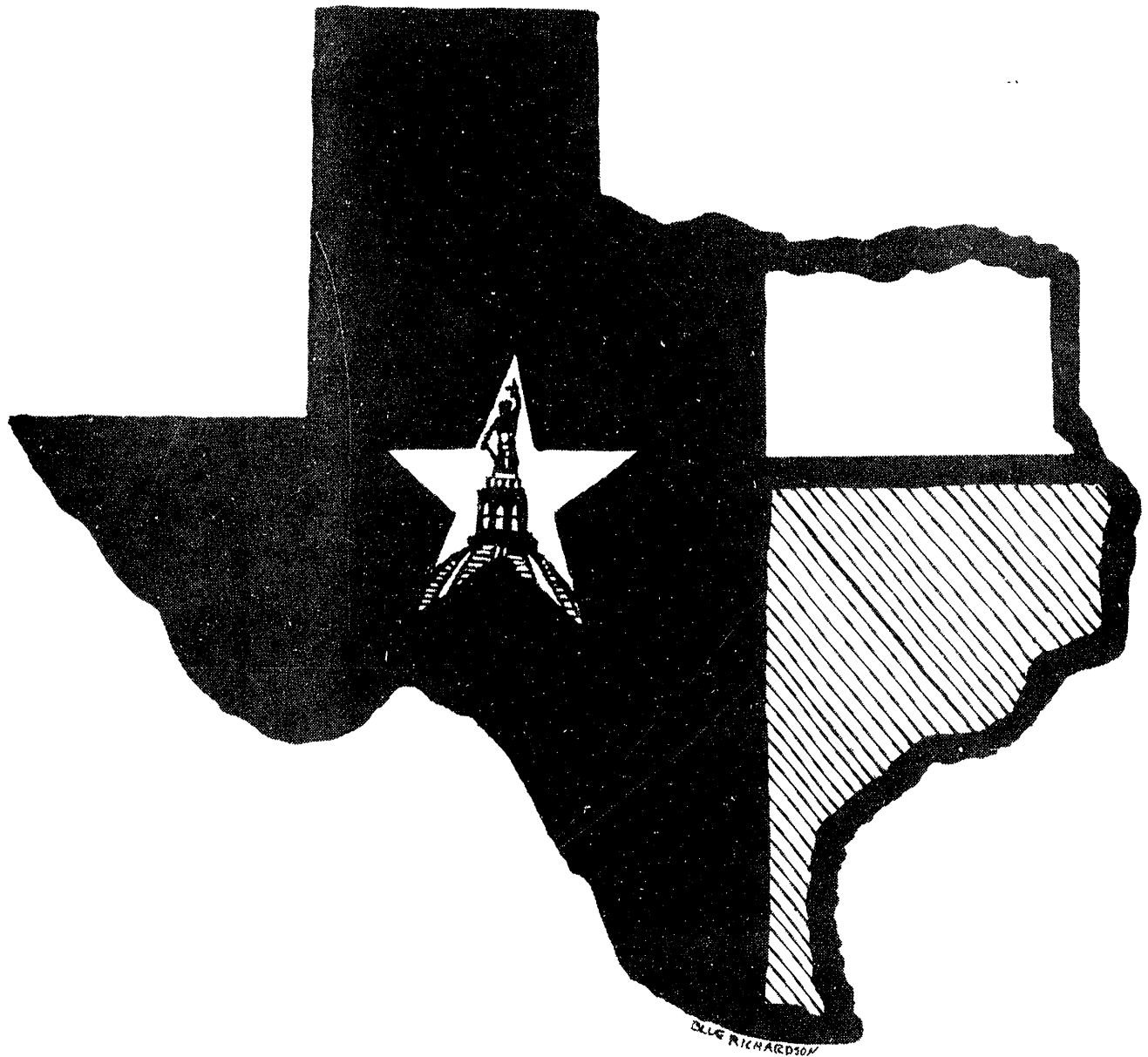


# Texas Register

Volume 12, Number 92, December 11, 1987

Pages 4605-4656



## Highlights

The **Texas Education Agency** adopts on an emergency basis a new section concerning proprietary schools and applications from small businesses. Effective date - January 1, 1988  
**page 4615**

The **Public Utility Commission** proposes an amendment concerning telephone utilities complying with recent changes in federal

policy. Earliest possible date of adoption - January 12, 1988  
**page 4618**

The **Texas Department of Agriculture** adopts an amendment reducing administrative costs and increasing efficiency for licenses under the Pesticide Control Act. Effective date - December 25, 1987  
**page 4633**

**Office of  
the Secretary  
of State**

## Texas Register

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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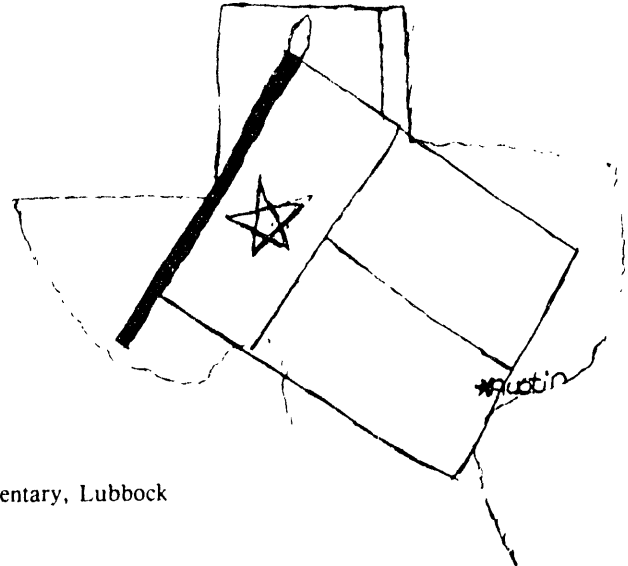
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Name: Angie Straw  
Grade: 6  
School: Maedgen Elementary, Lubbock

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# The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

## Proclamation 41-2204

WHEREAS, certain proposed amendments to the Constitution of Texas hereinafter enumerated were voted on in the Constitutional Amendment Election held November 3, 1987; and

WHEREAS, on the 1st day of December, 1987, Jack M. Rains, Secretary of State, and Mr. Earl L. Yeakel, III, Member, State Board of Canvassers, did open, count, and tabulate the returns of said election and the votes cast for and against each of the hereinafter enumerated constitutional amendments; and

WHEREAS, a true and correct tabulation and total of the votes cast for and against said proposed amendments established that the following proposed amendments were adopted by the voters of the State of Texas by a majority vote to wit:

Proposition Number 1 submitted by HJR 104, 70th Legislature, Regular Session, providing for the surety of a grain warehouse fund to be established by the grain industry for the protection of farmers and depositors of grain in public warehouse facilities.

Proposition Number 3, submitted by HJR 48, 70th Legislature, Regular Session, limiting school tax increases on the residence homestead of the surviving spouse of an elderly person if the surviving spouse is at least 55 years of age.

Proposition Number 4, submitted by HJR 5, 70th Legislature, Regular Session, authorizing the legislature to provide assistance to encourage economic development in the state.

Proposition Number 8, submitted by SJR 56, 70th Legislature, Regular Session, authorizing the issuance of general obligation bonds for projects relating to corrections institutions and mental health and mental retardation facilities.

Proposition Number 10, submitted by subsections (d) and (e) of Section 1, SJR 12, 70th Legislature, Regular Session, allowing the legislature to exempt from ad valorem taxation certain personal property not held or used for the production of income.

Proposition Number 12, submitted by SJR 35, 70th Legislature, Regular Session, permitting spouses to hold community property with right of survivorship.

Proposition Number 13, submitted by SJR 27, 70th Legislature, Regular Session, allowing for the creation and establishment, by law, of special districts to provide emergency services.

Proposition Number 14, submitted by SJR 34, 70th Legislature, Regular Session, giving the state a limited right to appeal in criminal cases.

Proposition Number 15, submitted by HJR 35, 70th Legislature, Regular Session, providing for the abolition of the office of county treasurer in Gregg, Fayette, and Nueces counties.

Proposition Number 16, submitted by SJR 6, 70th Legislature, Second Called Session, providing that certain justice precincts may contain more than one justice of the peace court.

Proposition Number 17, submitted by SJR 26, 70th Legislature, Regular Session, authorizing the legislature to define for all purposes the governmental and proprietary functions of a municipality.

Proposition Number 18, submitted by HJR 18, 70th Legislature, Regular Session, relating to the creation, operation, and financing of jail districts.

Proposition Number 19, submitted by HJR 88, 70th Legislature, Regular Session, authorizing the issuance of general obligation bonds to fund undertakings related to a superconducting super collider research facility sponsored or authorized by the United States government, and to make appropriate grants for such undertakings.

Proposition Number 20, submitted by HJR 96, 70th Legislature, Regular Session, authorizing the legislature to provide ad valorem tax relief for certain offshore drilling equipment that is not in use.

Proposition Number 22, submitted by SJR 53, 70th Legislature, Regular Session, allowing the legislature to limit the authority of a governor to fill vacancies in state and district offices during the end of the governor's term if the governor is not reelected.

Proposition Number 23, submitted by SJR 54, 70th Legislature, Regular Session, authorizing the issuance of an additional \$400 million of Texas Water Development Bonds for water supply, water quality, and flood control purposes.

Proposition Number 25, submitted by SJR 5, 70th Legislature, Second Called Session, authorizing the legislature to permit the Amarillo Hospital District to serve certain residents of Randall County, to authorize Randall County to provide financial assistance to the district, and to authorize certain hospital districts to change their boundaries or jurisdiction with voter approval.

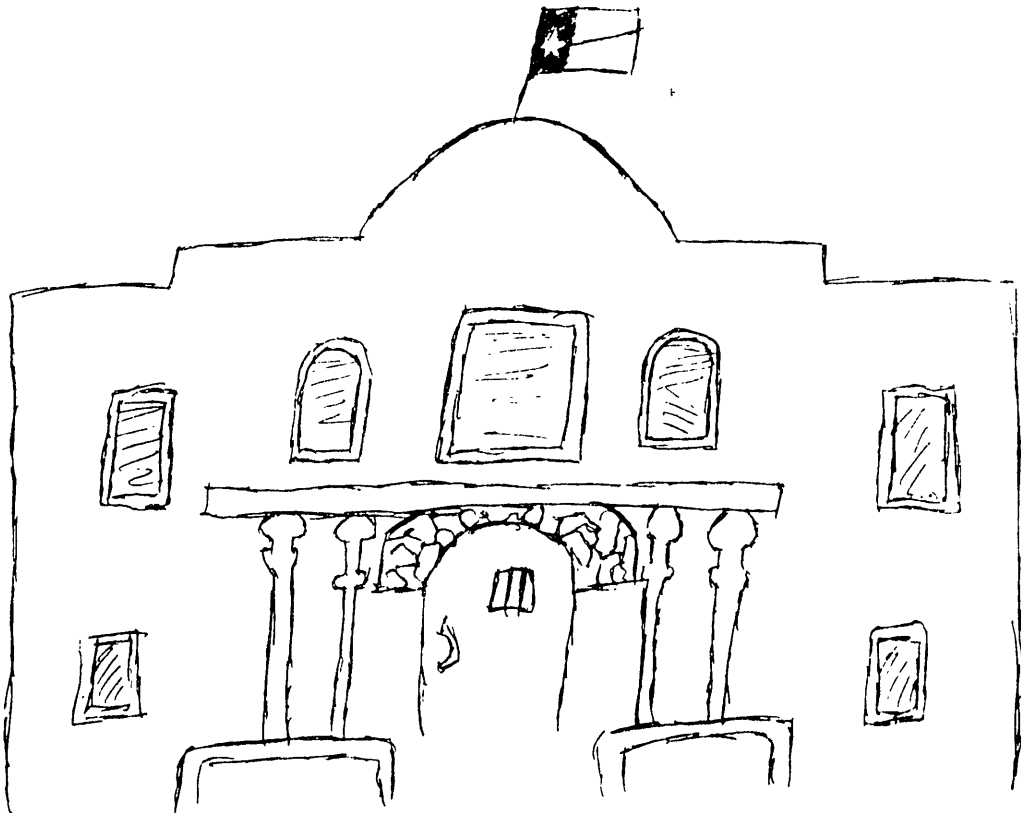
NOW, THEREFORE, I, WILLIAM P. CLEMENTS, JR., GOVERNOR OF TEXAS, DO HEREBY, pursuant to Article XVII, Section 1 of the Constitution of Texas, PROCLAIM AND DECLARE that the election held on Novmeber 3, 1987, resulted in the adoption of the above constitutional amendments, and that such amendments are now a part of the Constiitution of Texas

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of State of Texas to be affixed hereon at Austin, Texas, this the 3rd day of December, 1987.

