculty and who fills a position that is the subject of a nationwide search in the academic community.

(4) A professional librarian, a president, a chancellor, a vice-president, a vice-chancellor shall mean a librarian with a degree in library science, presidents, chancellors, vice-presidents, vice-chancellors, deputy chancellors, associate and assistant vice-chancellors, or the equivalent.

(5) Other professional staff person shall mean administrative and professional positions that are generally and customarily

recruited by advertising in national publications such as the *Chronicle of Higher Education* or in newsletters of national professional associations or at meetings of such associations. In addition, each administrative or professional position must be at a salary rate equivalent to the rate for faculty for the institution.

(A) Administrative positions shall normally report to the office of a chancellor, president, vice-chancellor, vice-president, or dean. Incumbents in such positions serve as director or other administrative head of a major department or budget entity. Incumbents of such positions must be:

(i) appointed by the governing board or the chief administrative officer of the institution, or his/her delegate; and

(ii) responsible for the preparation and administration of the budget, policies, and programs of the department or entity.

(B) Professional positions shall include positions in nationally recognized fields which require advanced degrees and/or specialized professional or artistic training, experience, and achievement. These would include titles such as physicians, athletic coaches, engineers, and lawyers.

Issued in Austin, Texas, on October 19, 1987.

TRD-8709172

James McWhorter
Assistant Commissioner
Planning and
Administration
Texas Higher Education
Coordinating Board

Effective date: October 20, 1987
Expiration date: February 16, 1988
For further information, please call
(512) 462-6420.



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 7. Pesticides

★4 TAC §7.8

The Texas Department of Agriculture proposes an amendment to §7.8, concerning pesticide and joint pesticide/herbicide dealer license fees. The proposed amendment is made in accordance with the statutory limits set forth in the Texas Agriculture Code, §76.073, and a legislative directive to increase fees. The fee for pesticide and joint pesticide/herbicide dealers is increased from \$50 to \$100, bringing the fee for dealer licenses in line with fees for other licensing requiring the same or similar staff resources. All other pesticide and herbicide licensing and registration fees requiring similar staff resources are now \$100 or more.

Heather Ball, economist, has determined that 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 section will be in effect is an estimated increase in revenue of \$89,250 for each year from 1988-1992. There is no effect on local government. The cost of compliance with the section for small businesses will be \$50 per licensed pesticide dealer, herbicide dealer, or joint pesticide/herbicide dealer. There is no difference in the cost of compliance for small businesses v. large businesses. The registration fee for each dealer, regardless of size, is increased \$50 annually.

Ellen Widess, director, Agricultural and Environmental Sciences Division, 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 increased funding will ensure more thorough enforcement of existing pesticide regulations, thereby enhancing the health and safety of the general public. The anticipated economic cost to individuals who are required to comply with the section as proposed will be \$50 for each year from 1988-1992.

Comments on the proposal may be submitted to Ellen Widess, Director, Agri-

cultural and Environmental Sciences Division, P.O. Box 12847, Austin, Texas 78711.

The amendment is proposed under the Texas Agriculture Code, §76.073 and §75.004, which provides the Texas Department of Agriculture with the authority to set and collect an annual fee of no more than \$100 for the issuance of a pesticide or herbicide dealer license.

§7.8. *Pesticide Dealers.*

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

(c) All applicants must submit a license fee of **\$100** [50] for each license requested. This fee will not be prorated. Dealers currently licensed under the Texas Herbicide Law, codified as Texas Agricultural Code, Chapter 75 (1981), will not be required to pay an additional fee as long as the herbicide license covers only one outlet. If the herbicide dealer's license is for more than one outlet, a license will be issued to one such outlet at no charge. Each additional outlet licensed must pay the pesticide dealer's license fee.

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

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

Issued in Austin, Texas, on October 20, 1987.

TRD-8709210

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption:
November 27, 1987

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



Chapter 11. Herbicide Regulations

★4 TAC §11.7

The Texas Department of Agriculture proposes an amendment to §11.7, concerning herbicide dealer license fees. The proposed amendment is made in accordance with the statutory limits set forth in the Texas Agriculture Code, §75.004, and a legislative directive to increase fees. The annual fee for herbicide dealers is in-

creased from \$50 to \$100, bringing the fee for dealer licenses in line with fees for other licensing requiring the same or similar staff resources. All other pesticide and herbicide licensing and registration fees requiring similar staff resources are now \$100 or more.

Heather Ball, economist, 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 section will be in effect is an estimated increase in revenue of \$1,250 for each year from 1988-1992. There will be no fiscal implications for local government. The cost of compliance with the section for small businesses will be \$50 per licensed herbicide dealer. There is no difference in the cost of compliance for small businesses vs. large businesses. The registration fee for each dealer, regardless of size, is increased \$50 annually.

Ellen Widess, director, Agricultural and Environmental Sciences Division, 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 increased funding will ensure more thorough enforcement of existing pesticide regulations thereby enhancing the health and safety of the general public. The anticipated economic cost to individuals who are required to comply with the section as proposed will be \$50 for each year from 1988-1992.

Comments on the proposal may be submitted to Ellen Widess, Director, Agricultural and Environmental Sciences Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

The amendment is proposed under the Texas Agriculture Code, §75.004, which provides the Texas Department of Agriculture with the authority to set and collect an annual fee of no more than \$100 for the issuance of a herbicide dealer license.

§11.7. *Dealers.*

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

(f) Fees for a dealer's license. All dealers, as defined by law, shall pay a fee

of \$100 [50] upon submitting an application for a dealer's license.

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 October 20, 1987

TRD-8709211 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption

November 27, 1987

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



TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

Chapter 1. Agency Administration

Subchapter A. General Provisions

★ 19 TAC §1.6

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

The Texas Higher Education Coordinating Board proposes new §1.6, concerning Optional Retirement Program Eligibility. The new section implements House Bill 10, 70th Legislature, 1987. The bill transfers from the governing boards of each institution to the coordinating board the responsibility for adopting sections determining eligibility for the Optional Retirement Program (ORP). The new section provides criteria for determining ORP eligibility in conformance with the revised definition of faculty member included in House Bill 10.

Kathy Lewis, director, Higher Education Insurance Program, 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. Lewis 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 more uniformity among the institutions of higher education in Texas in the eligibility requirements for ORP, and limited participation in the ORP which is consistent with legislative intent. There is no anticipated economic cost to indi-

viduals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Kenneth H. Ashworth, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711.

The new section is proposed under Texas Civil Statutes, Title 110B, which provide the coordinating board with the authority to adopt rules regarding Optional Retirement Program eligibility.

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 October 19, 1987.

TRD-8709173 James McWhorter
Assistant Commissioner
Planning and
Administration
Texas Higher Education
Coordinating Board

Proposed date of adoption:

December 4, 1987

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



Chapter 5. Program Development

Subchapter J. Instructional Telecommunications [Televised Instruction]

★ 19 TAC §§5.191-5.196

The Texas Higher Education Coordinating Board proposes amendments to §§5.191-5.196, concerning scope and purpose, definitions, exemptions, standards and conditions, institutional plan, and institutional self-study. The amendments broaden the coverage of the sections to include all types of instructional telecommunications activities rather than just televised instruction. The sections will accommodate a slightly broader range of instructional delivery technology.

Bill Sanford, assistant commissioner for universities and health affairs, 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. Sanford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that some newer types of distance-learning technologies will be permitted. 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, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711.

The amendments are proposed under the Education Code, §61.051, which provides the coordinating board with the authority to adopt rules regarding instructional telecommunications.

§5.191. Scope and Purpose.

(a) This subchapter is designed to encourage the [development and] use of **instructional telecommunications** [television for educational purposes] while ensuring a level of quality equivalent to that of regular on-campus resident credit instruction. **The provisions of this subchapter shall apply to instruction using any type of telecommunication technology as a primary mode for delivering instruction to students at a location removed from the physical presence of the instructor.** The rules and regulations in this subchapter apply only to institutions over which the coordinating board has authority under state law.

(b) The coordinating board shall consider an institution's entry into delivery of [televised] instruction **via telecommunication technology** to be a change equivalent to a request for a new degree program, requiring the development of an institutional plan [for televised instruction] in accordance with §5.195 of this title (relating to Institutional Plan).

(c) Courses offered **via telecommunication technology** [through televised instruction] shall be subject to the approval procedures of Subchapter H of this title (relating to Approval of Off-Campus and Out-of-District Instruction for Public Colleges and Universities) for off-campus and out-of-district courses in order to be eligible for state funding of semester credit/contact hours. These courses must be reported through the coordinating board's uniform reporting system under the code for **telecommunications** [televised instruction] as defined in the Educational Data Service Reporting Manual.

(d) (No change.)

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

Instructional telecommunications [Televised instruction]—Any form of instruction that uses **telecommunication technology** [live and/or pre-produced television programs] as a primary mode for delivering instruction to the student at a location removed from the physical presence of the instructor. Delivery systems may include, but are not limited to, one or more of the following: open-channel television, closed-circuit television, cable television, low-power television, communication and/or direct broadcast satellite, satellite master antenna system, microwave, video tape, video disc, and telephone lines [line].

Telecourse—A [The] subset of **instructional telecommunications** [televised instruction] that uses preproduced television programs as the primary mode of instructional delivery.

§5.193. *Exemptions.*

(a) The following courses shall be exempt from the rules and regulations contained herein:

(1) organized classes offered **via telecommunication technology** [by television] by an institution on its campus or among campuses within its system;

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

(b) (No change.)

§5.194. *Standards and Conditions.*

(a) Each course offered **via telecommunication technology** [through televised instruction] must be applicable to a campus-based degree or certificate program approved by the coordinating board for the institution.

(b) Courses to be offered **via telecommunication technology** [through televised instruction] must be included in the institution's current course inventory as approved by the coordinating board.

(c) Reception sites for **instructional telecommunications** [televised instruction] (other than reception in homes or on main campuses) must be recognized as auxiliary locations in advance by the commissioner. Community/junior colleges also must obtain recognition of reception sites within their districts prior to offering [televised] instruction at those sites.

(d) If an institution proposes to offer [televised] instruction **using telecommunication technology** subject to coordinating board regulations in a community or district in which another institution of higher education is located, the proposing institution must notify the local institution according to procedures described in Subchapter H of this title (relating to Approval of Off-Campus and Out-of-District Instruction for Public Colleges and Universities) for off-campus and out-of-district courses.

(e) If an institution objects to delivery of [televised] instruction **using telecommunication technology** by another institution in what it regards as its geographic service area, and if an agreement between the two institutions cannot be reached, the coordinating board shall consider the matter in accordance with the procedures in Subchapter H of this title (relating to Approval of Off-Campus and Out-of-District Instruction for Public Colleges and Universities) for off-campus and out-of-district courses.

(f) Funding formulas for community colleges and for senior colleges and universities shall be used for funding of [televised] courses **offered via telecommunication technology**.

(g) Institutions offering courses **via telecommunication technology** [through televised instruction] shall submit to the coordinating board annual financial reports on

direct operating expenditures for **instructional telecommunications** [televised instruction]. These reports shall be used to evaluate current funding procedures and levels.