Issued in Austin, Texas, on December 3, 1987.

TRD-8710885

*William P. Clements, Jr.*  
*Governor of Texas*



Name: Jerry Moore  
Grade: 6  
School: Maedgen Elementary, Lubbock



# Attorney General

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

## Opinions

**JM-824 (RQ-1024).** Request from Thomas B. Sehon, Falls County District Attorney, Marlin, concerning the authority of a county to provide legal counsel for a sheriff and district attorney sued in their official capacities.

**Summary of Opinion.** A county may expend public funds for the employment of a private attorney to represent county officials and employees who have been sued in their official and individual capacities if the suit involves an action of the official or employee arguably within the scope of the official's or employee's authority in the performance of public duties and if the county commissioners believe in good faith that the public interest is at stake. Whether or not the county may properly expend public funds to defend the official or employee is always a matter of fact. In the class of cases covered by the Local Government Code, §157.061, the county must provide for the legal defense of a public official or employee in any of the ways specified in the section if the commissioners decide that the public interest is involved. An attorney employed by the county to defend a public official or employee has as a client only the public official or employee being defended; the attorney may not reveal aspects of the case covered by the attorney-client privilege to anyone, including the commissioners court, so long as the privilege is properly asserted.

TRD-8710929



**JM-825 (RQ-1069).** Request from Mike Driscoll, Harris County Attorney, 1001 Preston, Suite 634, Houston, concerning the authority of a clerk to accept for filing an assumed name certificate written in a foreign language.

**Summary of Opinion.** An acknowledgment on an assumed name certificate filed pursuant to the Business and Commerce Code, §36.10, must be written in English.

TRD-8710928



**JM-826 (RQ-1271).** Request from Juan J. Hinojosa, Chairman, Criminal Jurisprudence Committee, Texas House of Representa-

tatives, Austin, concerning constitutionality of statute requiring out-of-state motorists, including aliens, to comply with Texas liability coverage requirement.

**Summary of Opinion.** The Commerce Clause, United States Constitution, Article I, §8, clause 3, does not forbid Texas from requiring all vehicles using the highways of the state to comply with the mandatory liability insurance requirements of the Motor Vehicle Safety-Responsibility Act, Texas Civil Statutes, Article 6701h. The Act is a permissible exercise of the state's police powers to regulate its highways to protect the public welfare. Congress may preempt the application of the Safety-Responsibility Act to vehicles operated in interstate or foreign commerce.

TRD-8710927



**JM-827 (RQ-1123).** Request from Terral R. Smith, Chairman, Natural Resources Committee, Texas House of Representatives, Austin, concerning authority of an Underground Water Conservation District created under the authority of the Texas Constitution, §59, Article XVI.

**Summary of Opinion.** The bill creating the Anderson County Underground Water Conservation District, see Acts 1987, 70th Legislature, Chapter 992, at 6764, does not violate, on its face, the Texas Constitution, Article III, §56, as an unauthorized local or special law. General laws, such as the Texas Water Code, Chapter 52, that govern Article XVI, §59, districts apply to such districts only when the general laws are not inconsistent with the special acts creating the districts.

The Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, and the bill are not on their face in conflict. Whether the actual application of particular rules and regulations enacted by the district may conflict with the Water Commission's exclusive permitting authority under Article 4477-7, §4(e)(6), depends on the specific rules and regulations and the facts surrounding their application.

Different legal classifications are not prohibited by the equal protection requirement of the Texas Constitution, Article I, §3, if there exists a rational basis for the classification. Whether the area covered by the An-

derson County Underground Water Conservation District is such that it justifies different treatment and whether the persons particularly affected by the bill creating the district have special characteristics as groundwater users that justify different treatment depend on complex questions of fact. The opinion process was not designed to adjudicate fact questions.

The legislature may delegate the task of making rules and of making determinations of fact to which existing law and legislative policy are to apply so long as the legislature provides standards to guide the exercise of delegated powers and duties. The bill creating the district contains sufficient standards for its delegation of power.

Reasonable governmental regulation of landowners' rights to groundwater is within the state's police power and would not, on its face, constitute a taking without compensation in violation of the Texas Constitution, Article I, §17. Subsection (c) of section 12 of the bill creating the Anderson County Underground Water Conservation District authorizes the district to deprive landowners who are injection-well permit holders of the use of their groundwater for injection-wells. If the requirements to purchase water from the district bore a reasonable relationship to the conservation of groundwater, such as the prevention of waste or pollution, an unconstitutional taking would not necessarily result. Determination of a taking involves a balancing test dependent on the facts in each particular case.

TRD-8710926



**JM-828 (RQ-1116).** Request from Isaac M. Castro, Stonewall County Attorney, Aspermont, concerning whether common-law incompatibility prohibits a particular individual from serving on the board of directors of a hospital district (RQ-1116).

**Summary of Opinion.** The common-law doctrine of incompatibility bars one person from serving as a member of the board of directors of the Stonewall Memorial Hospital District and at the same time being employed in the district's clinic by the doctor under contract with the district.

TRD-8710925

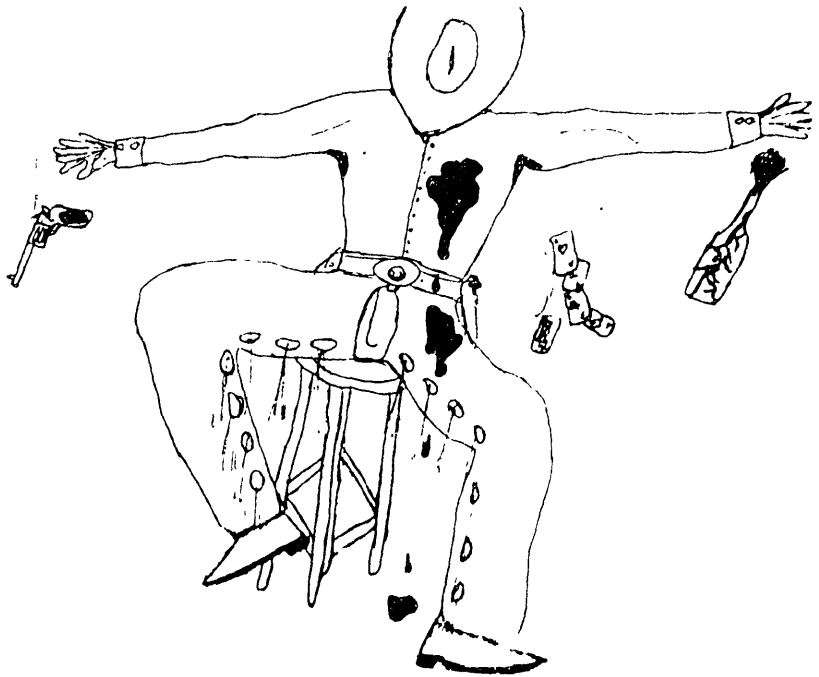


# Open Records Decision

**ORD-484 (RQ-1105).** Request from Mike Thompson, Assistant City Attorney, 377 City-County Building, El Paso, concerning whether information requested from the city of El Paso is subject to required disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a, and effect on the status of this information of provisions of a collectively bargained agreement authorized by Texas Civil Statutes, Article 5154c-1 (RQ-1105).

**Summary of Decision.** The collectively bargained agreement between El Paso and its policemen, entered into under the terms of Texas Civil Statutes, Article 5154c-1, cannot operate to permit information to be withheld from the public if that information cannot be withheld under the Open Records Act. This decision also reviews complaint information against 68 El Paso police officers, consisting of the officer's name, nature of the complaint, and disposition, regarding exception from public disclosure by the false light privacy doctrine and by a right of personal privacy incorporated into the Open Records Act, Texas Civil Statutes, Article 6252-17a, §(3)(a)(1).

TRD-8710924



Name: Matt Williams  
Grade: 6  
School: Maedgen Elementary, Lubbock

# 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 II. Texas Education

##### Agency

#### Chapter 69. Proprietary Schools and Veterans Education

##### Subchapter E. Guidelines and Minimum Standards for Operation of Texas Proprietary Schools

###### ★ 19 TAC §69.126

The Texas Education Agency adopts on an emergency basis new §69.126, concerning proprietary schools, applications from small businesses. The new section implements House Bill 5, 70th Legislature, 1987, which concerns regulatory relief in the licensing of activities of small businesses. The new section establishes time periods during which applications from small businesses for initial, renewed, and change in ownership certificates of approval will be processed as well as applications for proprietary school representatives, directors, and instructors. The new section also establishes an appeal process through which an applicant can appeal for a resolution of any dispute arising from a violation of the established periods. This section is adopted on an emergency basis to comply with House Bill 5, which requires the rules to be adopted before January 1, 1988. This section is identical to the section proposed in the September 29, 1987, issue of the *Texas Register* (12 TexReg 3410).

The new section is adopted under House Bill 5, 70th Legislature, Chapter 375, page 3730, which became effective August 31, 1987, and provides the Texas Education Agency with the authority to make rules for the benefit of small businesses.

###### §69.126. *Applications from Small Businesses.*

(a) Time periods. Applications from small businesses for certificates of approval, representatives, directors, and instructional staff shall be processed in accordance with the following time periods.

(1) The first period is a time from the receipt of an application to the date of issuance of a written notice approving the application or outlining the reasons why the

application is unacceptable. The time periods for each application are:

(A) initial certificate of approval—30 days;

(B) renewed certificate of approval—30 days;

(C) change in owner certificate of approval—30 days;

(D) initial representatives—10 days;

(E) renewed representatives—10 days; and

(F) directors and instructional staff—20 days.

(2) The second period is a time from receipt of the last item necessary to complete the application to the date of issuance of written notice approving or denying approval of the application. The time periods for each application are:

(A) initial certificate of approval—21 days;

(B) renewed certificate of approval—21 days;

(C) change in owner certificate of approval—21 days;

(D) initial representative (approval contingent upon issuance of school's approval)—21 days;

(E) initial representative (approval not contingent upon issuance of school's approval)—10 days;

(F) renewed representative (approval contingent upon issuance of school's approval)—21 days;

(G) directors and instructional staff (approval contingent on issuance of school's approval)—21 days; and

(H) directors and instructional staff (approval not contingent on issuance of school's approval)—20 days.

(b) Reimbursement of fees.

(1) In the event the application is not processed in the time periods as stated in subsection (a) of this section, the applicant has the right to request of the administrator full reimbursement of all filing fees paid in that particular application process. If the administrator does not agree that the established periods have been violated or finds that good cause existed for exceeding the established periods, the request will be denied.

(2) Good cause for exceeding the period established is considered to exist if:

(A) the number of applications for certificates of approval, representatives,

directors, or instructional staff as appropriate to be processed exceeds by 15% or more the number processed in the same calendar quarter the preceding year;

(B) another public or private entity utilized in the application process caused the delay; or

(C) other conditions existed giving good cause for exceeding the established periods.

(c) Appeal. If the request for full reimbursement authorized by subsection (b) of this section is denied, the applicant may then request a hearing by appealing to the commissioner of education for a resolution of the dispute. The appeal will be processed in the same manner as other appeals involving proprietary schools pursuant to the Texas Education Code, Chapter 32, Subchapter E; and Chapter 157 of this title (relating to Hearings and Appeals).

Issued in Austin, Texas, on December 1, 1987

TRD-8710833

W. N. Kirby  
Commissioner of  
Education

Effective date: January 1, 1988  
Expiration date: April 29, 1988  
For further information, please call  
(512) 463-9212



### TITLE 22. EXAMINING BOARDS

#### Part XII. Board of Vocational Nurse Examiners

##### Chapter 235. Licensing Application for Licensure

###### ★ 22 TAC §235.2

The Board of Vocational Nurse Examiners adopts on an emergency basis an amendment to §235.2, concerning application for licensure to comply with House Bill 5, 70th Legislature, 1987. The Board of Vocational Nurse Examiners is adopting this amendment on an emergency basis in order for it to be in effect prior to January 1, 1988, as required by House Bill 5.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4528c, §5(g), which provides the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

§235.2. *Application for Licensure.*

(a) Forms. Application for licensure shall be completed on forms obtained from the board.

(b) Processing. An application for licensure as a vocational nurse shall be expeditiously processed to cause the least possible adverse economic effect on any small business or enterprise.

(1) Since the agency must rely on other public and/or private entities for all or part of its licensure process, the application will not be considered complete and acceptable for filing until the individual or another entity submits all required documents. All documents related to the application must be received within six months in order to be considered for licensure. If application is not completed within the time frame mentioned above, the application, related documents and processing fees must be resubmitted by the applicant.

(2) Upon filing of an application, the agency shall issue a temporary permit to those applicants meeting the criteria outlined in §235.17 of this title (relating to Temporary Permits) to enable them to enter the work force more expeditiously. Temporary permits for eligible applicants will be issued at no additional cost to the individual.

(3) Upon receipt of a completed application, the education division staff of the board will review the eligibility of the applicants for licensure. Ineligible applicants will be notified within the following time frames:

- (A) minimum—five working days;
- (B) median—seven working days;
- (C) maximum—10 working days.

(4) Upon receipt of the results of the national examination, if applicable, or upon approval of the completed endorsement application, the applicant will be issued a license or notified of ineligibility for licensure with the following time frames:

- (A) minimum—five working days;
- (B) median—seven working days;
- (C) maximum—10 working days.

(c) Reimbursement of fees.

(1) If the completed application is not processed in the time periods as stated in subsection (b)(3) or (b)(4) of this section due to the agency's fault, the applicant has the right to appeal directly to the agency head within 30 days for timely resolution of the application dispute. The applicant has

the right to request full reimbursement of all filing fees in that particular application process. If the agency director does not believe established periods have been violated or believes good cause existed for exceeding the established time periods, reimbursement of fees will be denied. An appeal under this section shall not be considered a contested case for the purpose of Texas Civil Statutes, Article 6252-13a.

(2) The agency shall have good cause for exceeding established periods if:

(A) the number of licenses to be processed exceeds by 15% or more the number of permits/licenses processed in the same calendar quarter of the preceding year;

(B) another public or private entity, including data processing services, involved in the application process caused the delay;

(C) the applicant did not follow through with any additional instructions and/or documents as deemed necessary by the education division staff;

(D) the applicant was referred to the investigation division for possible disciplinary/administrative action; or

(E) unforeseen delays in attaining examination results from the national testing service.

Issued in Austin, Texas, on December 4, 1987.

TRD-8710945

Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Effective date: December 15, 1987  
Expiration date: March 14, 1988  
For further information, please call  
(512) 835-2071.

TITLE 28. INSURANCE  
Part I. State Board of  
Insurance  
Chapter 21. Trade Practices  
Subchapter H. Unfair  
Discrimination

★ 28 TAC §21.705

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new §21.705 for a 60-day period effective December 8, 1987. The text of the new §21.705 was originally published in the August 18, 1987, issue of the *Texas Register* (12 TexReg 2706).

Issued in Austin, Texas, on December 4, 1987.

TRD-8710914

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: December 8, 1987  
Expiration date: February 7, 1988  
For further information, please call  
(512) 463-6327.

TITLE 34: PUBLIC  
FINANCE  
Part I. Comptroller of Public  
Accounts  
Chapter 3. Tax Administration  
Subchapter V. Bingo Regulation and  
Tax

★ 34 TAC §3.552

The Office of the Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of amended §3.552 for a 60-day period effective December 2, 1987. The text of the amended §3.552 was originally published in the August 11, 1987, issue of the *Texas Register* (12 TexReg 2608).

Issued in Austin, Texas, on December 2, 1987.

TRD-8710836

Wade Anderson  
Rules Coordinator  
Office of the  
Comptroller of Public  
Accounts

Effective date: December 2, 1987  
Expiration date: January 31, 1988  
For further information, please call  
(512) 463-4004.

★ 34 TAC §3.554

The Comptroller of Public Accounts adopts on an emergency basis an amendment to §3.554, concerning instant bingo. The amendment to subsection (d)(3) allows play of instant bingo during licensed times and allows sales of instant bingo cards prior to a licensee's authorized playing times (provided that redemption may be made only during licensed times when regular bingo is played); deletes present subsection (d)(5) and (9), restricting prize amounts and sales percentages for instant bingo, since the Bingo Enabling Act sets a separate prize limit for instant bingo effective September 1, 1987; eliminates the requirement in subparagraph (a)(2)(D) that every instant bingo card be no less than 12 square inches in area when opened; in subsection (c)(4), requires use of pattern gluing on all instant bingo cards offered for sale by licensees on or after February 1, 1988; and renumbers other paragraphs as necessary. The amendment is intended to clearly inform manufacturers, distributors, licensees, and their employees and agents of the rules relating to the conduct of instant bingo as permitted under the Bingo Enabling Act, Texas Civil Statutes, Article 179d.

The amendment is adopted on an emergency basis and is intended to clarify certain requirements in connection with the conduct of instant bingo pursuant to the Bingo Enabling Act. The amendment implements the statement of legislative purposes expressed in the Bingo Enabling Act, §16(a) and §13(f), requiring the Comptroller of Public Accounts to exercise strict control and close supervision over all games of bingo conducted in this state to the end that the games are fairly conducted, and of discouraging the commercialization of bingo and maximizing the availability of bingo proceeds for charitable purposes, respectively.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 179d, which provide the Comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Bingo Enabling Act.

§3.554. *Instant Bingo.*

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

(1) (No change.)

(2) Instant bingo card—A device used to play a specific game of chance consisting of an individual card, the face of which is initially hidden from view to conceal numbers. Each individual card must:

(A) bear an impression of the comptroller's seal with the words "Comptroller's Office, State of Texas" engraved around the margin and a five-pointed star in the center;

(B) contain the letters B-I-N-G-O on its face in a conspicuous location in no less than 29 point type;

(C) be imprinted in no less than 12 point type with the words "Authorized by the Texas Bingo Regulation Division";

[(D) be no less than 12 square inches in area when opened;]

(D)[(E)] contain the series number assigned by the manufacturer;

(E)[(F)] contain the manufacturer's name or trademark;

(F)[(G)] disclose the amount and number of prize winners, the number of individual cards contained in a deal, and the cost per card; and

(G)[(H)] contain no other symbols, emblems, or characters.

(3) (No change.)

(b) Approval of cards.

(1) (No change.)

(2) Prototypes or examples of all cards must be presented to the **Regulatory Taxes Section, Enforcement** [Bingo Regulation] Division of the comptroller's office in Austin, for review. If granted, approval extends only to the specific card or series approved. If the card is modified in any way, except only in color and series number, it must be resubmitted to the comptroller for approval.

(c) Manufacturing requirements.

(1) Manufacturers of instant bingo cards must manufacture, assemble, and package each deal in such a manner that none of the winning cards, nor the location or approximate location of any of the winning cards, can be determined in advance of opening by any means or device including any pattern in manufacture, printing, color variations, assembly, packaging markings, or by the use of a light. All winning and losing numbers conforming with designated numbers on the instant bingo card must be randomly selected. Each manufacturer must supply proof of random selection to the **Regulatory Taxes Section, Enforcement** [Bingo] Division by detailed description of the manufacturing process, and is subject to inspection by the comptroller or his designee.

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

(4) Each individual card must be constructed so that it is substantially impossible, in the opinion of the comptroller, to determine a concealed number or numbers until it has been opened by a player. **Without limiting the requirements of the previous sentence of this paragraph, for all instant bingo cards offered for sale by a licensed organization on or after February 1, 1988, such cards shall be required to be constructed in such a manner so that card gluing occurs on all four edges of the card and between the individual breakopen tabs on the card.**

(5) (No change.)

(d) Prizes, costs, sales, percentages.

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

(3) **All sales of instant bingo cards must be performed under the same conditions and in the same manner as sales of**

**regular and paper special bingo cards. Thus, a licensed organization may sell instant bingo cards on the premises specified in its license and where regular or paper special bingo cards are sold prior to its licensed times. However, they may be redeemed for cash or other cards only during the organization's licensed times and where regular or paper special bingo games are being conducted.** [Instant bingo cards may be sold to the playing public only by a licensed organization, only during the times and in the immediate vicinity that regular bingo games are in progress, and only on the premises specified in its license.]

(4) (No change.)

[(5) Prizes awarded on winning instant bingo cards must be taken into consideration in determining the maximum total of \$2,500 for any one occasion. Cards must be sold and prizes awarded on winning cards far enough in advance of the close of an occasion to enable an organization to adjust, if necessary, the prizes remaining for its regular and special bingo games.]

(5)[(6)] A licensed organization may not withdraw a series of cards from play until the series is completely sold out, all winning cards of \$5.00 or more have been cashed, or the bingo occasion ends.

(6)[(7)] A licensed organization may not commingle different deals of instant bingo cards.

(7)[(8)] Gross receipts from the sale of instant bingo cards must be included in the reported total gross receipts of the organization.

[(9) The gross receipts on any one bingo occasion from the playing of instant bingo may not exceed 50% of a licensed organization's gross receipts for that occasion.]

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

Issued in Austin, Texas, on December 2, 1987.

TRD-8710840      Bob Bullock  
Comptroller of Public  
Accounts

Effective date: December 2, 1987  
Expiration date: March 31, 1988  
For further information, please call  
(512) 463-4004.



# Proposed Rules

Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. Also, in the case of substantive rules, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

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

## TITLE 16. ECONOMIC REGULATION

### Part II. Public Utility

#### Commission of Texas

#### Chapter 23. Substantive Rules

#### Quality of Service

#### ★ 16 TAC §23.61

The Public Utility Commission of Texas proposes an amendment to §23.61, concerning telephone utilities. This amendment represents a general clean-up of the existing sections, and bring the section into compliance with recent changes in federal policy.

Phillip A. Holder, secretary of the commission, 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. Holder also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be more efficient regulation of telephone utilities. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Phillip A. Holder, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, within 30 days after publication.

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

#### §23.61. Telephone Utilities.

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

(h) Depreciation rates. Dominant carriers shall utilize depreciation rates approved by the commission for determination of depreciation expense and provision for accumulated depreciation (**also** [previously] referred to as depreciation reserve). For the purpose of this section, depreciation rates used prior to September 1, 1976, and those in effect on September 1, 1976, shall be deemed appropriate for use unless subse-

quently modified by the commission.

(1) Depreciation rate changes for interstate dominant carriers. Telecommunications utilities subject to interstate regulation by the Federal Communications Commission are **also** [not] required to file for commission approval of **intrastate** depreciation rates [proposed to or approved by the federal regulatory body]. **Filings should be made in the same format and on the same schedule as those required by the federal regulatory body, with the addition of proposed intrastate accrual changes calculated through use of jurisdictional separations procedures.** Said utilities shall have the burden of proof to establish that **intrastate** depreciation rate changes [approved by the federal regulatory body] are reasonable and in the public interest in [subsequent rate] proceedings before the commission.

(2) Depreciation rate changes for other dominant carriers. Any dominant carrier, except as covered in paragraph (1) of this subsection, requesting a change in depreciation rates must request commission approval and include the following in its request:

(A) For each property account or subaccount wherein a depreciation rate is proposed:

(i) the [present] plant in service and the [present] accumulated depreciation **as of the effective date requested for the proposed depreciation rates;**

(ii) (No change.)

(iii) **detailed justification** [reasoning] for the proposed changes;

(B) (No change.)

(C) the **change in annual depreciation expense that would result from adoption of the proposed depreciation rates, both as a dollar amount and as a percentage of current total depreciation expense.** [changes shown in the following format for a recent annual period:]

	[Proposed]	[Change]
[Present]		
[Revenues		
[Depreciation		
expense		
[Other expenses*		
[Income tax		
[Operating income		
[Plant in service		
[Accumulated de-		

preciation

[Rate of return on net plant

[\*Does not include interest expense.

(3)[(D)] Methods for figuring depreciation rates. Depreciation rates must be based on reasonable life and salvage estimates, and must use a straight line method, such as average service life, vintage group, or equal life group. Such methods may incorporate the remaining life technique. The commission specifically reserves for consideration in each case selection of appropriate methods for life and salvage estimates.