(h) Courses offered **via telecommunication technology** [through televised instruction] must include print materials and live interactive sessions with the instructor of record. At a minimum, this interaction must include:

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

(i) Students who wish to enroll in courses offered **via telecommunication technology** [through televised instruction] must satisfy the same requirements for admission to the institution, to the program of which the course is a part, and to the course itself, as would be expected of students enrolling in the same course taught in the traditional on-campus manner.

(j) Faculty members teaching courses **via telecommunication technology** [offered through televised instruction] must be regularly employed faculty members or must meet the standards and procedures used by the institution for the appointment of faculty responsible for on-campus resident credit courses. Provision must be made for the review and approval of faculty at the departmental level in the fields affected.

(k) Procedures for evaluation of faculty responsible for courses **using telecommunication technology** [offered through televised instruction] must be equivalent to those used by the institution for the evaluation of faculty teaching on-campus resident credit courses.

(l) Procedures for evaluation of the organizations, content, and delivery of courses offered **via telecommunication technology** [through televised instruction] must be equivalent to those used by the institution for evaluation of course organization, content, and delivery in on-campus resident credit courses.

(m) Each course offered **via telecommunication technology** [through televised instruction] must include procedures for monitoring and assessing student performance. These procedures—such as written exercise, papers, and examinations—must be the same as or equivalent to those used in comparable on-campus resident credit courses. Standards for success or failure in **courses offered via telecommunication technology** [televised instruction] must be as rigorous as those for on-campus resident credit courses.

(n) Each instructor of record in a course offered **via telecommunication technology** [through televised instruction] must provide timely feedback to students regarding their progress and performance, by methods equivalent to those used in on-campus resident credit courses.

(o) Whenever **instructional telecommunications** [televised instruction] permits the enrollment of substantially greater numbers of students in a course than would normally be taught in a similar class on campus, the

institution must ensure that quality is maintained.

(p) Students enrolled in **courses offered via telecommunication technology** [televised instruction] must have access to all academic support services which the institution provides for students enrolled in on-campus resident credit courses, including academic advising, counseling, library and other learning resources, tutoring services, financial aid, etc. In addition, students enrolled in **courses offered via telecommunication technology** [televised instruction] must have access to campus events and other nonacademic activities on the same terms as students enrolled in on-campus resident credit courses.

(q) **Course** [Telecourse] materials produced outside or within the institution must be evaluated and selected by an institutional team including individuals with competence in the content material[,] and instructional [methods, and televised instruction] methodology.

§5.195. *Institutional Plan.*

(a) Any institution seeking authority to offer [televised] instruction **via telecommunication technology** must submit an institutional plan for televised instruction for **instructional telecommunications for review by the Advisory Committee on Telecommunications and approval by the coordinating board. An institution previously authorized to offer** [televised] instruction **via telecommunication technology** on an experimental basis prior to the adoption of this subchapter shall be required to submit an institutional plan for approval as set out herein. The plan must reflect institutional policies for offering [televised] courses **via telecommunication technology** and maintaining quality in accordance with these rules and regulations. In addition, the plan must include a description of institutional arrangements for operation of the **instructional telecommunications** [televised instruction] program.

(b) The institutional plan must include identification of the courses to be offered by **instructional telecommunications** [televised instruction]. Any additional courses selected for offering by **instructional telecommunications** [televised instruction] after the institutional plan has been approved are subject to the coordinating board's established course update procedures.

(c) The institution shall stipulate the maximum proportion of the course requirements any student may take by **instructional telecommunications** [televised instruction] for a degree or certificate program and provide a rationale where the proportion stipulated exceeds one-third.

(d) The coordinating board shall provide guidelines to assist institutions in preparation of institutional plans for **instructional telecommunications** [televised instruction].

(e) (No change.)

(f) The coordinating board shall serve

as a clearinghouse for **instructional telecommunications** [televised instruction] to facilitate the exchange of information on materials used in courses offered via **telecommunication technology** [television]

§5.196. *Institutional Self-Study.*

(a) Each institution offering [televised] courses via **telecommunication technology** shall conduct a self-study of its **instructional telecommunications** [televised instruction] within four years of coordinating board approval of a plan and every five years thereafter.

(b)-(c) (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 October 19, 1987

TRD-8709171 James McWhorter
Assistant Commissioner
Planning and
Administration
Texas Higher Education
Coordinating Board

Proposed date of adoption
December 4, 1987
For further information, please call
(512) 462-6420



Subchapter K. Private Degree-Granting Institutions Operating in Texas

★ 19 TAC §5.212

The Texas Higher Education Coordinating Board proposes an amendment to §5.212, concerning exemptions. The amendment

recognizes exempt (accredited) private institutions as holding certificates of authority as permitted under the Education Code, Chapter 61, Subchapter D, to clarify these institutions' exemption status under the Texas Nonprofit Corporations Act, Article 139-2.23A. The amendment enables the coordinating board to issue official recognition to the exempt independent institutions of higher education in Texas as having certification of authority to award academic degrees in the state.

Bill Sanford, assistant commissioner for universities and health affairs, 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. Sanford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the independent institutions of Texas serving the public will benefit by the reporting exemption now available to other sectors of higher education under the Nonprofit Corporations Act. 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 Kennell H. Ashworth, Texas Higher Education Coordinating Board, PO Box 12788, Austin, Texas 78711.

The amendment is proposed under the Education Code, Chapter 61, Subchapter D, which provides the coordinating board with the authority to adopt rules regarding exemptions.

§5.212. *Exemptions.*

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

(c) The board may issue an exempt institution or person a certificate of authorization to grant degrees on request of said person or institution [and upon a determination by the board that said person or institution meets the requirements of this subchapter]. **The commissioner of higher education is authorized to issue by letter a certification of authority to grant degrees to exempt institutions which are accredited by the recognized agencies enumerated in §5.211 of this title (relating to Definitions). The commissioner is authorized to revoke a letter of certification of authority from any exempt institution immediately upon termination of that institution's accreditation or upon his determination that the institution fails to meet the requirements of this subchapter.**

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 October 19, 1987.

TRD 8709169 James M. Whorter
Assistant Commissioner
Planning and
Administration
Texas Higher Education
Coordinating Board

Proposed date of adoption
December 4, 1987
For further information, please call
(512) 462-6420



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 or 20 days after 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 22. EXAMINING BOARDS

Part IX. State Board of Medical Examiners

Chapter 175. Schedule of Fees

★22 TAC 175.1

The State Board of Medical Examiners has withdrawn from consideration for permanent adoption a proposed amendment to §175.1 concerning schedule of fees. The text of the proposed amendment appeared in the September 11, 1987, issue of the *Texas Register* (12 TexReg 3154). The effective date of this withdrawal is October 20, 1987.

Issued in Austin, Texas, on October 20, 1987.

TRD-8709170

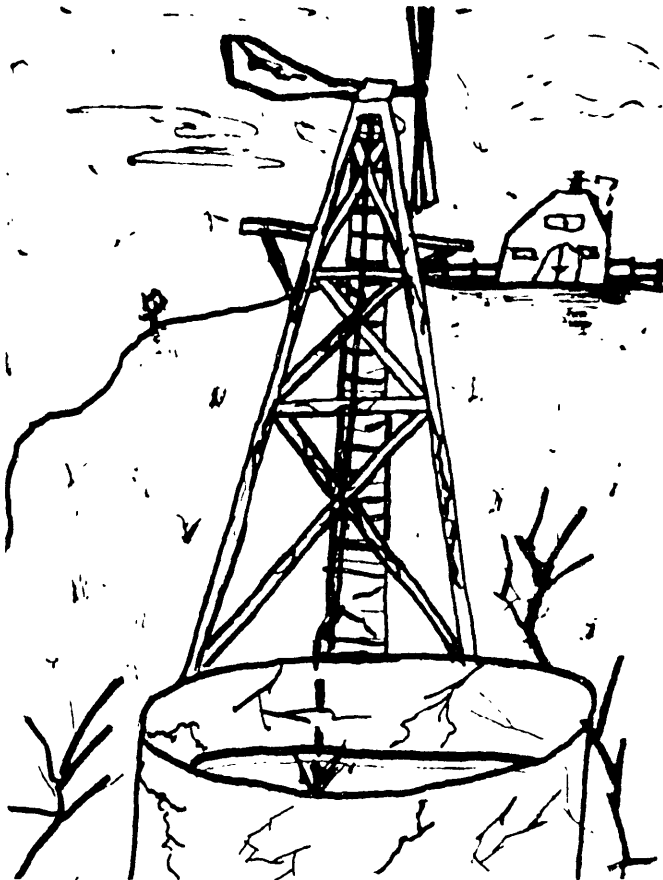
Jean Davis
Texas Register Liaison
State Board of Medical
Examiners

Filed: October 20, 1987

For further information, please call
(512) 452-1078.



Name: Paul Daniels
Grade: 6
School: Dawson Elementary School,
Austin



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 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs

Chapter 9. Texas Community Development Program

Subchapter A. Allocation of Program Funds

★ 10 TAC §9.3

The Texas Department of Community Affairs (TDCA) adopts an amendment to §9.3, without changes to the proposed text published in the September 18, 1987, issue of the *Texas Register* (12 TexReg 3254).

The amendment concerns the allocation of community development block grant (CDBG) nonentitlement area funds under the Texas capital fund.

The amendment changes subsection (d)(3)(A)(iv) to utilize quality of total jobs based on proposed salaries as a selection criterion rather than the quality of jobs for low- and moderate-income persons only.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413(201), §4A, which provides the Texas Department of Community Affairs with the authority to allocate CDBG nonentitlement area funds to eligible counties and municipalities in accordance with rules and regulations adopted by the TDCA.

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 October 19, 1987

TRD-8709130

Anne O. Paddock
Assistant General Counsel
Texas Department of
Community Affairs

Effective date November 9, 1987

Proposal publication date September 18, 1987

For further information, please call
(512) 834-6060



TITLE 16. ECONOMIC REGULATION

Part I. Railroad

Commission of Texas

Chapter 3. Oil and Gas Division

Conservation Rules and Regulations

★ 16 TAC §3.14

The Railroad Commission of Texas adopts an amendment to §3.14 with changes to the proposed text published in the August 11, 1987, issue of the *Texas Register* (12 TexReg 2611).

The amendment prevents loss of reserves through the premature abandonment of marginal wells. The change in the proposed text as published occurs in subsection (b)(2) to allow any well that becomes inactive on or after January 1, 1986, but before January 1, 1989, to remain inactive up to one year instead of 90 days before plugging activities on the well commence or the well is otherwise brought into compliance with commission sections. The commission's sections do not allow pollution to occur during the one-year period; any problem well is subject to a plugging order.

Inland Ocean, Inc. filed written comments regarding adoption of the amendment. That commenter opposed any limitation on the time a well may remain inactive if the operator intends to use the wellbore for any proper function in the future. However, due to an increased likelihood of pollution occurring the longer a well remains unplugged, the commission rejects incorporation of these comments into the text.

The amendment is adopted under the Natural Resources Code, Title 3, Subtitle A, §§81.052, 85.202, and 91.101, which provide the Railroad Commission of Texas with the authority to adopt and enforce rules relating to the operation, abandonment, and proper plugging of wells.

§3.14. Plugging.

(a) (No change.)

(b) Plugging report and commencement of operations.

(1) (No change.)