(4)[(E)] Burden of proof. **A dominant carrier shall have the burden of proof to show that depreciation or amortization expense is reasonable, necessary, and in the public interest. The dominant carrier shall also be required to show that depreciation rate changes were timely requested in accordance with prudent management practices. The burden of proof shall not be satisfied solely by demonstrating that depreciation rates or amortization periods utilized were approved. If the carrier fails to meet this burden, the commission may deny as a cost of service that depreciation or amortization expense.** [notwithstanding the use of approved or appropriate depreciation rates as provided herein, the commission at its discretion may not allow as a cost of service that depreciation or amortization expense which becomes necessary because of improper or inadequate management or for other reasons not in the public interest. Failure to timely request depreciation rate changes shall be grounds for disallowance if it is established that prudent management would have known a depreciation rate change was necessary in the past and that past failure to act is now causing depreciation expense to be higher.]

(5)[(F)] Interim booking. Unless ordered otherwise by the commission or any examiner, a dominant carrier may, at its option, book depreciation and amortization expense on an interim basis based on proposed depreciation rates from the month of filing until interim or final action by an examiner or the commission. Such interim booking must be revised using the finally approved depreciation rates and records must be maintained showing the interim booking and the adjustments, if any, after a final order is

entered

(6)(3) Special amortization. Where all or a substantial portion of a property account or subaccount is retired earlier than anticipated and the reserve for that account is less than the amount to be retired less salvage, **or in other instances where an amortization is appropriate**, special amortization may be requested.

(A) If the amortization period is two years or less and the annual amount is less than 2.0% of annual revenues, the dominant carrier shall so advise the commission. No commission approval is necessary. However, the commission may review the appropriateness of said amortization during rate cases.

(B) If the amortization period is more than two years or the amount is more than 2.0% of annual revenues, commission approval is required.

(7)(4) New depreciation rates. When a dominant carrier determines a need to establish a new depreciation rate for a new class of property, it may adopt a depreciation rate approved by the commission for another similar dominant carrier for the same property class if the estimated lives and salvage are expected to be similar. The dominant carrier must notify the commission of said action but no commission approval is necessary. The commission may review said rate and make changes upon appropriate motion or in subsequent rate or depreciation proceedings.

(5) Software and computer programming. If a dominant carrier appropriately capitalizes the purchase cost of computer programs or the cost of developing programs and if that dominant carrier clearly establishes those costs as distinct and separate from equipment and other costs, it may establish a separate subaccount to depreciate those costs over an appropriate life. Said life shall be established based upon probable retirement dates of said capitalized amounts.]

(1)-(1) (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 December 4, 1987

TRD-8710915

Phillip A. Holder  
Secretary of the  
Commission  
Public Utility  
Commission of Texas

Earliest possible date of adoption

January 12, 1988

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



## TITLE 19. EDUCATION Part II. Texas Education Agency

### Chapter 101. Assessment Assessment of Minimum Skills ★ 19 TAC §§101.1-101.4

The Texas Education Agency proposes amendments to §§101.1-101.4, concerning the Texas Educational Assessment of Minimum Skills (TEAMS) test. The proposed amendment to §101.1 would permit the commissioner of education to establish testing dates for the exit level test in addition to those in October or May. The amendment to §101.2 adds written composition as part of the exit level test in language arts. The amendment would add this requirement beginning with the 1990-1991 school year, although during the rule adoption process the board may consider ways to institute testing of students' writing abilities at the exit level before 1990-1991. Section 101.3 is amended to clarify rules for use of modifications of regular classroom procedures and to provide that limited English proficient students in grade three may take the Spanish version of the grade three test as well as the English version. Section 101.4 is amended to specify that penalties for violating test procedures or test security may include reprimands and suspension or revocation of certificates of professional educators involved.

Lynn M. Moak, deputy commissioner for research and information, has determined that for the first five-year period the proposed sections will be in effect, there will be fiscal implications for state or local government as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections will be in effect is an estimated additional cost for a summer administration of test and development of the written composition test of \$50,000 in 1988 and 1989, \$350,000 in 1990, and \$500,000 in 1991 and 1992. The effect on local government for the first five-year period the sections will be in effect is that there may be some costs to districts associated with administration, but these cannot be estimated. There will be no fiscal implications for small businesses as a result of enforcing or administering the sections.

Mr. Moak and Dr. Beverly Bardsley, director for policy development, have determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that written composition will be tested before high school graduation, that there will be more flexibility in testing dates, and that certain limited English proficient students can be tested in Spanish as well as English to gain a more accurate idea of their educational progress. There is no anticipated

economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Dr. Beverly Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas, 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in sections has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §21.551, which directs the agency to adopt criterion-referenced tests to assess specified basic skills at grades one, three, five, seven, nine and the exit level.

#### §101.1 General Provisions.

(a)(b) (No change.)

(c) Each year the commissioner of education shall designate two days in October and two days in May when the exit level assessment instrument for mathematics and English language arts will be administered in all school districts in the state. **The commissioner of education may determine other dates of administration if the need arises.**

(d)(g) (No change.)

#### §101.2 Exit Level Requirements.

(a)(c) (No change.)

(d) Students who are enrolled in the eleventh grade during the 1985-1986 school year will take the exit level test for the first time in October of 1985 and will not receive a diploma unless they have passed both sections of the exit level test by the end of their twelfth grade year. The following conditions for receiving a diploma will apply.

(1) (No change.)

(2) Although increasingly difficult passing standards and examinations may be established for the exit level test, no student will be required to demonstrate performance at a standard higher than the passing standard that was in effect at the time that student first took the test.

(3) (No change.)

(e) (No change.)

(f) Students enrolled in the twelfth grade on or before September 1, 1985, [during the 1985-1986 school year] shall not be required to take the exit level examination.

(g) **Beginning with the 1990-1991 school year, the exit level examination will include a written composition as part of the language arts test.** School districts shall notify in writing each student and the parent or guardian of each student who fails to pass the exit level basic skills examination that the student will be required to retake the examination each time it is administered thereafter until mastery of such skills is demonstrated by the student.

(h) School districts shall notify the

commissioner of education, at times specified by the commissioner, of the approximate number of students and others who will retake the examination.]

§101.3 Exemptions

(a) (No change.)

(b) A handicapped student whose handicap has been determined by the students admission, review, and dismissal committee to prevent him or her from mastering some or all of the competencies which the basic skills assessment instruments and/or the exit level assessment instrument are designed to measure may be exempted from some or all of the student assessment of basic skills tests and/or the exit level test(s) [assessment], as appropriate.

(c) (No change.)

(d) **Modifications of regular classroom procedures which would render the test invalid, such as use of slide rules and calculators or special reading assistance, shall not be provided. However, certain** modifications of regular classroom procedures [which are] provided for handicapped students by the local district as specified in the student's individual educational plan shall be provided during the assessment process. Such modifications may include the following:

(1) provision for **signing** [interpreters] to [for] **hearing impaired** [handicapped] students to ensure that such students receive any instructions given orally before or after the test as provided in the administration manual;

(2) provision for handicapped students to respond orally to test items where a handicapping condition interferes with their ability to record machine-readable responses **or produce a written composition**; and

(3) (No change.)

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

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

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

(g)(h) Limited English proficient students at grades one or three whose native language is not Spanish may receive **an** [a one-time] exemption from the Texas educational assessment of minimum skills **for the**

**test at that grade level** and will participate in the assessment at [during] subsequent **grade levels** [administrations].

(h)(i) Students at grades five, seven, or [and] nine who have been identified as limited English proficient by the language proficiency assessment committee may receive **an** [a one-time] exemption from the Texas educational assessment of minimum skills **for the test at that grade level** if the language proficiency assessment committee has determined that the student has not demonstrated sufficient proficiency in the English language to participate in the assessment. **These students will participate in the assessment at subsequent grade levels.**

(i)(j) **Limited English proficient students in grade three who were tested with either the English or Spanish version in grade one will be tested with the English version in grade three. In addition, these students may take the grade three Spanish version test.** [A student may take a Spanish language version of the Texas educational assessment of minimum skills one time only (applicable to grade one or grade three) or may receive an exemption from the English language version of the Texas educational assessment of minimum skills one time only.]

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

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

§101.4. Security and Confidentiality.

(a) The superintendent or chief administrative officer of each school district shall certify in writing to the commissioner of education that assessment instruments and test items have been kept secure and that:

(1) (No change.)

(2) no person in any way **scored**, copied, or reproduced any part of the basic skills assessment instrument or student responses to it;

(3) no person revealed any of the contents of the assessment instrument; [and]

(4) only the examinee or test administrator was allowed to view or mark any of the student responses; [.] **or**

(5) **no person has corrected or altered student responses in the assessment instrument.**

(b) School districts shall ensure that test administrators follow the procedures for test administration established by the commissioner of education and included with test materials. Departures from prescribed testing procedures by teachers, test administrators, or any other person shall be prohibited. **A set of penalties including permanent reprimands to, suspensions of, and revocations of certificates of professionals involved has been identified that will be imposed on vio-**

**lators of test administration procedures and test security regulations.**

(c) (No change.)

Issued in Austin, Texas, on December 1, 1987.

TRD-8710832

W. N. Kirby  
Commissioner of Education

Filed: December 2, 1987

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



**TITLE 22. EXAMINING  
BOARDS**

**Part XII. Board of  
Vocational Nurse  
Examiners**

**Chapter 231. Administrative  
Disciplinary Action**

**★ 22 TAC §231.99**

The Board of Vocational Nurse Examiners proposes an amendment to §231.99, concerning board action possible in reinstatement of a license. The amendment states more clearly the provisions the board may require of an individual who is requesting reinstatement and for better protection of the public safety.

Joyce A. Hammer, executive director, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mrs. Hammer 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 the assurance of a more current knowledge base for individuals who have been inactive in the nursing profession for specific periods of time. The economic cost to individuals who are required to comply with the proposed section will be the cost of courses required by the board.

Comments on the proposal may be submitted to Joyce A. Hammer, Executive Director, Board of Vocational Nurse Examiners, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

The amendment is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

§231.99. *Board Action Possible in Reinstatement.* After evaluation, the board may:

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



(3) authorize reinstatement of the suspended or revoked license, and

(4) require supervised practice for a specified period of time and/or require evidence of a refresher course(s).

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 December 4, 1987

TRD-8710944 Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Earliest possible date of adoption  
January 12, 1988  
For further information, please call  
(512) 835-2071



## Chapter 235. Licensing Application for Licensure

### ★ 22 TAC §235.2

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

The Board of Vocational Nurse Examiners proposes an amendment to §235.2, concerning application for licensure, to comply with the legislative mandates of House Bill 5, 70th Legislature, 1987. This amendment is also being adopted on an emergency basis in this same issue of the *Texas Register*. Since the agency must rely on other public and private entities for all or part of its licensure process, applicants are given up to six months to complete the application process for endorsement. Applicants requiring the licensure examination must comply with established national deadlines and the Vocational Nurse Act, §6(a). The initial application process burden is the responsibility of the individual applicant and other public or private entities in possession of the required application information. Due to these factors, the agency can only be responsible for expediting the completed application. To compensate for the sometimes lengthy application processing procedure, temporary permits are issued as provided in the Vocational Nurse Act, §6(d), until a permanent license can be issued.

Joyce A. Hammer, executive director, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mrs. Hammer also has determined that for each year of the first five years the sec-

tion is in effect the public benefit anticipated as a result of enforcing the section will be the addition of qualified licensed vocational nurses to the work force. 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 Joyce A. Hammer, Executive Director, Board of Vocational Nurse Examiners, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

The amendment is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

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 December 4, 1987

TRD-8710946 Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Earliest possible date of adoption  
January 12, 1988  
For further information, please call  
(512) 835-2071



### ★ 22 TAC §§235.6, 235.7, 235.13

The Board of Vocational Nurse Examiners proposes amendments to §§235.6, 235.7, and 235.13, concerning applications for licensure by endorsement, graduates of vocational nursing programs, and military graduates assigned to overseas duty prior to examination, respectively. The amendment to §235.6 and §235.7 specifies the name of the examination individuals must pass in order to be eligible for vocational nurse licensure in Texas. Section 235.13 provides for clarification of exemption for military graduates who desire to write the examination after returning from overseas duty after expiration of the two-year eligibility period.

Joyce A. Hammer, executive director, 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.