(2) Plugging operations on each dry or inactive well must be commenced within a period of 90 days after drilling or operations ceased and shall proceed with due diligence until completed, provided that dry or inactive wells on which drilling or operations ceased on or after January 1, 1986, but before January 1, 1989, must commence such plugging operations within one year of the date on which drilling or operations ceases. For good cause, a reasonable extension of time in which to start the plugging operations may be granted pursuant to the following procedures:

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

(c)-(h) (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 October 19, 1987.

TRD-8709146

Jim Nugent
Chairman
Railroad Commission of
Texas

Effective date: November 9, 1987

Proposal publication date: August 11, 1987

For further information, please call
(512) 463-7149



TITLE 19. EDUCATION

Part I. Texas Higher

Education Coordinating Board

Chapter 5. Program Development

Subchapter A. General Provisions

★ 19 TAC §5.7

The Texas Higher Education Coordinating Board adopts new §5.7, with changes to the proposed text published in the August 25, 1987, issue of the *Texas Register* (12 TexReg 2840).

The new section ensures that students who enroll in courses offered in a shortened format will receive an educational experience equivalent to students who enroll in regular length semesters.

Changes were made by adding new paragraph (2), deleting paragraph (3), and renumbering the remaining paragraphs.

All shortened courses will consist of the same number of class contact hours as courses offered in regular length semesters. Students will not carry more than one shortened course at a time. Students will receive credit for no more than three semester credit hours (SCH) during any three week term. No three SCH course shall consist of fewer than nine days of classes offered over not less than three weeks. These requirements for three SCH courses apply proportionately to one, two, four, or other credit hour values.

Texas Tech University, Texas State University System Board of Regents, and Tarleton State University made comments in favor of the new section. Dallas County Community College District, Texas A&I, North Texas State University, UT System Administration, and Texas Womens University made comments against the new section. Some comments were supportive and some critical. Critical letters focused on specific restrictions, stating that short courses are useful to teachers, that the state should not impose limits, and that the restrictions are too tight. Supportive letters indicated that there should be no short courses, that short courses circumvent institutional standards, and that students cannot assimilate enough knowledge in short courses.

The agency has modified the section to satisfy the concerns of those commenting against the adoption of the new section.

The new section is adopted under the Texas Education Code, §61.051 and §61.052, which provide the Texas Higher Education Coordinating Board with the authority to adopt rules regarding the minimum length of courses.

§5.7. Minimum Length of Courses. The minimum length of organized courses offered by public, general academic senior and junior institutions, and Texas State Technical Institutes shall be as follows.

(1) All shortened courses shall consist of the same number of class contact hours as similar courses offered in a regular session or summer session; that is, normally 45 to 48 contact hours. Courses shall also have the same objectives, requirements, and quality of instruction as regular length courses.

(2) Students may not carry more courses at a time in a shortened format than will given them total credit of one semester credit hour per week of instruction.

(3) No three-credit-hour course shall consist of fewer than nine days of classes offered over not less than three weeks.

(4) All requirements for three-credit-hour courses shall apply proportionately to courses for one, two, four, or other credit hour values.

(5) The commissioner of higher education is authorized to permit exceptions to this section for research purposes, to determine the efficacy of teaching a specific course in a shortened format.

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 October 19, 1987.

TRD-8709176 James McWhorter
Assistant Commissioner
for Administration
Texas Higher Education
Coordinating Board

Effective date: November 10, 1987
Proposal publication date: August 25, 1987
For further information, please call
(512) 462-6420

Subchapter H. Approval of Off-Campus and Out-of-District Instruction for Public Colleges and Universities

★ 19 TAC §5.154

The Texas Higher Education Coordinating Board adopts an amendment to §5.154, without changes to the proposed text published in the August 25, 1987, issue of the *Texas Register* (12 TexReg 2841).

The amendment improves the quality in out-of-district course and program offerings.

The amendment requires institutions participating in out-of-district instruction to conduct a self-study of such instruction and develop and submit to the coordinating board for approval an institutional plan that outlines how the institution will assure that all quality standards are met.

Two comments were received regarding adoption of the amendment. One comment was received from Brazosport College and one from Alvin Community College. Both mentioned concerns that library resources could not be equal to those on campus when located at off-campus prison sites.

The amendment is adopted under the Education Code, §61.051, which provides the coordinating board with the authority to adopt rules regarding approval of off-campus and out-of-district instruction for public colleges and universities.

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 October 19, 1987

TRD-8709178 James McWhorter
Assistant Commissioner
for Administration
Texas Higher Education
Coordinating Board

Effective date: November 10, 1987
Proposal publication date: August 25, 1987
For further information, please call
(512) 462-6420.

★ 19 TAC §5.157

The Texas Higher Education Coordinating Board adopts an amendment to §5.157, with changes to the proposed text published in the August 25, 1987, issue of the *Texas Register* (12 TexReg 2843).

The amendment is justified because the public could be spared the expense of funding inappropriate credit courses (such as credit for foreign travel). Changes were made to the implied subsection (a) paragraph (1), and paragraph (2).

Course approvals and disapprovals will be carried out by the commissioner of higher education rather than being monitored by the universities and colleges as is permitted under present rules.

Frank W. Abbott, Sul Ross State University; Charlie Brice, East Texas State University; James P. Duncan, University of Texas System; Richard McCrary, Dallas County Community College District; William H. Mobley, Texas A&M University System; Mike Orenduff, West Texas State University; R. A. Reiner, Sam Houston State University; and Bernhard T. W. Sedate, Odessa College, made comments in favor of the amendment. David E. Golden, North Texas State University; and Bob C. Holcomb, Angelo State University, made comments against the amendment. Those who commented against the amendment had reservations about the minimum number of students that had to be enrolled. The board agreed with the reservations, and a change was made accordingly. Those opposing the amendment preferred to continue with the present section, which delegated to the institution approval of out-of-state classes when they have an approved plan on file with the board. The board disagrees because it had been found necessary to monitor the courses here rather than delegate the monitoring to the institutions. Those supporting the amendment all agreed that the guidelines were acceptable.

The amendment is adopted under the Texas Education Code, §61.051, which provides the Texas Higher Education Coordinating Board with the authority to adopt rules regarding approval of out-of-state classes.

§5.157. Approval of Out-of-State Classes. The coordinating board recognizes the importance of improved international and intercultural understanding for the educational development of Texas citizens and for the economic well being of the state. However, the board also recognizes the necessity to assure that state support is pro-

vided only for legitimate educational activities and not primarily for recreational or travel experience for students and faculty. Therefore, all state-funded out-of-state classes offered for credit by Texas public institutions of higher education must be approved by the commissioner of higher education by the following procedure and criteria in order for the semester credit hours or the contact hours to be used for formula calculation purposes. Thesis or dissertation classes are to be reported as on-campus classes. All self-supported courses for which no state funds are expended may be taught without prior approval by the commissioner.

(1) Procedure. Each public institution wishing to obtain state funding for credit classes offered outside the State of Texas must submit to the commissioner annually for each out-of-state course an application for state funding which demonstrates that the course meets the criteria in paragraph (2) of this subsection.

(2) Criteria. The commissioner's approval of state-funded out-of-state credit classes for state support may be granted to those institutions whose course requests meet the following criteria.

(A) No courses which offer credit primarily for travel recreation, or pleasure may be authorized.

(B) No out-of-state classes may be offered to serve non-Texas residents unless they are degree candidates at the institution, and they must be charged the nonresident or foreign student tuition as established by law.

(C) No student may be eligible to enroll in an out-of-state class unless the student has satisfied all institutional and degree program admission requirements and has paid all appropriate fees.

(D) (No change.)

(E) No class may be scheduled outside the state except to utilize academic, cultural, or physical resources not reasonably available in Texas.

(F) The instruction in all authorized out-of-state classes must conform to all relevant academic policies at the institution. All courses must conform to the institution's workload and enrollment requirements, its contact hour/credit ratio, and similar matters.

(G) Instruction normally will be provided by regular faculty of the institution and invariably will be supervised by the appropriate institutional personnel. Exceptions may be made to take advantage of uniquely qualified personnel at the out-of-state location if the institution provides for individual justification and approval by the appropriate faculty or institutional officials.

(H) Motivation for the offering of courses must be educational, not entrepreneurial, and may not result in improper advantage or financial gain for participating faculty and staff. Out-of-state classes must emphasize their instructional nature. Any course advertised or marketed to create the

impression that it is primarily a credit-for-travel experience will be disallowed.

(I) Any free tickets for travel, accommodations, or other expenses provided by travel agents, carriers, or hotels must take the form of payments to the sponsoring institution and not be made as gifts to faculty members or their families. State funds may not be used for faculty or student travel, meals and lodging, or other incidental expenses associated with the out-of-state instruction.

(J) Financial aid must be available to students registering for out-of-state classes on the same basis as it would be for such students seeking financial aid for on-campus instruction. Additional student financial aid may be furnished by the institution as appropriate.

(K) No class will be eligible for state funding unless it enrolls at least 15 students who are eligible for state funding, provided, however, that the commissioner may approve smaller classes if unusual circumstances would justify the added costs to the state.

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 October 19, 1987.

TRD-8709174

James McWhorter
Assistant Commissioner
Administration
Texas Higher Education
Coordinating Board

Effective date: November 10, 1987
Proposal publication date: August 25, 1987
For further information, please call
(512) 462-6420.

Subchapter K. Private Degree-Granting Institutions Operating in Texas

★ 19 TAC §5.221

The Texas Higher Education Coordinating Board adopts an amendment to §5.221, without changes to the proposed text published in the August 25, 1987, issue of the *Texas Register* (12 TexReg 2844).

The amendment is justified because the public will benefit by the payment of a fee for service rendered to an institution seeking amendment to its certificate of authority.

The section sets out regulations regarding the statutory fee that the board charges to an institution seeking an amendment to its certificate of authority.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, Chapter 61, Sub-

chapter G, which provides the Texas Higher Education Coordinating Board with the authority to adopt rules regarding administrative procedures for nonexempt institutions.

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 October 19, 1987.

TRD-8709177

James McWhorter
Assistant Commissioner
for Administration
Texas Higher Education
Coordinating Board

Effective date: November 10, 1987
Proposal publication date: August 25, 1987
For further information, please call
(512) 462-6420.

Chapter 21. Student Services Subchapter B. Determining Residence Status

★ 19 TAC §21.27

The Texas Higher Education Coordinating Board adopts an amendment to §21.27, without changes to the proposed text published in the August 25, 1987, issue of the *Texas Register* (12 TexReg 2831).

The amendment encourages outstanding nonresident students to enroll in the programs.

The amendment allows eligible students to register by paying the resident rather than nonresident tuition rate.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Education Code, Chapter 54, Subchapter B, which provides the coordinating board with the authority to adopt rules regarding competitive academic scholarship recipients.

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 October 19, 1987.

TRD-8709179

James McWhorter
Assistant Commissioner
for Administration
Texas Higher Education
Coordinating Board

Effective date: November 10, 1987
Proposal publication date: August 25, 1987
For further information, please call
(512) 462-6420.

★ 19 TAC §21.28

The Texas Higher Education Coordinating Board adopts an amendment to §21.28, with changes to the proposed text published in the August 25, 1987, issue of the *Texas Register* (12 TexReg 2831).

The amendment addresses the concern that Mexican students unable to attend Texas institutions due to recent tuition increases and devaluations of the peso should be able to return for higher education. The amendment improves international relations by allowing eligible students to pay resident tuition rather than the nonresident rate. Changes to the proposed text appear in subsection (b).

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Education Code, Chapter 54, Subchapter B, which provides the coordinating board with the authority to adopt rules regarding tuition reciprocity with bordering states.

§21.28. *Tuition Reciprocity with Bordering States.*

(a) Residents of a state bordering Texas. Nonresidents who are residents of a state of the United States bordering Texas are entitled to pay Texas resident rates upon registering in any Texas public junior college if the district of such college includes any part of a county that is immediately adjacent to the state of the United States in which the nonresidents reside providing that Texas residents are entitled to pay in-state fees and charges at a similar school in the bordering state. Nonresident students described in this section shall be entitled to pay Texas resident rates at a Texas public senior upper level institution of higher education (those institutions offering only junior, senior, and graduate level programs) which is located within the Texas public junior college district from which the nonresident students have graduated or completed 45 semester credit hours, provided that Texas residents are entitled to pay in-state fees and charges at a similar institution in the bordering state.

(b) Citizens of Mexico. A citizen of Mexico who is admitted to the United States for the purpose of attending an institution of higher education and who demonstrates a financial need after the resources of the student and the student's family are considered is eligible to pay tuition equal to that charged Texas residents when enrolling at the University of Texas at El Paso, Pan American University, Pan American University at Brownsville, Laredo State University, and Sul Ross State University.

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 October 19, 1987.

TRD-8709183

James McWhorter
Assistant Commissioner
for Administration
Texas Higher Education
Coordinating Board

Effective date: November 10, 1987
Proposal publication date: August 25, 1987
For further information, please call
(512) 462-6420



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 §21.51-21.65

The Texas Higher Education Coordinating Board adopts the repeal of §21.51-21.65 without changes to the proposed text published in the August 25, 1987, issue of the *Texas Register* (12 TexReg 2845).

The sections are being repealed and rewritten so that improved eligibility requirements are realized to reduce the number of greater risk borrowers and in improved repayment requirements for borrowers.

These repeals allow new sections to be adopted which implement new federal rules for the Guaranteed Student Loan, Supplemental Loans for Students, and Health Education Assistance Loan portfolios; enable the loan program to use new application forms and procedures of its guarantor; and enable implementation of the College Access Loan and Health Education Loan portfolios authorized by the passage of Senate Bill 81 in the 70th Legislature, 1987, Special Session.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Education Code, Chapter 52, which provides the Coordinating Board with the authority to adopt rules regarding the Hinson-Hazlewood College Student Loan Program, Loans which are subject to the provisions of the guaranteed Student Loan Program, the College Access Loan Program, the Health Education Assistance Loan Program, and the Health Education 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.

Issued in Austin, Texas, on October 19, 1987.

TRD-8709181

James McWhorter
Assistant Commissioner
Administration
Texas Higher Education
Coordinating Board

Effective date: November 10, 1987
Proposal publication date: August 25, 1987
For further information, please call
(512) 462-6420.



The Texas Higher Education Coordinating Board adopts new §§21.51-21.65 without changes to the proposed text published in the August 25, 1987, issue of the *Texas Register* (12 TexReg 2845).

The new sections are justified because improved eligibility requirements will result in a reduction of the number of greater risk borrowers and in improved repayment requirements for borrowers. The two new portfolios improve access to higher education for certain categories of students.

The new sections enable the program to streamline its application processing for borrowers and institutions. They also enable the program to obtain credit reports on certain borrowers to qualify them for a loan, to verify enrollment status of certain categories of borrowers, to bring loan periods, minimum repayments, late charges, and collections changes in line with new federal guidelines in the Health Education Assistance Loan (HEAL) portfolio and to increase the number of deferment types in the guidelines in the Guaranteed Student Loan (GSL) portfolio. The new sections regarding the college access loan portfolio enable certain students to matriculate who might not have been able to. New sections regarding the health education loan portfolio enables the program to issue uninsured loans to students in certain health-related fields when federal insurance authorization has been exhausted.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Education Code, Chapter 52, which provides the Coordinating Board with the authority to adopt rules regarding the Hinson-Hazlewood College Student Loan Program for all Loans Which are Subject to the Provisions of the Guaranteed Student Loan Program, the College Access Loan Program, the Health Education Assistance Loan Program, and the Health Education 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.

Issued in Austin, Texas, on October 19, 1987

TRD-8709180

James McWhorter
Assistant Commissioner
for Administration
Texas Higher Education
Coordinating Board

Effective date: November 10, 1987
Proposal publication date: August 25, 1987
For further information, please call
(512) 462-6420.



Subchapter L. Congressional Teacher Scholarship Program

★ 19 TAC §§21.307, 21.308, 21.310, 21.316

The Texas Higher Education Coordinating Board adopts amendments to §§21.307, 21.308, 21.310, and 21.316, without changes to the proposed text published in the August 25, 1987, issue of the *Texas Register* (12 TexReg 2846).

The amendments broaden priorities in selecting recipients by the governor's panel as a result of changes, and undue burdens on institutions are relieved.

The amendments facilitate initial application processing at the institutional level and bring state rules into line with new federal rules establishing teacher shortage areas, rather than certain schools in economically depressed areas of the state, as a criterion for priorities for the governor's panel.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Education Code, §61.068, which provides the coordinating board with the authority to adopt rules regarding the congressional teacher scholarship program.

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

Issued in Austin, Texas, on October 19, 1987.

TRD-8709182

James McWhorter
Assistant Commissioner
for Administration
Texas Higher Education
Coordinating Board

Effective date: November 10, 1987
Proposal publication date: August 25, 1987
For further information, please call
(512) 462-6420.



TITLE 22. EXAMINING BOARDS Part IV. Texas Cosmetology Commission Chapter 83. Sanitary Rulings

★ 22 TAC §83.3

The Texas Cosmetology Commission adopts an amendment to §83.3 with changes to the proposed text published in the June 19, 1987, issue of the *Texas Register* (12 TexReg 1965).

The section is directly in accordance with the sanitary provisions of the Texas Cosmetology Commission that must be followed by cosmetology students, examination applicants, schools of cosmetology, and salons.

The amendment aids in the clarification of the section and saves confusion due to misinterpretation.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, §4, which provide the Texas Cosmetology Commission with the authority to promulgate rules.

§83.3. *Proper Quarters.*

(a) (No change.)

(b) Linoleum or tile floors must be tight with no broken areas or badly worn spots. Walls and fixtures shall be of a sanitary nature. There must be evidence of routine cleaning and proper maintenance. Hair cuttings must be immediately swept up and deposited in a disposal receptacle when the haircut is finished. Carpeting is not allowed in shampoo and working areas, but is allowed in reception, dryer, manicuring, and facial areas, provided that it is cleaned on a regular basis and kept in a sanitary condition. Those establishments that currently have carpeting in the shampoo and work areas are not required to remove said carpeting until such time as it can no longer be maintained in a sanitary condition. Floors shall be constructed of smooth, hard finished materials, such as quarry, tile, terrazzo, ceramic tile, etc., or covered with washable composition materials such as rubber base greaseless asphalt tile, or commercial grade linoleum or tile may be used. All of the floors in the establishment shall be graded. No carpet shall be permitted closer than six feet from the outermost edge of the working station. No carpet shall be permitted in the dispensary area, as it is part of the clinic floor, and no carpet shall be permitted from the shampoo bowl to the extended end of the shampoo chair.

(c)-(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 October 19, 1987

TRD-8709153

Delores L. Alspaugh
Interim Executive
Director
Texas Cosmetology
Commission

Effective date: November 9, 1987
Proposal publication date: June 19, 1987
For further information, please call
(512) 463-5542.



Chapter 89. General Provisions

★ 22 TAC §§89.28, 89.30, 89.31

The Texas Cosmetology Commission adopts amendments to §§89.28, 89.30, and 89.31, without changes to the proposed text published in the September 18, 1987, issue of the *Texas Register* (12 TexReg 3255).

The sections are directly in accordance with the general provisions of the Texas Cosmetology Commission that must be followed by cosmetology students, examination applicants, and schools of cosmetology.

The amendments aid in clarifying the statutes and save confusion due to misinterpretation.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 8451a, §4, which provide the Texas Cosmetology Commission with the authority to promulgate rules.

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

Issued in Austin, Texas, on October 19, 1987.

TRD-8709152

Delores L. Alspaugh
Interim Executive
Director
Texas Cosmetology
Commission

Effective date: November 9, 1987
Proposal publication date: September 18, 1987
For further information, please call
(512) 463-5542.



★ 22 TAC §89.35

The Texas Cosmetology Commission adopts an amendment to §89.35 with changes to the proposed text published in the June 19, 1987, issue of the *Texas Register* (12 TexReg 1966).

The section is directly in accordance with the general provisions of the Texas Cosmetology Commission that must be

followed by examination applicants who wish to take the state board examination

The amendment aids in clarification of the section so that examinees will be properly attired and will not be turned away from taking the exam.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8451a, §4, which provide the Texas Cosmetology Commission with the authority to promulgate rules

§89.35. *Uniforms.*

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

(c) Applicants for a commission examination must appear in black, brown, or navy dress slacks or black, brown, or navy knee length skirt (no jeans), dark colored shoes, a clean white shirt or blouse, and a clean white professional type three-quarter length lab coat with either short or long sleeves. The attire shall not bear any writing or other identifying marks. Applicants not in the prescribed uniform will not be admitted to the exam floor. Tank tops and bare feet are not allowed. This section becomes effective January 1, 1988.

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 October 19, 1987

TRD-8709154 Delores L. Alspaugh
Interim Executive
Director
Texas Cosmetology
Commission

Effective date: November 9, 1987
Proposal publication date: June 19, 1987
For further information, please call
(512) 463-5542.



Part IX. State Board of Medical Examiners Chapter 161. General Provisions

★22 TAC §161.1

The Texas State Board of Medical Examiners adopts new §161.1, with changes to the proposed text published in the September 8, 1987, issue of the *Texas Register* (12 TexReg 3082).

The new section is designed to keep order and decorum, not to restrict, public access to the board meeting room and office areas. The language specifies how meetings are to be conducted relative to members of the public (including journalists) being present. It explains right of access, procedures for recording board proceedings, and the conducting of interviews.

It is anticipated that the new section will provide for orderly meetings while providing ample access to both the board room and to board members who may be interviewed

WFAATV, the Health Freedom Council, and Common Cause made comments against the new section. There was objection to the prohibition of electrical outlet use, to the assembly and disassembly of camera equipment while the board is conducting business, to prohibition of conducting interviews in office hallways, to prohibition of gum chewing, to when camera lights should be on/off, to the determination of who is or is not conducting themselves properly, and to the microphone positioning.

The agency reconsidered the proposed language relating to gum chewing and electrical outlets and voted to omit that portion of the text. However, on other issues, it was pointed out that there are safety considerations to be remembered, as well as limited access in and to the boardroom.

The new section 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 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

§161.1. *Meetings.*

(a)-(i) (No change.)