Mrs. Hammer also has determined that for each year of the first five years the sections are in effect no public benefit is anticipated as a result of enforcing the section. 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 Joyce A. Hammer, Executive Director, Board of Vocational Nurse Examiners, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

The amendments are proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

§235.6. *Applications for Licensure by Endorsement.* An applicant for licensure in Texas by endorsement shall:

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

(3) have achieved a passing score [of 350] acceptable to Texas on the National League for Nursing (NLN) [national] examination or the National Council Licensure Examination (NCLEX) for practical vocational nurses;

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

§235.7. *Graduates of Vocational Nursing Programs.* Applicants who fail the NCLEX-PN examination must submit re-examination and testing service applications and fees. Applicants who fail the NCLEX-PN examination will be allowed to rewrite the examination within two years of first-time eligible after graduation, allowing four opportunities to write. Applicants who do not successfully pass this national [the] examination within two years of eligibility must repeat the entire curricula.

§235.13. *Military Graduates Assigned to Overseas Duty Prior to Examination.* Military graduates assigned to overseas duty prior to examination are normally exempt from the two-year limit. Proof of overseas assignment shall be [is to be] submitted in order to determine eligibility for [with the application] the examination.

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

Issued in Austin, Texas, on December 4, 1987

TRD-8710947 Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Earliest possible date of adoption  
January 12, 1988  
For further information, please call  
(512) 835-2071



Part XV. Texas State Board  
of Pharmacy  
Chapter 283. Licensing  
Requirements for  
Pharmacists

★ 22 TAC §§283.1-283.14

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas State Board of Pharmacy, 8505 Cross Park Drive, Suite 110, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)*

The Texas State Board of Pharmacy proposes the repeal of §§283.1-283.14, concerning licensing requirements for pharmacists. The repeals allow for the simultaneous proposal of new §§283.1-283.10, which clarify the licensure requirements for pharmacists.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the proposed repeals will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Mr. Brinkley also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to protect the public health and safety by ensuring that all applicants meet the requirements to qualify for a license to practice pharmacy in this state. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The repeals are proposed under Texas Civil Statutes, Article 4542a-1, §§20-22, which provide the Texas State Board of Pharmacy with the authority to establish the standards whereby an applicant may qualify for a license to practice pharmacy in this state.

- §283.1 Purpose
- §283.2 Definitions
- §283.3 Educational and Age Requirements
- §283.4 Goal and Objectives of Internship
- §283.5 1,000 Hours Requirement
- §283.6 1,500 Hours Requirement
- §283.7 Hours-Per-Week Limitation
- §283.8 Texas Colleges of Pharmacy Internship Programs
- §283.9 Requirements for Graduates of

- Out of State Colleges of Pharmacy*
- §283.10 Extended Internship Program
- §283.11 Preceptor Requirements
- §283.12 Examination Requirements
- §283.13 Reciprocity Requirements
- §283.14 Fee Requirements

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

Issued in Austin, Texas, on November 30, 1987

TRD-8710836 Fred S. Brinkley, Jr.  
R.Ph.  
Executive  
Director/Secretary  
Texas State Board of  
Pharmacy

Earliest possible date of adoption  
January 11, 1988  
For further information, please call  
(512) 832-0661



★ 22 TAC §§283.1-283.10

The Texas State Board of Pharmacy proposes new §§283.1-283.10, concerning licensing requirements for pharmacists. Existing §§283.1-283.14 are simultaneously proposed for repeal and are published elsewhere in this issue of the *Texas Register*. These new sections allow a graduate of a foreign college of pharmacy to become licensed in Texas, under certain requirements. The new sections also increase the fee for taking the NABPLEX exam from \$124 to \$200. Procedures are clarified relating to renewing a license which had expired for two years or more.

Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 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. Brinkley also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to protect the public health and safety by ensuring that all applicants meet the requirements to qualify for a license to practice pharmacy in this state. The possible economic cost to individuals who are required to comply with the sections will be a \$200 fee for the NABPLEX exam (cost to all exam applicants); a \$250 reciprocity fee (cost to all reciprocity applicants); an \$84 initial licensure fee (cost to all applicants who are eligible for licensure), and a \$700 equivalency examination fee (FPGEE) and a fee under \$50 for the TOEFL examination (additional cost to foreign pharmacy graduates only). There

will also be a cost to all applicants who have completed less than 500 hours of internship at the time of application; but because the cost of the internship program may vary, the costs to these applicants cannot be determined.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The new sections are proposed under Texas Civil Statutes, Article 4542a-1, §§20-22, which provide the Texas State Board of Pharmacy with the authority to establish the standards whereby an applicant may qualify for a license to practice pharmacy in this state.

§283.1 Purpose. The purpose of this chapter is to provide a comprehensive, coherent regulatory scheme for the licensing of those wishing to engage in the practice of pharmacy in this state. The provisions of this chapter govern in conjunction with the Pharmacy Act (Texas Civil Statutes Article 4542a-1) the method for the issuance of a certificate to act as a pharmacist in Texas. This chapter also provides a framework for any board-approved internship program.

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

- ACPE: The American Council on Pharmaceutical Education
- Applicant: An individual having applied for licensure to act as a pharmacist in Texas
- B.S. in pharmacy: A bachelor of science degree in pharmacy
- Board: The Texas State Board of Pharmacy; all members, divisions, departments, sections, and employees thereof
- Clerkship program: A practical experience program gained in an inpatient environment. Includes institutional practice and interprofessional experiences, as a component of internship
- Competency: A demonstrated state of preparedness for the realities of professional pharmacy practice
- Didactic: Systematic classroom instruction
- Extended-intern: A pharmacist intern, registered with the board, who has:
  - (a) applied to the board for licensure by examination and has successfully passed the NABPLEX and Texas pharmacy jurisprudence examination but lacks the required number of hours of internship for licensure, or
  - (b) applied to the board to take the next scheduled examination after graduation and has:
    - (i) graduated and received a professional degree from a college of pharmacy the professional degree program of which has been accredited by ACPE and approved by the board;
    - (ii) completed all of the re-



quirements for graduation and receipt of a professional degree from a college of pharmacy the professional degree program of which has been accredited by ACPE and approved by the board; or

(c) applied to the board for re-issuance of a pharmacist license which has been expired for more than two years but less than 10 years, and has successfully passed the Texas pharmacy jurisprudence examination but lacks the required number of hours of internship or continuing education required for licensure.

**Externship program**—A practical experience program gained in an outpatient pharmacy licensed by the board, as a component of internship.

**Foreign pharmacy graduate**—A pharmacist whose undergraduate pharmacy degree was conferred outside the United States by a pharmacy school listed in the *World Directory of Schools of Pharmacy* published by the World Health Organization. The United States, as used here, includes the 50 states, the District of Columbia, and Puerto Rico.

**FPGEC**—The Foreign Pharmacy Graduate Equivalency Commission.

**FPGEE**—The foreign pharmacy graduate equivalency examination, given by FPGEC.

**Internship**—A practical experience program which is board-approved and may include externship and clerkship programs as defined in this section. Internship may be college-based and may include college-based externship and clerkship programs.

**NABP**—The National Association of Boards of Pharmacy.

**NABPEX**—The National Association of Boards of Pharmacy Licensing Examination.

**Pharm. D.**—A doctorate in pharmacy.

**Pharmacist-intern**—An undergraduate student in a Texas college of pharmacy lacking no more than 30 credit hours of work towards a professional degree in pharmacy and participating in a school-based board-approved internship program or an extended-intern participating in a board-approved internship program.

**Preceptor**—A pharmacist registered in Texas to practice pharmacy, in good standing with the board, and certified by the board to supervise and be responsible for the activities and functions of a pharmacist-intern in the internship program.

**Professional degree**—A baccalaureate in pharmacy (B.S.) or a doctor of pharmacy (Pharm.D.).

**TOEFL**—The test of English as a foreign language, as given by American College Testing (ACT) and certified by the FPGEC.

**§283.3. Educational and Age Requirements.** An applicant for licensure shall be of good moral character, provide satisfactory evidence that the age of 18 years has been obtained and shall meet one of the

following requirements:

(1) have graduated and received a professional degree from a college of pharmacy the professional degree program of which has been accredited by ACPE and meets the requirements of the board; or

(2) have graduated from a foreign college of pharmacy and obtained full certification from the FPGEC. Such certification shall include:

(A) passing the FPGEE with a score of at least 75; and

(B) demonstrating proficiency in english by passing the TOEFL with a score of at least 550.

**§283.4. Internship Requirements.**

(a) Goals and objectives of internship.

(1) The goal of the internship is for the pharmacist-intern to attain the knowledge, skills, and abilities to safely, efficiently, and effectively practice pharmacy under the laws and regulations of the State of Texas.

(2) The following objectives are necessary to accomplish the goal of internship in paragraph (1) of this subsection.

(A) Drug ingredient selection competency. The pharmacist-intern shall acquire the ability to select appropriate ingredients in order to dispense drug products according to legal and professional standards.

(B) Prescription compounding competency. The pharmacist-intern shall acquire the ability to safely and accurately prepare prescription drugs requiring extemporaneous or bulk compounding, including sterile and nonsterile dosage forms.

(C) Prescription dispensing competency. The pharmacist-intern shall acquire the ability to properly interpret prescription orders accurately, select, identify, package, and label drug products to be dispensed.

(D) Evaluation and monitoring therapy competency. The pharmacist-intern shall acquire the ability to monitor and evaluate patient's drug therapy, recognize potentially significant drug interactions, evaluate the pharmacist's responsibility to maintain confidentiality, and process and file appropriate records.

(E) Communication competency. The pharmacist-intern shall be able to furnish timely and factual verbal and written information to patients concerning the use and effects of drugs and exhibit knowledge of common disease states and the appropriate treatment for each condition.

(F) Selection competency. The pharmacist-intern shall be able to furnish factual information concerning the uses and effects of chemicals, prescription accessories, convalescent aids, sickroom supplies, and nonprescription drugs commonly available to the consumer in pharmacies.

(G) Health care professional communication competency. The pharmacist-intern shall be able to communicate verbally and in writing and exercise professional judgment when interacting with other members of the health care team.

(H) Drug information competency. The pharmacist-intern shall be able to identify, locate, evaluate, utilize, and interpret pharmaceutical and medical literature.

(I) Professional and ethical standards competency. The pharmacist-intern is required to comply with legal requirements and professional standards relating to the practice of pharmacy and the operation of the pharmacy.

(J) Emergency pharmacy competency. The pharmacist-intern is required to comply with legal requirements concerning the use and effects of poisons, and provide assistance when necessary in emergency patient care activities.

(K) General public health and civic responsibilities competency. The pharmacist-intern shall develop knowledge and skills as an effective civic leader and participate in public health programs.

(L) Pharmacy management competence. The pharmacist-intern shall:

(i) develop a general understanding of the business procedures of a pharmacy; and

(ii) develop knowledge concerning the employment and supervision of pharmacy employees.

(b) Hours requirement.

(1) The board requires 1,500 hours of internship for licensure. These hours may be obtained through one or more of the following methods:

(A) in a Texas College of Pharmacy college-based, board-approved, structured internship program, as specified in subsection (c) of this section;

(B) in a board-approved extended-internship program as specified in subsection (d) of this section; and/or

(C) through internship hours approved and certified to the board by another state board of pharmacy.

(2) An applicant who has completed less than 500 hours of internship at the time of application shall:

(A) complete the remainder of the 1500 hour internship in a board-approved extended-internship program; and

(B) successfully pass an examination designed to determine that the applicant has met the competencies listed in subsection (a) of this section.

(3) Pharmacist-interns participating in an internship may be credited no more than 50 hours per week of internship experience.

(c) Texas Colleges of Pharmacy Internship Programs.

(1) The board shall review for approval Texas colleges of pharmacy internship programs on or before September 1 of each fiscal year. The purpose of the board review will be to determine if such internship programs demonstrate that the competencies listed in subsection (a) of this section are capable of being met by each student completing the internship. The board reserves the right to set conditions relating to the ap-

proval of such programs.

(2) The Texas colleges of pharmacy shall determine through examinations that each student completing the college internship program meets the competencies listed in subsection (a) of this section (relating to Goals and Objectives of Internship).

(3) A maximum of 500 hours of the total 1,500 hours internship experience requirement may be awarded to a student who is registered for and participates in a board-approved internship and who lacks more than 30 credit hours of work towards a professional degree in pharmacy. Such student may not perform the duties of a pharmacist-intern as described in §283.5 of this title (relating to Pharmacist-Intern Duties) except in a pharmacy under the operation and control of a university that has a college or school of pharmacy, provided such student is under the direct supervision of a pharmacist licensed and in good standing with the board, who is a member of the faculty or staff of the respective college or school of pharmacy.