(j) Meetings of the board and of its committees are open to the public unless such meetings are conducted in executive session pursuant to Texas Civil Statutes, Article 6252-17. In order that board meetings may be conducted safely, efficiently, and with decorum, members of the public shall refrain at all times from smoking or using tobacco products, eating, or reading newspapers and magazines. Members of the public may not engage in disruptive activity that interferes with board proceedings, including excessive movement within the meeting room, noise or loud talking, and resting of feet on tables and chairs. The public shall remain within those areas of the board's offices designated as open to the public. Members of the public shall not address or question board members during meetings unless recognized by the board's presiding officer pursuant to a published agenda item.

(k) Journalists have the same right of access as other members of the public to board meetings conducted in open session, and are also subject to the rules of conduct described in subsection (j) of this section. Observers of any board meeting may make audio or visual recordings of such proceedings conducted in open session subject to the following limitations. The board's presiding officer may request periodically that camera operators extinguish their ar-

tificial lights to allow excessive heat to dissipate. Camera operators may not assemble or disassemble their equipment while the board is in session and conducting business. Persons seeking to position microphones for recording board proceedings may not disrupt the meeting or disturb participants. Journalists may conduct interviews in the reception area of the board's offices or, at the discretion of the board's presiding officer, in the meeting room after recess or adjournment. No interviews may be conducted in the hallways of the board's offices. The board's presiding officer may exclude from a meeting any person who, after being duly warned, persists in conduct described in this subsection and subsection (j) of this section

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

Issued in Austin, Texas, on October 20, 1987.

TRD-8709207 G. V. Brindley, Jr.
Executive Director
Texas State Board of
Medical Examiners

Effective date: November 10, 1987
Proposal publication date: September 8, 1987
For further information, please call
(512) 452-1078



Chapter 163. Licensure

★22 TAC §163.4, §163.9

The Texas State Board of Medical Examiners adopts amendments to §163.4 and §163.9. The amendment to §163.9 is adopted with changes to the proposed text published in the September 8, 1987, issue of the *Texas Register* (12 TexReg 3083). The amendment to §163.4 is adopted without changes and will not be republished.

The amendments address the issue of training programs which are approved by the board, which training programs will be accepted for certification, and the post-residency programs which may be approved. The amendments also provide for licensure for applicants who have obtained extraordinary or unique training and who may not be required to pass otherwise requisite examinations.

The amendments to these sections will further clarify licensure requirements for those wishing to practice medicine in Texas

The Federation of State Medical Boards of the United States, Inc., and the Texas Medical Association commented against the amendments (It should be noted that those speaking stated that they were appearing as interested individuals as well as members of the above organizations.)

The board was urged to retain language in §163.9(g), which requires licensure ap-

licants who have not been examined for licensure or specialty certification or recertification within 10 years prior to licensure application to take further examination required by the board. Those speaking stated they did not feel this section inhibits licensure and that the section strengthens the licensure process in place in this state.

The agency, after due consideration, voted to retain the language which had been proposed for deletion, thereby agreeing with the comments presented

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 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

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

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

(g) 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 the FLEX, unless the applicant has obtained:

(1) 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; or

(2) through extraordinary circumstances, unique training, equal to the training required for specialty certification, as determined by a committee of the board and approved by the board.

(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 October 20, 1987

TRD-8709206 G V Brindley, Jr., M.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date November 10, 1987
Proposal publication date September 8, 1987
For further information, please call
(512) 452-1078

TITLE 34. PUBLIC
FINANCE

Part I. Comptroller of
Public Accounts

Chapter 3. Tax Administration
Subchapter B. Natural Gas
Production Tax

★34 TAC §3.16

The Comptroller of Public Accounts adopts an amendment to §3.16 with changes to the proposed text published in the August 25, 1987, issue of the *Texas Register* (12 TexReg 2848). The proposed text referred to a new section containing more detailed purchaser and/or processor reporting requirements. The change consists of a revised title to §3.17 which is referenced in subsection (a)(2).

No comments were received regarding adoption of the amendment.

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

§3.16. *Reports, Payments, and Due Dates.*

(a) Reports required.

(1) All first purchasers and/or processors must file reports in accordance with §3.12 of this title (relating to Purchaser and/or Processor Reporting Requirements).

(2) All producers, as defined by the Tax Code, §201.001(5) or §3.17 of this title (relating to Producer Reporting Requirements), having an average monthly tax liability of \$200 or more must file the producer's monthly report required by the Tax Code §201.203.

(3) (No change.)

(b)-(e) (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 October 19, 1987

TRD-8709149 Bob Bullock
Comptroller of Public
Accounts

Effective date November 9, 1987
Proposal publication date August 25, 1987
For further information, please call
(512) 463-4004

★34 TAC §3.17

The Comptroller of Public Accounts adopts the repeal of §3.17 without changes to the proposed text published in the August 25, 1987, issue of the *Texas Register* (12 TexReg 2849). The repeal allows a substantially revised section dealing with the same subject matter to be adopted

No comments were received regarding adoption of the repeal

The repeal is adopted under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2

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

Issued in Austin, Texas, on October 19, 1987.

TRD-8709147 Bob Bullock
Comptroller of Public
Accounts

Effective date: November 9, 1987
Proposal publication date: August 25, 1987
For further information, please call
(512) 463-4004.

The Comptroller of Public Accounts adopts new §3.17 without changes to the proposed text published in the August 25, 1987, issue of the *Texas Register* (12 TexReg 2849). The new section modifies producer reporting requirements. The changes were needed to enable producers to properly report their sales transactions in a market brought about by government creation of pipeline contract carriage.

No comments were received regarding adoption of the new section.

The new section is adopted under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

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

Issued in Austin, Texas, on October 19, 1987.

TRD-8709148 Bob Bullock
Comptroller of Public
Accounts

Effective date November 9, 1987
Proposal publication date August 25, 1987
For further information, please call
(512) 463-4004.

Part III. Teacher Retirement
System of Texas
Chapter 41. Insurance

★34 TAC §41.7

The Teacher Retirement System of Texas (TRS) adopts new §41.7 without changes to the proposed text published in the August 7, 1987, issue of the *Texas Register* (12 TexReg 2560).

The new section specifies the effective date of coverage for contributory and non-contributory coverage under the Texas Public School Retired Employees Group Health Insurance Program. The new section also provides for the effective date

of change in coverage, reductions in coverage, cancellation of coverage, and waivers of noncontributory coverage by retirees

The new section provides that certain coverage will start at a specific time (usually the first day of the following month) after the occurrence of a stated event (retirement, receipt of application, birth of second child). The same approach is used concerning effect dates of changes in coverage, reductions in coverage, cancellation of coverage, and waivers of noncontributing coverage (i.e.

cancellation of coverage is received and becomes effective at midnight on the last day of the month in which the signed cancellation notice is received).

The new section is adopted under the Insurance Code, Article 3.50-4, §5(a), which provides the board of trustees of the Teacher Retirement System of Texas with the authority to adopt rules necessary to implement the Texas Public School Retired Employees Group Insurance Program.

This agency hereby certifies that the rule as adopted has been reviewed by legal

counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on October 14, 1987.

TRD-8709091

Bruce Hineman
Executive Secretary
Teacher Retirement
System of Texas

Effective date: November 6, 1987
Proposal publication date: August 7, 1987
For further information, please call
(512) 397-6478.



State Board of Insurance Exempt Filings

State Board of Insurance Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

These actions become effective 15 days after

the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance has approved modifications to the rates for medical professional liability insurance written by the Texas Medical Liability Insurance Underwriting Association (Joint Underwriting Association). Overall rate increases of 12.9% for insurance for hospitals and other institutional health care providers and of 29.8% for insurance for physicians, surgeons, and other noninstitutional health care providers were ap-

proved.

The approved modifications take effect 15 days after the date of this publication.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on October 19, 1987.

TRD-8709185

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: November 12, 1987
For further information, please call
(512) 463-6327



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. 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 Antiquities Committee

Friday, November 13, 1987, 9:30 a.m. The Texas Antiquities Committee will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the committee will approve minutes of the September 11, 1987, TAC meeting; consider nomination and election of a new chairman; consider designation of state archeological landmarks for Hamilton Pool County Park archeological sites 41TV52, TV242, and TV1250; Landa Park and Landa Park Golf Course archeological sites 41CM172-177, Comal County; and City of Seabrook Shell Midden archeological site 41HR22, Harris County.

Contact: William C. Griggs, P.O. Box 176, Austin, Texas 78711, (512) 463-6098.

Filed: October 21, 1987, 9:31 p.m.
TRD-8709215

State Bar of Texas

Friday-Saturday, October 23-24, 1987, 9 a.m. daily. The Board of Directors of the State Bar of Texas made an emergency revision to the agenda for a meeting held in the Hilton Hotel, College Station. According to the agenda, the board considered the appeal of Robert M. Phillips from decision of Texas Board of Legal Specialization-Bill Vance. The emergency status was necessary because the information was not received in time to be filed with the original agenda, and it was urgent and necessary that it be considered at this board meeting.

Contact: Steven D. Peterson, 1414 Colorado Street, Austin, Texas 78711, (512) 463-1381.

Filed: October 21, 1987, 3:10 p.m.
TRD-8709237

Friday-Saturday, October 23-24, 1987, 9 a.m. daily. The Board of Directors of the State Bar of Texas submitted a revised agenda

for a meeting held in the Hilton Hotel, College Station. According to the agenda, the board considered budget proposal from lawyers' assistance program, amendment(s) to bylaws of Tex-Lex, Incorporated authorizing expansion of board of directors from 7 to 10 members, and lease of space for District 17-A Grievance Committee office.

Contact: Steve Peterson, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1381.

Filed: October 20, 1987, 3:39 p.m.
TRD-8709188

Bond Review Board

Monday, October 26, 1987, 9:30 a.m. The Board Alternates for the Bond Review Board met in emergency session in the Conference Room, Seventh Floor, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the board met in executive session to interview the candidates for the position of executive director of the State Bond Finance office. The emergency status was necessary because the board had difficulty in resolving scheduling problems.

Contact: Tom Adams, Sam Houston Building, 201 East 14th Street, Austin, Texas 78705, (512) 463-1778.

Filed: October 20, 1987, 1:40 p.m.
TRD-8709175

Credit Union Department

Friday-Saturday, October 30-31, 1987, 10 a.m. and 9 a.m., respectively. The Credit Union Commission of the Credit Union Department will meet at 914 East Anderson Lane, Austin. According to the agenda, the commission will receive minutes of the July 24, 1987, meeting, receive reports from the Rules Review Committee, regarding loan rules; Investments Committee, regarding investment rules; and staff, regarding surety bond requirements; consider proposed changes to §91.701, regarding loans, and §91.802, regarding other investments and an

inquiry relative to access to confidential files. The commission will also meet in executive session to discuss credit unions receiving special supervision and to receive a report on the handling of special investigations and an open planning session.

Contact: Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78753, (512) 837-9236

Filed: October 21, 1987, 12:28 p.m.
TRD-8709226

Texas Employment Commission

Wednesday, October 28, 1987, 8:30 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will approve minutes of the previous meeting; consider internal procedures of commission appeals and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Docket 43; and set date of next meeting.

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

Filed: October 20, 1987, 2:51 p.m.
TRD-8709187

State Department of Highways and Public Transportation

Wednesday-Thursday, October 28-29, 1987, 10 a.m. and 9 a.m., respectively. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet on the First Floor, Room 101-A, 11th and Brazos Streets, Dewitt C. Greer State Highway Building, Austin. According to the agenda, the commission will execute contract awards and routine minute orders, consider presentations from previous public hearing dockets, as necessary; and review staff reports relative to planning and construction programs and projects.