(4) A student who is registered for and participates in a board-approved internship program at a Texas college of pharmacy and who is lacking no more than 30 credit hours of work towards a professional degree in pharmacy may be designated as a pharmacist-intern and may perform the duties of a pharmacist-intern as described in §283.5 of this title (relating to Pharmacist-Intern Duties) in the presence of and under the direct supervision of a board-approved preceptor. Pharmacist-interns may perform the duties of a pharmacist-intern as described in §283.5 of this title (relating to Pharmacist-Intern Duties) only during times and in sites assigned by the respective colleges of pharmacy.

(5) Internship experience shall be gained under a pharmacist licensed by the board and approved as a preceptor by the board.

(6) All internship sites shall be approved by the board. Externship sites shall be pharmacies licensed and in good standing with the board.

(7) Any individual having completed an internship program may no longer be designated a pharmacist-intern, except as provided in subsection (d) of this section.

(8) Prior to taking the licensure examination any applicant participating in a Texas college-based internship shall complete the requirements of such internship.

(9) Pharmacist-interns completing a board-approved Texas college-based structured internship divided equitably among community, institutional, and clinical pharmacy practice will be awarded 1,500 hours of internship experience. No credit shall be awarded for didactic experience.

(10) If a Texas college of pharmacy determines through evaluation and examination that an individual student is competent in institutional practice, the college may petition the board to allow such student to sub-

stitute any or all of the institutional practice component of the internship with practical experience substantially related to the practice of pharmacy, such as practical experience in pharmaceutical manufacturing, nuclear pharmacy, or pharmacy administration.

(11) If a Texas college of pharmacy determines through evaluation and examination that an individual student is competent in community practice, the college may petition the board to allow such student to substitute any or all of the community practice component of the internship with practical experience substantially related to the practice of pharmacy, such as practical experience in pharmaceutical manufacturing, nuclear pharmacy, or pharmacy administration.

(d) Extended-internship program.

(1) A person may be designated an extended-intern provided he/she has made application to the board and met one of the following requirements:

(A) passed NABPLEX and the Texas pharmacy jurisprudence examination but lacks the required number of internship for licensure;

(B) applied to the board to take the next scheduled examination after graduation and has:

(i) graduated and received a professional degree from a college of pharmacy the professional degree program of which has been accredited by ACPE and approved by the board; or

(ii) completed all of the requirements for graduation and receipt of a professional degree from a college of pharmacy the professional degree program of which has been accredited by ACPE and approved by the board; or

(C) applied to the board for re-issuance of a pharmacist license which has expired for more than two years but less than 10 years and has successfully passed the Texas pharmacy jurisprudence examination, but lacks the required number of hours of internship or continuing education required for licensure.

(2) The terms of the extended-internship shall be as follows.

(A) The extended-internship shall be gained in a pharmacy licensed by and in good standing with the board, or a federal government pharmacy participating in a board-approved internship program.

(B) The extended-intern shall be in the presence of and under the direct supervision of a board-approved preceptor who is licensed by and in good standing with the board.

(3) The extended-internship remains in effect until the earlier of the following occurs:

(A) the failure of the extended-intern to take the next regularly scheduled examination after graduation;

(B) the failure of the extended-intern to pass the next regularly scheduled

examination after graduation; or

(C) the failure of the extended-intern to complete the requirements for licensure within two years after passing the required examination(s).

(e) Pharmacist-intern identification.

(1) The board shall provide the pharmacist-intern written documentation of his or her designation as a pharmacist-intern. This written documentation serves as identification and authorization to perform the duties of a pharmacist-intern as described in §283.5 of this title (relating to Pharmacist-Intern Duties).

(2) Pharmacist-interns shall keep this written documentation with them at all times they are serving as a pharmacist-intern and make it available for inspection by board agents.

§283.5. *Pharmacist-Intern Duties.*

(a) A pharmacist-intern participating in a board-approved internship program may perform any duty of a pharmacist provided he or she is under the direct supervision of a licensed pharmacist who is registered as a preceptor with the board. These duties include, but are not limited to, the following:

(1) dispensing prescription drug orders;

(2) receiving oral prescription orders from a practitioner; and

(3) transferring prescriptions between pharmacies.

(b) A pharmacist-intern may not:

(1) present or identify himself/herself as a pharmacist;

(2) sign or initial any document which is required to be signed or initialed by a pharmacist unless a preceptor cosigns the document; or

(3) supervise supportive personnel.

§283.6. *Preceptor Requirements.*

(a) Preceptors shall be licensed pharmacists in good standing with the board.

(b) Preceptors are required to be approved and certified by the board. A preceptor shall publicly display the preceptor certificate with his/her license to practice pharmacy and the license renewal certificate.

(c) Any preceptor approved and certified by the board shall be approved and certified for a three-year period commencing on the date of such approval and certification.

(d) In externship programs, a preceptor may supervise only one pharmacist-intern at any given time.

(e) No pharmacist may serve as a preceptor if his or her license to practice pharmacy has been the subject of an order of the board imposing any penalty set out in the Act, §28(a), during the period he or she is serving as a preceptor or within the three-year period immediately preceding application for approval as a preceptor. Provided, however, a pharmacist who has been the subject of such an order of the board may petition the board, in writing, for approval to act as a preceptor.

§283.7. *Examination Requirements.* Each applicant for licensure by examination shall pass the Texas pharmacy jurisprudence examination and the NABPLEX. The examination requirements shall be as follows.

(1) Prior to taking the required examination, the applicant shall meet the educational and age requirements as set forth in §283.3 of this title (relating to Educational and Age Requirements).

(2) All applicants shall pass NABPLEX, which includes, at a minimum, the following subject areas:

- (A) chemistry;
- (B) mathematics;
- (C) pharmacy;
- (D) pharmacology; and
- (E) practice of pharmacy.

(3) Effective October 1, 1979, the following requirements apply.

(A) To pass NABPLEX, an applicant shall make the following grades:

(i) a minimum grade of 60 on chemistry, mathematics, pharmacy, and pharmacology test;

(ii) a minimum grade of 75 on the practice of pharmacy test; and

(iii) a minimum average grade of 75 on the NABPLEX.

(B) Should the applicant fail to achieve a minimum grade of 60 in any of the tests set out in paragraph (2)(A)-(D) of this section or fail to achieve a minimum grade of 75 in the practice of pharmacy test or fail to achieve a minimum average grade of 75 in the NABPLEX, such applicant, in order to be licensed, is required to retake all tests until such time as the minimum average grades are achieved.

(4) Effective June 1, 1986, the following requirements apply.

(A) To pass the NABPLEX, an applicant shall make a minimum average grade of 75.

(B) Should the applicant fail to achieve a minimum average grade of 75 in the NABPLEX, such applicant, in order to be licensed, is required to retake the NABPLEX until such time as a minimum average grade of 75 is achieved.

(5) To pass the Texas pharmacy jurisprudence examination, an applicant shall make a minimum grade of 75.

(6) If the applicant should fail both NABPLEX and the Texas Pharmacy Jurisprudence Examination, the examinations shall be retaken at the same administration.

(7) If the applicant should fail one of the examinations, the grade of the examination which the applicant initially passed may be used for the purpose of licensure by examination for a period of two years from the date of passing the initial examination.

(8) Examination applications and fees as specified in §283.9(a) of this title (relating to Fee Requirements for Licensure by Examination and Reciprocity) shall be received in the board office no later than the following prescribed deadlines:

(A) for the initial examination or retake of NABPLEX and the Texas Pharmacy Jurisprudence Examination—six weeks prior to the examination date; and

(B) for retake of the Texas Pharmacy Jurisprudence Examination only—three weeks prior to the examination date.

(9) Each applicant for licensure by examination utilizing NABPLEX scores transferred from another state shall meet the following requirements for licensure in addition to the requirements set out in paragraphs (1)-(8) of this section.

(A) The applicant shall request NABP to transfer NABPLEX scores to the board. Such request shall be postmarked no later than seven days from the date of the NABPLEX test administration.

(B) The applicant shall pay the fee set out in §283.9 of this title (relating to Fee Requirements for Licensure by Examination and Reciprocity).

#### §283.8. *Reciprocity Requirements.*

(a) All applicants for licensure by reciprocity shall:

(1) meet the educational and age requirements specified in §283.3 of this title (relating to Educational and Age Requirements);

(2) complete the Texas and NABP applications for reciprocity (Any fraudulent statement made in the application for reciprocity is grounds for denial of the application; if such application is granted, any fraudulent statement is grounds for suspension, revocation, and/or cancellation of any license so granted by the board.);

(3) present to the board proof of initial licensing by examination and proof that the license and other license or licenses granted to the applicant by any other state have not been suspended, revoked, canceled, surrendered, or otherwise restricted for any reason; and

(4) pass the Texas Pharmacy Jurisprudence Examination with a minimum grade of 75 (the passing grade may be used for the purpose of licensure by reciprocity for a period of two years from the date of passing the examination).

(b) The completed reciprocity applications and fees as specified in §283.9 of this title (relating to Fee Requirements for Licensure by Examination and Reciprocity) shall be received in the board's office no later than three weeks prior to the scheduled examination.

(c) A reciprocity applicant originally licensed after January 1, 1978, and who has graduated and received a professional degree from a college of pharmacy whose professional degree program has been approved by ACPE and approved by the board, shall show proof such applicant has:

(1) passed the NABPLEX or equivalent examination based on criteria no less stringent than the criteria in force in Texas; or

(2) been continually engaged in the practice of pharmacy for a period of two

years immediately preceding the application for reciprocal licensure and has obtained sufficient continuing education credits required to maintain a license to practice pharmacy in the state that originally licensed such pharmacist; or

(3) been licensed to practice pharmacy for a period of two years immediately preceding the application for reciprocal licensure and has obtained sufficient continuing education credits required to maintain a license to practice pharmacy in the state that originally licensed such pharmacist.

(d) A reciprocity applicant who is a foreign pharmacy graduate shall provide written documentation that such applicant has:

(1) passed the FPGEE with a score of 75;

(2) passed the TOEFL with a score of 550; and

(3) passed NABPLEX or equivalent examination based on criteria no less stringent than the criteria in force in Texas.

(e) If a reciprocity applicant should fail the Texas pharmacy jurisprudence examination, written notification of intent to retake the exam shall be received in the board office no later than three weeks prior to the examination date.

(f) An applicant is not eligible for licensing by reciprocity unless the state in which the applicant was initially licensed as a pharmacist also grants reciprocal licensing to pharmacists duly licensed by examination in this state, under like circumstances and conditions.

#### §283.9. *Fee Requirements for Licensure by Examination and Reciprocity.*

(a) The fees for licensure by examination and reciprocity are as follows:

(1) examination fee—\$124, effective for the September 1985 administration of the licensure examination and \$200, effective for the June 1988 examination (includes administration of NABPLEX and Texas Pharmacy Jurisprudence Examination); and

(2) reciprocity fee—\$250, includes administration of the Texas pharmacy jurisprudence examination.

(b) If an applicant fails an examination or is required to take an examination for reinstatement of a license, the fees for administration of the examination(s) are as follows:

(1) NABPLEX and Texas pharmacy jurisprudence or NABPLEX only—\$124, effective for the September 1985 administration of the licensure examination and \$200, effective for the June 1988 examination; and

(2) Texas pharmacy jurisprudence examination—\$25.

(c) Payment of the fee shall include one exam administration. Such fee is non-refundable, if the applicant fails to be present at a scheduled examination, unless the board receives written notification no later than six weeks before the date of such ex-

amination that the applicant will not be present at the examination.

(d) A person who takes NABPLEX and/or the Texas Pharmacy Jurisprudence Examination will be notified of the results of the examination(s) within two weeks of receipt of the results of the examination(s) from the testing service. If both NABPLEX and the Texas Pharmacy jurisprudence examination are taken, the applicant will not be notified until the results of both examinations have been received. Such notification will be made within two weeks after receipt of the results of both examinations.

(e) Once an applicant has successfully completed all requirements of licensure, the applicant will be notified of licensure as a pharmacist and of his or her pharmacist license number and the following is applicable.

(1) The notice letter shall serve as authorization for the person to practice pharmacy in Texas for a period of 30 days from the date of the notice letter.

(2) The applicant shall complete a pharmacist license application and pay one pharmacist license fee as specified in §291.5 of this title (relating to Pharmacist License or Renewal Fees).

(3) The provisions of §295.7 of this title (relating to Pharmacist License Renewal) apply to the timely receipt an application and licensure fee.

(4) If application and payment of the pharmacist license fee are not received by the board within 30 days from the date of the notice letter, the person's license to practice pharmacy shall expire. A person may not practice pharmacy with an expired license. The license may be renewed according to the following schedule.

(A) If the notice letter has been expired for not more than 90 days, the person may become licensed by making application and paying to the board one license fee and a fee that is one-half of the examination fee for the license.

(B) If the notice letter has been expired for more than 90 days but less than two years, the person may become licensed by making application and paying to the board all unpaid renewal fees and a fee that is equal to the examination fee for the license.

(C) If the notice letter has been expired for two years or more, the person shall apply for a new license.

**§283.10. Requirements for Application for a Pharmacist License Which has Expired.**

(a) Expired less than 90 days. If a person's license has been expired for not more than 90 days, the person may renew the license by paying to the board the required renewal fee and a fee that is one-half of the examination fee for a license.

(b) Expired more than 90 days. If a person's license has been expired for more than 90 days but less than two years, the person may renew the license by paying to the board all unpaid renewal fees and a fee that

is equal to the examination fee for a license.

(c) Expired for two years or more. If a person's license to practice pharmacy in Texas has been expired for two years or more, the person may not renew the license and shall apply for a new license.

(d) Re-examination. The board may issue a new license to a person if the person submits to reexamination and complies with the requirements and procedures for obtaining an original license as specified in §283.7 of this title (relating to Examination Requirements).

(e) Alternatives to re-examination. In lieu of re-examination as specified in subsection (d) of this section, the board may issue a license to a person whose license has been expired for two years or more, if the person meets the requirements of subsection (f) or (g) of this section and has not had a license granted by any other state suspended, revoked, canceled, surrendered, or otherwise restricted for any reason.

(f) Persons practicing pharmacy in another state. The board may issue a license to a person who was licensed as a pharmacist in Texas, moved to another state, is licensed in the other state and has been engaged in the practice of pharmacy in the other state for the two years preceding the application if the person meets the following requirements:

(1) makes application for licensure to the board on a form prescribed by the board;

(2) submits to the board certification that the applicant:

(A) is licensed as a pharmacist in another state and that such license is in good standing; and

(B) has been continuously employed as a pharmacist in that state for the two years preceding the application;

(3) passes the Texas pharmacy jurisprudence examination with a grade of 75 (the passing grade may be used for the purpose of licensure for a period of two years from the date of passing the examination); and

(4) pays to the board the examination fee set out in section §283.9 of this title (relating to Fee Requirements for Licensure by Examination and Reciprocity).

(g) Persons not practicing pharmacy. The board may issue a license to a person who was licensed as a pharmacist in this state, but has not practiced pharmacy for the two years preceding application for licensure under the following conditions.

(1) If the person's Texas pharmacist license has been expired for less than 10 years, the person shall:

(A) make application for licensure to the board on a form prescribed by the board;

(B) pass the Texas pharmacy jurisprudence examination with a grade of 75 (the passing grade may be used for the purpose of licensure for a period of two years from the date of passing the examination);

(C) pay the examination fee set out in section §283.9 of this title (relating to Fee Requirements for Licensure by Examination and Reciprocity); and

(D) complete approved pharmacy continuing education and/or board-approved internship requirements according to the following schedule:

(i) if the Texas pharmacist license has been expired for more than two years but less than three years the applicant shall complete 15 hours of approved pharmacy continuing education;

(ii) if the Texas pharmacist license has been expired for more than three years but less than four years the applicant shall complete 30 hours of approved pharmacy continuing education;

(iii) if the Texas pharmacist license has been expired for more than four years but less than five years the applicant shall complete 30 hours of approved pharmacy continuing education and 500 hours of internship in a board-approved internship program;

(iv) if the Texas pharmacist license has been expired for more than five years but less than six years the applicant shall complete 30 hours of approved pharmacy continuing education and 700 hours of internship in a board-approved internship program;

(v) if the Texas pharmacist license has been expired for more than six years but less than seven years the applicant shall complete 30 hours of approved pharmacy continuing education and 900 hours of internship in a board-approved internship program;

(vi) if the Texas pharmacist license has been expired for more than seven years but less than eight years the applicant shall complete 30 hours of approved pharmacy continuing education and 1100 hours of internship in a board-approved internship program;

(vii) if the Texas pharmacist license has been expired for more than eight years but less than nine years the applicant shall complete 30 hours of approved pharmacy continuing education and 1300 hours of internship in a board-approved internship program; and

(viii) if the Texas pharmacist license has been expired for more than nine years but less than 10 years the applicant shall complete 30 hours of approved pharmacy continuing education and 1500 hours of internship in a board-approved internship program.

(2) Any hours of approved pharmacy continuing education earned within one year prior to the applicant successfully passing the Texas pharmacy jurisprudence examination may be applied towards the continuing education requirement.

(3) Any hours worked as a licensed pharmacist in another state during the two years prior to the applicant successfully passing the Texas pharmacy jurisprudence ex-

amination may be applied towards the internship requirement.

(4) All requirements for licensure shall be completed within two years from the date the applicant successfully passes the Texas pharmacy jurisprudence examination.

(5) If the person's Texas pharmacist license has been expired for 10 years or more, the applicant shall apply for licensure by examination as specified in §283.7 of this title (relating to Examination Requirements).

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

Issued in Austin, Texas, on November 30, 1987

FRD-8710839 Fred S. Brinkley, Jr.,  
R. Ph.  
Executive  
Director/Secretary  
Texas State Board of  
Pharmacy

Earliest possible date of adoption  
January 11, 1988  
For further information, please call  
(512) 832-0661



## Chapter 291, All Classes of Pharmacy

### ★ 22 TAC §291.10

*Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas State Board of Pharmacy, 8505 Cross Park Drive, Suite 110, Austin, or in the Texas Register office, Room 5031, Sam Houston Building, 201 East 14th Street, Austin.*

The Texas State Board of Pharmacy proposes the repeal of §291.10, concerning pharmacy licenses. This section is being repealed because it contains repetitive language which is contained in other sections throughout Chapter 291.

Fred S. Brinkley, Jr., R. Ph., executive director/secretary has determined that for the first five-year period the proposed repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeal.

Mr. Brinkley also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be clarification of Chapter 291. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R. Ph., 8505 Cross Park Drive, Suite 110, Austin, Texas 78754

The repeal is proposed under Texas Civil Statutes, Article 4542a-1, §§29-32, which provide the Texas State Board of Pharmacy with the authority to specify by rule the licensing procedures to be followed and the standards that each pharmacy and its employees or personnel involved in the practice of pharmacy shall meet to qualify for the licensing or relicensing as a pharmacy in each classification.

### §291.10. 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 November 30, 1987

TRD-8710837 Fred S. Brinkley, Jr.,  
R. Ph.  
Executive  
Director/Secretary  
Texas State Board of  
Pharmacy

Earliest possible date of adoption  
January 11, 1988  
For further information, please call  
(512) 832-0661



## TITLE 25. HEALTH SERVICES

### Part 1. Texas Department of Health

#### Chapter 97. Communicable Diseases

##### Control of Communicable Diseases

### ★ 25 TAC §97.12, §97.13

The Texas Department of Health proposes new §97.12 and §97.13, concerning control of communicable diseases. New §97.12 covers exposure of health-care personnel to HIV or AIDS, and new §97.13 covers guidelines for testing certain indicted persons for certain diseases.

New §97.12 will define the conditions under which persons might be exposed to AIDS or HIV during a medical procedure. The emphasis is placed on prevention of infection rather than on testing for HIV antibodies. New §97.13 will define the procedures for testing of persons indicted for certain crimes for the presence of AIDS, HIV, or sexually transmitted diseases. The new sections are being proposed in order to implement provisions of the Communicable Disease Prevention and Control Act, Texas Civil Statutes, Article 4419b-1, and the Code of Criminal Procedure, Texas Statutes Annotated, Article 21.31.

Stephen Seale, chief accountant III, has determined that for the first five-year

period that §97.12 will be in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the section. In addition, it has been determined that for the first five-year period that §97.13 will be in effect there will be fiscal implications as a result of enforcing or administering the section. There will be no effect on state government. The effect on local government for the first five-year period will be an estimated increased cost statewide of approximately \$596,000 for each year from 1988-1992. The cost will be for medical procedures or tests to detect AIDS, HIV infections, or sexually transmitted diseases.

Mr. Seale also has determined that for the first five years the sections are in effect the public benefit anticipated as a result of the enforcing and administering the sections will be the prevention and control of communicable disease spread. In addition, victims of alleged offenses will be able to seek medical care earlier if they learn of exposure to one or more communicable diseases. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed. Under new §97.13, a district court might order an individual to bear some of the costs of the tests, but it is unknown whether an individual court will issue such an order under the proposed new section.

Comments on the proposal may be submitted to C. E. Alexander, M.D., Dr. P.H., Chief, Bureau of AIDS and STD Control, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7304. Comments will be accepted for 30 days after publication of the proposed sections in the *Texas Register*. A public hearing is scheduled for Tuesday, December 29, 1987, at 9 a.m., in the Texas Department of Health auditorium, 1100 West 49th Street, Austin.

The new sections are proposed under the Communicable Disease Prevention and Control Act, Texas Civil Statutes, §2.02, which authorizes the Board of Health to adopt rules to implement the Act; and the Texas Code of Criminal Procedure, Texas Codes Annotated, Article 21.31, which provides the Board of Health with the authority to adopt written infectious disease control protocols that establish procedural guidelines that provide criteria for testing and that respect the rights of the person accused and the victims of the alleged offense.

### §97.12. Exposure of Health-Care Personnel to HIV or AIDS.

(a) Emphasis must be placed on preventing the transmission of Human Immunodeficiency Virus (HIV) or Acquired Immune Deficiency Syndrome (AIDS) and not on testing for its presence. Health-care personnel shall follow the guidance given in "Recommendations for Prevention of HIV Transmission in Health-Care Settings," *Morbidity and Mortality Weekly Report*,

August 21, 1987, Volume 36, Number 25, United States Public Health Service, Centers for Disease Control, which publication is adopted by reference. Copies of the publications are filed in the Bureau of AIDS and STD Control, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and are available for public review during working hours.

(b) Health care personnel are at risk of exposure to HIV or AIDS during a medical procedure if the personnel have their mucous membranes or skin surface in contact with any bodily fluid or tissue (other than intact skin) and if the procedure to be performed is in one of the following categories:

(1) an invasive procedure that involves surgical entry into tissues, cavities, or organs or the repair of major traumatic injuries in an operating or delivery room, emergency department, or outpatient setting, including both physicians' and dentists' offices;

(2) cardiac catheterization and angiographic procedures;

(3) a vaginal or cesarean delivery or other invasive obstetric procedure during which bleeding may occur; or

(4) the manipulation, cutting, or removal of any oral or perioral tissues, including tooth structure, during which bleeding occurs or the potential for bleeding exists.

#### §97.13. *Criteria for Testing Certain Indicted Persons for Certain Diseases*

(a) A court may order a person who is indicted for sexual assault or aggravated sexual assault to submit to a medical procedure or test for presence of sexually transmitted diseases or AIDS or HIV or other agent of AIDS, under authority of the Code of Criminal Procedures, Texas Codes Annotated, Article 21.31. The physician who is directed by the court to perform the medical procedure or test shall follow the rules in this section that prescribe the criteria for testing and respect the rights of the victim of the alleged offense and the rights of the person accused.

(b) In order to protect the privacy of the person being tested, the court, in consultation with the local health authority, shall use or arrange the use of a pseudonym for the person on all requests and reports pertaining to the procedure or test; the pseudonym shall be distinct and known only to the physician, the person being tested, and the court. The person performing the procedures or test shall make the results available directly to the local health authority.

(c) For AIDS, HIV infection, syphilis, gonorrhea, viral hepatitis B, and genital infections from *Chlamydia Trachomatis*, the procedures and tests shall be those specified in the department's publication *Identification and Confirmation of Reportable Diseases*, as adopted by reference in §97.3 of this title (relating to Reportable Diseases and Health Conditions). For other sexually transmitted diseases, the physician shall re-

quest instructions from the commissioner or his designee.

(d) The local health authority shall personally notify the victim of the alleged offense of the results of the medical procedures or test; no other person shall be present during the notification unless permitted by the victim.