Contact: Lois Jean Turner, Dewitt C. Greer State Highway Building, Room 203, 11th and Brazos Streets, Austin, Texas 78705, (512) 463-8616.

Filed: October 20, 1987, 1:18 p.m.
TRD-8709168-8709189



State Board of Insurance

The State Board of Insurance will meet at 1110 San Jacinto Street, Austin, unless otherwise noted. Dates, times, rooms, and agendas follow.

Monday, November 2, 1987, 9:30 a.m. The board will meet in Room 414, to consider petitions for rate revisions for general liability insurance from hearing on October 13, 1987.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: October 20, 1987, 1:51 p.m.
TRD-8709186

Thursday, November 5, 1987, 10 a.m. The board will meet in Room 414, to consider Docket 1542—Appeal by Jerry D. Hering from commissioner's order 87-0454, and to conduct a public hearing thereon concerning disciplinary action against Jerry D. Hering and concerning a license as a legal reserve life insurance agent and revocation of that license.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: October 21, 1987, 3:09 p.m.
TRD-8709236

Monday, November 9, 1987, 9 a.m. The board will meet in the Hearing Room, DeWitt Greer Building, 11th and Brazos Streets, Austin. According to the agenda, the board will consider Docket 1557—possible adoption of 28 TAC §21.704 and §21.705 on rules concerning trade practices, unfair discrimination, and nondiscriminatory testing for human immunodeficiency virus, after public hearing under the Insurance Code, Articles 1.04 and 21.21.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: October 21, 1987, 9:07 a.m.
TRD-8709213



Texas Department of Labor and Standards

Thursday, October 29, 1987, 1:30 p.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, E.O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division will con-

sider suspension or revocation of the manufactured housing registration of Palm Harbor Homes and Desirable Housing, for alleged violation of the department's manufactured housing rules and regulations.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711 (512) 463-3127.

Filed: October 21, 1987, 2:28 p.m.
TRD-8709232

Thursday, October 29, 1987, 2:30 p.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, E.O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division will consider suspension or revocation of the manufactured housing registration of Fleetwood Homes and Texan Manufactured Homes, also known as Lone Star Housing Inc., for alleged violation of the department's manufactured housing rules and regulations.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711 (512) 463-3127.

Filed: October 21, 1987, 2:28 p.m.
TRD-8709231

Wednesday, November 4, 1987, 10 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, E.O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division will consider suspension or revocation of the manufactured housing registration of Donald West Neal for alleged violation of the department's manufactured housing rules and regulations.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711 (512) 463-3127.

Filed: October 21, 1987, 2:27 p.m.
TRD-8709234

Friday, November 6, 1987, 10 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 4005, G.J. Sutton Building, Room 4005, San Antonio. According to the agenda, the division will consider suspension or revocation of the manufactured housing registration of Shelter America for alleged violations of the department's manufactured housing rules and regulations.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711 (512) 463-3127.

Filed: October 21, 1987, 2:27 p.m.
TRD-8709235



Thursday, November 19, 1987, 10 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet at 1314-B South Clossner, Edinburg. According to the agenda, the division will consider suspension or revocation of the manufactured housing registration of Amer-

ican Mobile Homes for alleged violation of the department's manufactured housing rules and regulations.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711 (512) 463-3127.

Filed: October 21, 1987, 2:28 p.m.
TRD-8709233

Lamar University System-Board of Regents

Thursday, October 22, 1987, 1 p.m. The Board of Regents of Lamar University System made an emergency revision to the agenda for a meeting held in the Map Room, John Gray Institute, 855 East Florida, Beaumont. According to the agenda summary, the Personnel Committee considered appointment of president for the John Gray Institute. The emergency status was necessary to finalize selection of new president.

Contact: George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: October 21, 1987, 10:36 a.m.
TRD-8709218



Board of Pardons and Paroles

Monday, October 26, 1987, 9:30 a.m. The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board considered and took action on revised contract recommendations for halfway house facilities. The emergency status was necessary because halfway house contracts expire November 1, 1987.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: October 21, 1987, 4:48 p.m.
TRD-8709238



Texas State Board of Physical Therapy Examiners

Wednesday, November 4, 1987, 1 p.m. The Texas State Board of Physical Therapy Examiners will meet in Room 101, Reagan Building, 14th Street and Congress Avenue, Austin. According to the agenda, the board will receive testimony and public comments on rules proposed by the board regarding continuing education for license renewal, written, oral, and/or practical examinations for licensure, second issuance of a temporary license, licensure by endorsement, precondition for temporary licensee prior to initiating treatment, fee changes, and revocation of a license or discipline of a licensee. All comments and matters presented will be heard by the board and will be considered by the board prior to adoption of the proposed rules. Related comments may be submitted in writing to Lois M. Smith, Executive Director, 1300 East Anderson Lane, Building Suite 260, Austin, Texas 78752.

Contact: Lois M. Smith, 1300 East Anderson Lane, Building C, Suite 260, Austin, Texas 78752, (512) 835-1846.

Filed: October 22, 1987, 9:25 a.m.
TRD-8709242

Public Utility Commission of Texas

The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Dates, times, and agendas follow.

Friday, November 13, 1987, 1:30 p.m. The Hearings Division will consider Docket 7489—Application of General Telephone Company of the Southwest for amendments of its 976 service tariff.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 21, 1987, 1:48 p.m.
TRD-8709228

Tuesday, November 17, 1987, 1:30 p.m. The Hearings Division will consider Docket 7555—Complaint of Dallas County Youth Village against Texas Utilities Electric Company.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 21, 1987, 1:48 p.m.
TRD-8709229

Monday, December 7, 1987, 10 a.m. The Hearings Division will consider Docket 7582—Application of Houston Lighting and Power Company for approval of deferred accounting treatment for the South Texas Project Unit 1.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: October 21, 1987, 1:47 p.m.
TRD-8709230

The Texas A&M University System, Board of Regents

Wednesday, November 11, 1987, 1 p.m. The Committee for Academic Campuses of the Texas A&M University System, Board of Regents will meet in the President's Conference Room, Second Floor, Administration Building, Prairie View A&M University, Prairie View. According to the agenda, the committee will review the academic programs and plans for Prairie View A&M University.

Contact: Vickie E. Burt, College Station, Texas 77843, (409) 845-9603

Filed: October 22, 1987, 9:27 a.m.
TRD-8709240

University of Houston System

Wednesday, October 28, 1987, 8 a.m. The Board of Regents of the University of Houston System will meet in the Zodiac Room, Conrad Hilton College Hotel, University of Houston, 4800 Calhoun, Houston. According to the agenda summary, the board will approve minutes of the previous meeting; consent docket; consider resolutions, master degrees, personnel recommendations, emeriti appointment, continuance beyond retirement age, dual employment, and appointment to policy board; hear various reports; consider computer fee, fee changes, purchase of various equipment, exception to purchase order rule, replacement of computing system, certificate of deposit, various contracts, amendment to bylaws, addition to board policies, building preservation and beautification, construction change orders, and agreement between UH Foundation and UH System.

Contact: Micheal T. Johnson, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: October 22, 1987, 9:24 a.m.
TRD-8709241

The University of Texas at Austin

Monday, October 26, 1987, 3 p.m. The Intercollegiate Athletics Council for Men at The University of Texas at Austin will meet in Bellmont Hall 240, 23rd and San Jacinto Streets, Austin. According to the agenda summary, the council will approve minutes of the September 21, 1987, meeting; approve schedules and schedule changes; consider academics, tickets and ticket policies, budget and budget changes, new business, construction, development, and old business. The council will also meet in executive session.

Contact: Haila Kauffman, P.O. Box 7399, Austin, Texas 78713, (512) 471-4439.

Filed: October 21, 1987, 12:07 p.m.
TRD-8709225

Texas Water Commission

The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Dates, times, rooms, and agendas follow.

Wednesday, October 22, 1987, 2 p.m. The commission made an emergency revised agenda to a meeting held in Room 118, to consider application by Grand Prairie Metropolitan Utility and Reclamation District for a \$11.121 permit, Dallas County, Trinity River Basin. The emergency status was necessary inasmuch as the notice of hearing was sent out reflecting this item be considered for final decision on October 20, 1987, the commission deems it necessary to take action in order to avoid unnecessary additional expenses to the applicant.

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: October 21, 1987, 9:52 a.m.
TRD-8709217

Monday, November 9, 1987, 10 a.m. The Office of Hearings Examiner will meet in Room 1149A to conduct a public hearing on the rate increase of Villa Utilities, Inc., Docket 7293-G.

Contact: Ann F. MacMurray, P.O. Box 13087, Capitol Station, Austin, Texas 78711, (512) 463-7875.

Filed: October 21, 1987, 11:43 a.m.
TRD-8709222

Wednesday, December 2, 1987, 10 a.m. The commission will meet in Room 118, to consider petition for creation of Beltway Eight Municipal Utility District #3, containing 372.796 acres of land.

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: October 20, 1987, 4:08 p.m.
TRD-8709202

Wednesday, December 2, 1987, 10 a.m. The commission will meet in Room 118, to consider petition for creation of Beltway Municipal Utility District #1, containing 394.206 acres of land.

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: October 20, 1987, 4:07 p.m.
TRD-8709203

Wednesday, December 2, 1987, 10 a.m. The commission will meet in Room 118, to consider petition for creation of Beltway Eight Municipal Utility District #2, containing 502.576 acres of land.

Contact: Karen A. Phillips, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: October 20, 1987, 4:07 p.m.
TRD-8709204

Regional Agencies

Meetings Filed October 20

The Deep East Texas Regional Mental Health and Mental Retardation Services, Board of Trustees, will meet in the Ward R. Burke Community Room, Administration Facility, 4101 South Medford Drive, Lufkin, on October 27, 1987, at 5 p.m. Information may be obtained from Jim McDermott, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141.

The Sabine River Authority of Texas, Board of Directors, will meet in the Meeting Room, Shelby County Savings and Loan, Center, on October 27, 1987, at 10 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (713) 883-9334.

TRD-8709167

Meetings Filed October 21

The Central Counties Center for Mental Health and Mental Retardation Services, Board of Trustees, will meet at 304 South 22nd Street, Temple, on October 27, 1987, at 7:45 p.m. Information may be obtained from Micheal K. Muegge, P.O. Box 518, Temple, Texas 76503, (817) 778-4841.

The Central Texas Mental Health and Mental Retardation Center, Board of Trustees, met at 408 Mulberry Drive, Brownwood, on October 26, 1987, at 4:30 p.m. Information may be obtained from Don Jones, P.O. Box 250, Brownwood, Texas 76801, (915) 646-9574 ext. 102.

The Colorado River Municipal Water District, Board of Directors, will meet in the Stacy Dam Site Field Office, Coleman County, on October 28, 1987, at 10:30 a.m. Information may be obtained from O.H. Ivie, P.O. Box 869, Big Spring, Texas 79720, (915) 267-6341.

The Education Service Center, Region XIII, Board of Directors, met in Room 205, 5701 Springdale Road, Austin, on October 26, 1987, at 1 p.m. Information may be obtained from Joe Parks, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300.

The Edwards Underground Water District, Board of Directors, met at 1615 North St. Mary's Street, San Antonio, on October 26, 1987, at 9 a.m. Information may be obtained from Thomas P. Fox, 1615 North St. Mary's Street, San Antonio, Texas 78212, (512) 222-2204.

The Hays County Appraisal District, Board of Directors, will meet in the Municipal Building, 632 "A" East Hopkins, San Marcos, on October 26, 1987, at 5 p.m. Information may be obtained from Lynnell Sedlar, 632 "A" East Hopkins, San Marcos, Texas 78666, (512) 754-7400.

The Heart of Texas Private Industry Council, met at 320 Franklin Avenue, Waco, on October 26, 1987, at noon. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701-2297, (817) 756-6631.

The Liberty County Central Appraisal District, Board of Directors, will meet at 1820 Sam Houston, Liberty, on October 28, 1987, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722.

The Lubbock Regional Mental Health and Mental Retardation Center, Board of Trustees, met at 3801 Avenue J, Lubbock, on October 26, 1987, at 11:30 a.m. Information may be obtained from Gene Menelee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 766-0202.

The North Central Texas Council of Governments and TWC, Public Hearing on 1988 Annual Water Quality Management Plan, will meet on the Second Floor, Centerpoint Two, 616 Six Flags Drive, Arlington, on December 3, 1987, at 9 a.m. Information may be obtained from John Promise, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

The Panhandle Ground Water Conservation District #3, Board of Directors, met at 300 South Omohundro, White Deer, on October 26, 1987, at 7 p.m. Information may be obtained from Gary L. Walker, P.O. Box 637, White Deer, Texas 79097, (806) 883-2501.

The San Jacinto River Authority, Board of Directors, will meet in the Conference Room, Lake Conroe Building, Highway 105 West, Conroe, on November 27, 1987, at 2 p.m. Information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77304, (409) 588-1111.

The West Central Texas Council of Governments, Executive Committee, will meet at 1025 East North 10th, Abilene, on October 28, 1987, at 12:45 p.m. Information may be obtained from Brad Helbert, P.O. Box 319, Abilene, Texas 79604, (915) 672-8544.
TRD-8709216



Meetings Filed October 22

The Gulf Bend Mental Health and Mental Retardation Center, Board of Trustees, will meet at 1404 Village Drive, Victoria, on October 29, 1987, at noon. Information may be obtained from Bill Dillard, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611.

The Texas Panhandle Mental Health Authority, Board of Trustees, will meet in the Killgore Atrium, 1200 Wallace Boulevard, Amarillo, on October 28, 1987, at 1 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet in the MR Services Division, Suite B-1, 450 East Loop 281, Longview, on November 2, 1987, at 7 p.m. Information may be obtained from Ron Cookston, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The Trinity River Authority of Texas, Board of Directors and Red Oak Creek Regional Wastewater System Right-Of-Way Committee, will meet at 5300 South Collins, Arlington, on October 28, 1987, at 10 a.m. and 12:30 p.m., respectively. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

TRD-8709239



Name: Gloria Saldana
Grade: 6
School: Dawson Elementary School,
Austin



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 Request for Proposals

The Texas Department of Agriculture (TDA) invites proposals for projects using integrated pest management. As required by Rider Number 25 to TDA's appropriation in Senate Bill 1, 70th Legislature, 1987, proposals must be made by a multi-purpose, multi-county pest management organization. The legislature has appropriated approximately \$140,000 as the maximum amount that TDA can award. TDA will consider dividing the funding among several applicants if appropriate. Each proposal must include a one-page project summary; a review of previous work related to the project; a detailed project description encompassing a general work plan and rationale; a specific work plan which highlights each activity and the proposed impact of the state funds on integrated pest management; a description of the statewide impact of the project; information on the historical background of the organization; a bibliography of references used to write the project description; biographical information about principals; a project timeline; and a detailed project budget. Upon completion of the project, a detailed project report will be due within six weeks. Plans for meeting this reporting requirement must be included with the project proposal. All awards are subject to audit by TDA.

TDA is soliciting projects that expand the use of integrated pest management in agricultural, urban, forest, or other areas of pest control. TDA will favor projects which show a need for public funding and which show long-term sustainability or broad public benefits without continued public funding.

Proposals should be submitted to Max Woodfin, Executive Assistant, Regulatory Division, Texas Department of Agriculture, P. O. Box 12847, Austin, Texas 78711, (512) 463-7664. Woodfin may also be contacted for additional information about preparing the proposal.

Proposals must be submitted no later than 5 p.m., November 16, 1987.

The Texas Department of Agriculture will use a competitive bid process in contracting for programs. Analysis of proposals will be made based on the requirements listed previously. Contracts may be awarded to more than one program.

Issued in Austin, Texas, on October 19, 1987

TRD-8709184 Richard Lowerre
Assistant Commissioner
Regulatory Division
Texas Department of Agriculture

Filed October 20, 1987
For further information, please call (512) 463-7583.

Attorney General's Office Correction of JM-746A

In Attorney General Opinion JM-746, published in the July 28, 1987, issue of the *Texas Register* (12 TexReg 2462), it was erroneously stated that the Department of Health was charged with defining required health-care services under the Act, §1.06. It is the Department of Human Services, not the Department of Health, that has that responsibility.



Texas Department of Commerce Texas Department of Commerce Ad Agency Invitation

All interested parties are hereby notified that the Texas Department of Commerce has begun the process of selecting an advertising agency to assist its Tourism Division in marketing and promoting tourism to the State of Texas. The successful vendor will be responsible for promoting and advertising, by means of radio, television, and newspapers and other means deemed appropriate, tourism to Texas by non-Texans, including persons from foreign countries, and to promote travel by Texans to the state's scenic, historical, natural, agricultural, educational, recreational, and other attractions; and for conducting, in the broadest sense, a public relations campaign to create a responsible and accurate national and international image of Texas.

After review of the submissions, the Texas Department of Commerce board of directors will make a selection based upon the advertising agency's ability to perform and to meet criteria set forth by the department.

Interested parties must contact Jim Farmer, Texas Department of Commerce, Tourism Division, P.O. Box 12008, Austin, Texas 78711, (512) 462-9191, before November 15, 1987, in order to receive further information and instructions.

Issued in Austin, Texas, on October 19, 1987

TRD-8709140 J. W. Lauderback
Executive Director
Texas Department of Commerce

Filed October 19, 1987
For further information, please call (512) 472-5059.



Weekly Report on the 1987 Allocation of the State Ceiling on Certain Private Activity Bonds

The Tax Reform Act of 1986 (the "Tax Act") imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1987, is \$1,227,750,000.

State legislation, Senate Bill 1382, 70th Legislature, 1987 was passed, effective June 20, 1987, to establish the allocation process for the State of Texas. The Act specifies that prior to October 1, 1987, of the state ceiling is available exclusively for issuers of qualified mortgage bonds. One-fourth of the state ceiling is available exclusively for state-voted issues, and the balance of the state ceiling is available for all other issuers of bonds requiring an allocation. On and after October 1, that portion of the state ceiling available for reservations shall become available to any issuer for any bonds requiring an allocation.

Generally, the state ceiling is allocated on a first-come, first-served basis, with the Texas Department of Commerce (the department) administering the allocation system.

The information that follows is a weekly report of the allocation activity for the period, October 12, 1987-October 16, 1987.

Total amount of the \$1,227,750,000 state ceiling remaining unreserved as of October 16, 1987: \$779,925.

Comprehensive listing of bond issues which have received a reservation date per Senate Bill 1382 from October 12, 1987-October 16, 1987: none.

Comprehensive listing of bonds issued and delivered as per Senate Bill 1382 from October 12, 1987-October 16, 1987; listed in order of issuer, user, description, and amount: Gulf Cost Waste Disposal Authority; Environmental Protection Resources of Lubbock, Inc; Solid Waste Disposal Facility; \$21,400,000.

The \$600,000 increase to the state ceiling is due to the above project being issued and delivered at a lower amount than the reservation of allocation.

Issued in Austin, Texas, on October 19, 1987.

TRD-8709201 J. W. Lauderback
Executive Director
Texas Department of Commerce

Filed October 20, 1987.
For further information, please call (512) 472-5059.



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) 10/26/87-11/01/87	18.00%	18.00%
Monthly Rate Article 1.04(c) ⁽¹⁾ 10/01/87-10/31/87	18.00%	18.00%
Standard Quarterly Rate - Article 1.04(a)(2) 10/01/87-12/31/87	18.00%	18.00%
Retail Credit Card Quarterly Rate - Article 1.11 ⁽³⁾ 10/01/87-12/31/87	18.00%	N/A
Lender Credit Card Quarterly Rate Article 15.02(d) ⁽³⁾ 10/01/87-12/31/87	14.00%	N/A
Standard Annual Rate - Article 1.04(a)(2) ⁽²⁾ 10/01/87-12/31/87	18.00%	18.00%
Retail Credit Card Annual Rate Article 1.11 ⁽³⁾ 10/01/87-12/31/87	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 10/01/87-12/31/87	18.00%	N/A
Judgment Rate - Article 1.05, §2 11/01/87-11/30/87	10.00%	10.00%

(1) For variable rate commercial mortgages, the rate shall be the prime rate as defined in Texas Civil Statutes, Article 5069-1.01(1).
(2) Credit for personal, family, or household use.
(3) Credit for business, commercial, investment, or other similar purposes.

Issued in Austin, Texas, on October 19, 1987.

TRD 8709212 Al Endsley
Consumer Credit
Commissioner

Filed October 21, 1987.
For further information, please call (512) 479-1280.



Texas Department of Health Orders Amending Controlled Substances Schedules

The Texas Controlled Substances Act, Texas Civil Statutes, Article 4476-15, contains schedules of controlled substances, i.e., lists of drugs and chemical entities which have potential for addiction or abuse. The Act authorizes the Texas commissioner of health to modify the schedules by adding or deleting substances. In September and October, 1987, the commissioner issued orders modifying Schedule I, §2.03(b), (d), (e), and (f), and Schedule IV, §2.06(b), and filed copies of the orders with the Secretary of State (Attention: Statutory Filings Division) as required by the Act. Details concerning the actual changes may be obtained from the Food and Drug Division, Texas Depart-

ment of Health, 1100 West 49th Street, Austin, Texas 78756

Issued in Austin, Texas, on October 27, 1987

TRD-8709165 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Filed, October 20, 1987
For further information, please call (512) 458 7246



Request for Proposals

The Texas Department of Human Services (TDHS) is requesting proposals for Title IV-B evaluation and treatment contract services and parent/caretaker training. Region 06 issues this request for proposals for the following services and areas. A description of services to be provided is as follows:

Psychological Testing. Psychological testing includes both the formal administration of tests and written or verbal interpretation of the tests. A unit of service is an hour or battery.

Psychological/Psychiatric Evaluation. Psychological/psychiatric evaluation includes a face-to-face evaluative meeting with the client, an interpretive meeting with the client, if requested, a written report to the worker and an oral report, if requested, and case planning services with the worker as requested. A unit of service is an hour.

Counseling Therapy. Individual counseling therapy is a one-to-one session to aid the individual in meeting treatment goals. A unit of service is an hour. Group counseling therapy is treatment provided simultaneously to at least two unrelated individuals to meet individual treatment goals. A unit of service is per hour per group. Family counseling therapy is treatment provided to family groups including parents, children, and other significant individuals for the purpose of meeting individual and family treatment goals. A unit of service is per hour per family.

Court Appearance. The provision of testimony and recommendations to the court about child protective services clients to whom the provider has provided services. A unit of service is an hour.

Case Specific Consultation. The provision of advice and recommendations to protective services staff about case-work or case planning on a specific client when the contractor is not already providing evaluation or treatment services to that client. A unit of service is an hour.

Parent Training. Modeling and teaching provided to parents/caretakers using a structured curriculum. A unit of service is an hour.

For Burnet, Llano, and Williamson counties, (Area 1) the estimated number of clients per month is 23. For Bastrop, Blanco, Caldwell, and Hays counties (Area 2), the estimated number of clients per month is 25. For Travis county (Area 3) the estimated number of clients per month is 82.

Limitations. Contracts shall be effective March 1, 1988, through August 31, 1989. The total projected allocation for purchase of these services is approximately \$400,000. The final allocation is contingent on the availability of funds. More than one contract may be awarded as a result of this request for proposals. RFP packets will be available November 2, 1987.

Contact Person. The contact person is Karen Stewart, Program Director for Purchase of Services, Mail Code 016-1, P.O. Box 15995, Austin, Texas 78761, (512) 835-2350.

Offeror's Conference. An offeror's conference will be held at 10:00 a.m. on November 17, 1987, in Room 353, 7901 Cameron Road, Building Two, Austin, Texas 78754.

Evaluation and Selection. Scoring and ranking of proposals will be based upon the following criteria: consideration of availability of service, clients flow-time frames, staff qualifications, examples of work, and cost. Final selection will be based upon the department's evaluation of the previously mentioned criteria.

Closing Date. The closing date for receipt of offers is November 30, 1987.

Issued in Austin, Texas, on October 21, 1987

TRD 8709209 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Filed, October 21, 1987
For further information, please call (512) 450 3765



Texas Industrial Accident Board Correction of Error

A proposed new section submitted by the Texas Industrial Accident Board contained an error as submitted in the October 9, 1987, issue of the *Texas Register* (12 TexReg 3637).

In §41.27, paragraph (6) should read:
" (6) a notice that employer has become subscriber, Form IAB-20."



State Board of Insurance Notice of Public Hearing

Notice is hereby given that a hearing under Docket 1557 will be held before the State Board of Insurance on Monday, November 9, 1987, at 9 a.m. in the hearing room of the DeWitt Greer Building at 11th and Brazos Streets in Austin, for the purpose of considering possible adoption of new §21.704 and §21.705 to the rules of the board concerning trade practices, unfair discrimination, and non-discriminatory testing for human immunodeficiency virus, and such other matters as may be properly brought before the board. Proposed language for §21.704 was published in the August 25, 1987, issue of the *Texas Register* (12 TexReg 2847). Proposed language for §21.705, which is currently in effect on an emergency basis, was published in the September 25, 1987, issue of the *Texas Register* (12 TexReg 3353).

This hearing will be held in accordance with the legal authority and jurisdiction provided in the Insurance Code, Articles 1.04 and 21.21.

The hearing and procedure will be governed by the rulemaking provisions of the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a) and the rules of practice and procedure before the State Board of Insurance (28 TAC Chapter 1, Subchapter A).

Please direct inquiries to A. W. Pogue, Deputy Insurance Commissioner, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6102.

Issued in Austin, Texas, on October 21, 1987

TRD-8709214 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Filed, October 21, 1987
For further information, please call (512) 463-6327



Texas Department of Mental Health and Mental Retardation

Notice of Consultant Contract

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Department of Mental Health and Mental Retardation invites proposals from prospective consultants for the project described

The consultant will be responsible for performing comprehensive recruitment services for the position of commissioner (chief executive officer) of the Texas Department of Mental Health and Mental Retardation on the basis of best qualified person in compliance with federal and state statutes. The consultant will also provide written documentation of activities conducted in providing these recruitment services. Major components of the task are the research and identification of candidates, including reference development; introduction of candidate, assistance in negotiation of offer and acceptance, appropriate travel and lodging arrangements; and communication during the recruitment process to ensure coordination and formal written progress reports on a monthly basis

Selection of the consultant shall be on a competitive basis, taking into consideration the cost to the department and the consultant's documented experience in recruiting administrative staff, including a significant number of chief executive officers for state and local governmental agencies. Consultant must be able to provide fully coordinated screening and referral services.

Prospective consultants should contact W. Kent Johnson, Director of Legal Services for the Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711. Only offers received by Mr. Johnson before 5 p.m., on November 19, 1987, will be considered.

Issued in Austin, Texas, on October 19, 1987

TRD-8709155 W. Kent Johnson
 Director of Legal Services
 Texas Department of Mental Health
 and Mental Retardation

Filed, October 19, 1987
For further information, please call (512) 465-4591



Railroad Commission of Texas

Public Notice

Notice is hereby given to all interested persons, that the Railroad Commission of Texas, 1701 North Congress Avenue, P.O. Drawer 12967, Austin, Texas 78711, on its own motion in Docket Number 003623ZZCW, will investigate the operations of the Long Island Bridge Company, Inc. of the Long Island Swing Bridge (located over, through, and across the intercoastal canal at the northern tip of Long Island and the City of Port Isabel, Cameron County). The purpose of this proceeding is to allow the Railroad Commission to regulate and control the Long Island Bridge Company, Inc. pursuant to Texas Civil Statutes, Article 1466, et seq.

All interested persons affected by this commission called proceeding that wish to participate in this commission investigation may do so only by filing a written protest, intervention in opposition, or intervention in support at or before 10 a.m. on Monday, November 16, 1987, by writing Docket Services, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967. Please include the Docket Number (003623ZZCW) in all responses.

Issued in Austin, Texas, on September 28, 1987

TRD 8708567 Walter Earl Little
 Special Counsel
 Railroad Commission of Texas

Filed, October 2, 1987
For further information, please call (512) 463-7149



The Texas A&M University System

Consultant Proposal Request

Under the provisions of Texas Civil Statutes, Article 6252-11c, the Texas A&M University System currently invites proposals from private consultants to conduct an in-depth analysis of maintenance procedures and costs on the campus of Texas A&M University in College Station. Any qualified private consulting firm is invited to submit a proposal for this analysis. Proposals should be submitted to Robert Smith, Interim Vice President for Finance and Operations, Texas A&M University, College Station, Texas 77843, (409) 845-4453. The closing date for receiving offers for such services is 5 p.m., December 1, 1987. Consultant proposals will be evaluated and a contract awarded based on procedures set forth in the Professional Services Procurement Act, Texas Civil Statutes, Article 664-4.

The scope of this analysis will include evaluation of the operational areas of building maintenance (including minor modifications), custodial services, and grounds maintenance. Qualified private consultants should provide a list of clients for which similar services have been rendered. The Texas A&M University System, as part of its evaluation of proposals, will contact selected clients to assess the consultant's historical effectiveness.

Departments included in the analysis are the Physical Plant Department and the Grounds Maintenance Department. The Physical Plant Department is responsible for maintenance, custodial services, minor construction (new and renovation), utilities production and distribution, transportation, the telephone system, and environmental safety and health for all system parts located on the campus of Texas A&M University. Campus facilities include over 730 buildings providing approximately 12 million gross square feet used by students, faculty, and staff. The Physical Plant Department has 988 employees and an annual budget of \$83,774,758.

The Grounds Maintenance Department is responsible for grounds maintenance, landscape construction, irrigation systems, interior plants, and paved areas for all system parts located on the campus of Texas A&M University. Campus grounds encompass over 5,200 acres of which approximately 1,480 are maintained intensely. The Grounds Maintenance Department has 128 employees and an annual budget of \$3,074,189.

The consultant will be required to evaluate effectiveness and efficiency through multiple measures (comparing to standards of similar institutions, including for-profit institutions in the private sector, of similar scope, size, and complexity). Analysis of building maintenance (including minor modifications) and custodial services will include measures such as cost per gross square foot of space, cost as a percentage of total university budget, cost as a percentage of total plant value, cost as a ratio of FTE enrollment, cost as percentage of sponsored research funding, state appropriation as a percentage of formula generated level (comparing to Texas institutions only), employees per gross square foot, user/client satisfaction, timeliness of work, quality of work, work requests completed, service orders completed, and other output measures as appropriate. Analysis of Grounds Maintenance will include measures such as cost per acre, cost per linear foot of

building perimeter, employees per acre, state appropriation as a percentage of formula generated level (comparing to Texas institutions only), cost as a percentage of total university budget, cost as a ratio of FTE enrollment, user/client satisfaction, timeliness of work, quality of work, and other output measures as appropriate.

The consultant will also be expected to evaluate the impact of significant external regulations and other constraints, purposes and objectives; organization structure and staffing (comparing the area maintenance versus central shops concept); operational procedures and controls; system or process for determining priorities; budget formulation process; financial management, including budgetary and expenditure controls; adequacy of funding and other resources to accomplish the mission; project management system (including maintenance projects and minor modifications); opportunities for private sector contracting; and evaluate and recommend alternative systems or procedures for possible implementation and provide recommendations in each category of review and evaluation as appropriate.

While conducting the study, resource individuals from the Texas A&M University System and private sector organizations with major research facilities should be utilized. Proposals should include a concise statement of tasks to be performed, a schedule of work, the work product, and a detailed, itemized budget.

Issued in Austin, Texas, on October 19, 1987

TRD 8709164

Bill C. Presnal
Vice Chancellor for State Affairs
Texas A&M University System

Filed October 20, 1987

For further information, please call (512) 845 9600

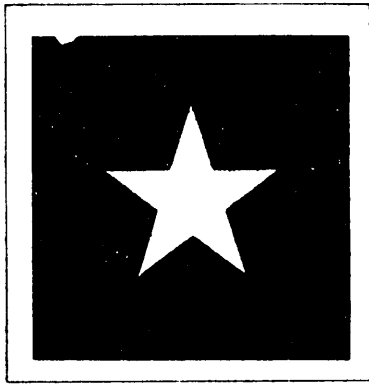
Name: Kristie Botello
Grade: 6
School: Dawson Elementary, Austin



Second Class Postage

PAID

Austin, Texas
and additional entry offices



Please enter my subscription to the *Texas Register* as indicated below. (I will look for my first issue in about two weeks.)

- ★ 1 year (100 issues) \$80
- ★ 6 months (50 issues) \$60
- ★ Payment enclosed
- ★ Bill me

For information concerning the *Texas Register*, please call (512) 463-5561, or write to P.O. Box 13824, Austin, Texas 78711-3824.

Please make checks payable to the Secretary of State. Subscription fees are not refundable.

To order a new subscription, or to indicate a change of address, please use this form. When notifying us of an address change, please attach the mailing label from the back of a current issue. Questions concerning existing subscriptions should also include the subscription number from the mailing label.

You may also use this form to request back issues of the *Texas Register*. Please specify the exact dates and quantities of the issues requested. Each copy of a back issue is \$3.00.

★ Change of Address
(Please attach mailing label)

★ Back issues requested
(Please specify dates)

Name

Organization

Occupation Telephone

Address

City State Zip Code

For office use only