(e) The local health authority shall notify the person accused of the results of the procedure or test and, if the result indicates the presence of a communicable disease, shall instruct the person accused as required by the Communicable Disease Prevention and Control Act, Texas Civil Statutes, §4.02(a), and §97.5 of this title (relating to Reporting and Other Duties of Local Health Authorities and Regional Directors).

(f) After reporting of the results of the procedure or test to the victim and to the person accused, the local health authority shall file an affidavit with the court attesting that he or she has executed the order. Disclosure of the test results to any persons other than the victim and the accused person is prohibited under the Code of Criminal Procedures, Texas Codes Annotated, Article 21.31.

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 December 7, 1987.

TRD 8710951

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

Proposed date of adoption

January 23, 1988

For further information, please call  
(512) 458-7304



## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part XIV. Texas Board of Irrigators

#### Chapter 425. Certification of Registration and Seal

#### Certification of Registration

#### ★ 31 TAC §425.19

The Texas Board of Irrigators proposes an amendment to §425.19, concerning licensed irrigators' fees. The Board of Irrigators, on September 30, 1987, increased the licensed irrigators' fee from \$75 to \$85, effective December 1, 1987, in order to comply with Rider 4 of the appropriations bill for the Board of Irrigators for the fiscal years 1988 and 1989.

Joyce Watson, executive secretary, Texas Board of Irrigators, 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 as a result of enforcing or administering the section. The cost of compliance with the section for small business will be \$10 per year (the amount of the increase in the license fee). There is no difference between the cost of compliance for small businesses and the cost of compliance for the largest businesses affected by the section.

Ms. Watson 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 clarity and therefore public understanding. The anticipated economic cost to individuals who are required to comply with the proposed section will be an extra \$10 per year (the amount of the increase in the license fee).

Comments on the proposal may be submitted to Larry G. Persky, Attorney, Legal Division, Texas Water Commission, PO Box 13087, Austin, Texas 78711-3087. Comments will be accepted for 30 days after publication of this amendment in the *Texas Register*.

The amendment is proposed under the Licensed Irrigators Act, Texas Civil Statutes, Article 8751, §7, which provides the board with the authority to adopt, prescribe, promulgate, and enforce all rules reasonably necessary to effectuate the provisions of the Act.

#### §425.19. *Renewal of Certificate, Same Registration Number.*

(a) A licensed irrigator or a licensed installer may renew his certificate of registration at any time during the months of July and August of each year by payment of a renewal fee in the amount of **\$85** [\$75] for a licensed irrigator or \$50 for a licensed installer. Payment shall be made by personal check, money order, or cashier's check made payable to the Texas Board of Irrigators.

(b) (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 December 4, 1987.

TRD-8710932

Larry G. Persky  
Attorney  
Texas Water Commission

Earliest possible date of adoption

January 12, 1987

For further information, please call  
(512) 463-8087





TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part IV. Texas Commission for the Blind

Chapter 171. Cooperative Activities

★ 40 TAC §171.1

The Texas Commission for the Blind proposes an amendment to §171.1, concerning an interagency memorandum of understanding among the Texas Department of Corrections, the Texas Board of Pardons and Paroles, the Texas Rehabilitation Commission, the Texas Commission for the Deaf, the Texas Department of Human Services, and the Texas Commission for the Blind, to establish a continuity of care program for released physically handicapped inmates. The amendment responds to the requirements of Senate Bill 245, Article 6203c-11, 70th Legislature, 1987.

Terrell I. Murphy, Director of Client Services, 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. Murphy also has determined that for each year of the first five years the sec-

tion is in effect the public benefit anticipated as a result of enforcing the section will be an enhanced system of referral of physically handicapped inmates among the departments, board, and the commissions. 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 Keith D. Kitchens, Texas Commission for the Blind, P.O. Box 12866, Austin, Texas 78711.

The amendment is proposed under Senate Bill 245, Article 6203c-11, 70th Legislature, 1987, which provides the Texas Commission for the Blind with the authority to adopt an interagency memorandum of understanding with the Texas Department of Corrections, the Texas Board of Pardons and Paroles, the Texas Rehabilitation Commission, the Texas Commission for the Deaf, and the Texas Department of Human Services.

§171.1. Coordination with Other Organizations.

(a) The services and activities of the commission are coordinated with relevant services and activities carried out by other public or private organizations, to the extent that the services and activities of other organizations tend to bear or impact upon the purposes, duties, and responsibilities of the commission as defined in applicable statutes.

(b) With respect to the commission's

responsibility for physically handicapped inmates within the Texas prison system, the commission adopts by reference a memorandum of understanding between the Texas Commission for the Blind, the Texas Department of Corrections, the Texas Rehabilitation Commission, the Texas Commission for the Deaf, the Texas Department of Human Services, and the Texas Board of Pardons and Paroles, as required by Senate Bill 245, Article 6203c-11 of the 70th Legislature, 1987. A copy of this memorandum of understanding is available at the commission's central office located at 4800 North Lamar Boulevard, Austin, or a copy may be obtained by writing to the commission at P.O. Box 12866, Austin, Texas 78711, or by calling (512) 459-2600.

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

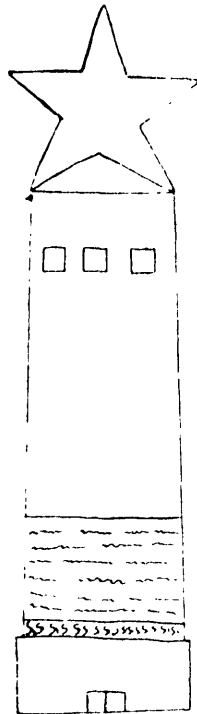
Issued in Austin, Texas, on December 2, 1987

TRD 8710859

Pat D. Westbrook  
Executive Director  
Texas Commission for the Blind

Earliest possible date of adoption  
January 11, 1988

For further information, please call  
(512) 459-2601



Name: Jeremy Mason  
Grade: 6  
School: Maedgen Elementary, Lubbock

# 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 I.

#### ADMINISTRATION

#### Part X. Automated Information and Telecommunications Council

#### Chapter 201. Acquisition of Automated Information and Telecommunications Systems

##### ★ 1 TAC §201.1

The Automated Information and Telecommunications Council (AITC) adopts an amendment to §201.1, with changes to the proposed text published in the October 9, 1987, issue of the *Texas Register* (12 TexReg 3619).

AITC must adopt this amendment to implement the provisions of House Bill 2224, 70th Legislature, 1987. The amendment includes procedures for developing and submitting long-range automated information and telecommunications systems (AITS) plans, inventories, and procurements.

House Bill 2224 requires that AITC certify all state governmental body long-range AITS plans and inventories. This certification is required for specified procurement actions, effective October 1, 1987. This amendment implements and provides direction to the provisions of the legislation.

A total of four comments were received. One comment suggested that the definition of computer be amended to a more concise definition. Another comment suggested that commercial maintenance contracts for equipment which was acquired without AITC participation be exempt from AITC review. Another comment suggested that AITC rules include the statutory exemption for services and facilities described by State Purchasing and General Services Commission, Article 10, Texas Civil Statutes, Article 601b. A final comment suggested that AITC notify state governmental bodies in writing of any inadequacies in long-range AITS plans, inventories, or procurements.

The council adopted the recommendation to amend the definition of computer.

The council deferred adoption of the other suggested changes, since all com-

ments were received on the last day of the review and comment period, allowing insufficient time for adequate study.

The council noted that more study is needed to determine the validity of the contract maintenance exemptions, that services and facilities in State Purchasing and General Services Commission Act Article 10 are specifically exempted by House Bill 2224, and that written AITC notification may impede negotiations with state governmental bodies and may create additional administrative procedures.

The council spoke specifically for or against the proposed amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413(32h), and Article 201.2(2)(b), which provide the Automated Information and Telecommunications Council with the authority to promulgate rules to administer the Act.

##### 201.1. Automated Information and Telecommunications Council Guidelines

(1) Council goals. The role of the Automated Information and Telecommunications Council is to aid state governmental bodies in the planning for effective, efficient, and economical use of automated information and telecommunications systems. As part of these guidelines, the following statement of goals is presented.

(1) to facilitate the development of automated information and telecommunications systems in support of more efficient and economical state government;

(2) to promote deliberate, logical, managerially, and technically competent planning in state governmental bodies concerning automated information and telecommunications systems, the computers and peripheral devices on which they are automated, internal and external telecommunications networks, and office automation systems that support the strategic goals of the chief executive officer of the body and which constitute a regular component of the state governmental body's legislative appropriations request;

(3) to process the council's comments on justifications for the purchase or lease of automated information and telecommunications systems, the computers on which they are automated, or related services, on a timely, unbiased, and objective basis.

(4) to promote interactive planning between state governmental bodies concerning management and technical experiences, software design and development, systems architecture, use of common data bases, telecommunications networking, utilization of excess computing capacity, software licensing, data and equipment security, and resources available in disaster recovery assistance.

(5) to develop and advise the governor, the lieutenant governor, speaker of the house of representatives, State Purchasing and General Services Commission, and the state auditor on policies relating to the orderly development of automated information and telecommunications systems, the acquisition of equipment, and related automation services.

(6) to provide advice and counsel to state governmental bodies concerning the policies and regulations of the council relating to the review of long-range planning and the justification of purchase or development of automated information and telecommunications systems, the computers on which they are automated or related services.

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

(1) Advanced Certification—A certification by AITC that all criteria for a proposed information systems procurement action as defined in Texas Civil Statutes, Article 4413(32h), §2.02, regarding advanced certification, have been fulfilled by a state governmental body.

(2) Annual budget of a governmental body—The current operating budget prepared and filed in accordance with the provisions of the General Appropriations Act.

(3) Automated information system—A set of computer hardware, programs, procedures, and associated documentation by which computers are used to perform the function of the information system.

(4) Basic Certification—A certification by AITC that all criteria for basic certification as defined in Texas Civil Statutes, Article 4413(32h), §2.015, have been fulfilled by a state governmental body.

(5) Computer—

(A) an electronic device for performing high-speed arithmetic and logical operations in which data is received, pro-

cessed, stored, transmitted, and output with minimal human intervention;

(B) all peripheral or auxiliary equipment, including data input and output equipment, which are used in support of information systems automated on computer processors, whether selected and acquired with computer processor or separately;

(C) data transmission and communications equipment that are selected and acquired solely or primarily for use with a configuration of computer processors or peripheral or auxiliary equipment.

(6) Long-Range Automated Information and Telecommunications Systems (AITS) Plan—A document outlining the needs of a state governmental body regarding telecommunications devices and systems, automated information systems and the computers on which they are automated, including computer software, and proposing the strategy and actions to be taken to satisfy the stated needs.

(7) Major conversion—A change in an automated information or telecommunications system requiring the acquisition of computer programs, computers, or services qualifying to the criteria of subsection (f) of this section.

(8) Services related to the automation of information and telecommunications systems or the computers on which they are automated—Services provided by private sources to perform such tasks as long-range planning, feasibility studies, system design studies, development of system specifications, system analysis, programming, system implementation, and operation of computers.

(9) State governmental body—A board, commission, department, institution, office, or other agency (including an institution of higher education as defined by the Education Code, §61.003), that is in the executive branch of state government; or the supreme court, the court of criminal appeals, a court of appeals, or the State Bar of Texas, or another judicial agency.

(10) Telecommunications system—Equipment or facilities providing for the transmission of audible, written or printed, switched voice and/or data, or video information by means of an electromagnetic or optic system. This section does not apply to a single agency point-to-point radio system, a system of criminal justice information telecommunications or any part of those systems.

(c) Long-Range AITS Plan.

(1) Each state governmental body as defined in subsection (b)(9) of this section is to prepare and file with the council a long-range AITS plan of all telecommunications devices and systems and automated information systems and the computers on which they are automated, purchased, or leased by the state governmental body, including computer software. The long-range AITS plan must support the overall objectives of the state governmental body. The long-range

AITS plan must be prepared by management and approved by the chief executive officer. If the annual budget of the state governmental body exceeds \$10 million, or if the annual automated information system budget of the state governmental body exceeds \$.05 million, or if the annual automated information system budget exceeds 3.0% of the annual budget, then the state governmental body must submit a long-range AITS plan which addresses the following areas. Otherwise, the state governmental body must submit a plan, which may be in the form of a letter to AITC, which describes the planned major expenditures for automated information and telecommunications systems.

(A) Executive summary. This area provides an overall summary of the long-range AITS plan.

(B) Planning assumptions. This area includes a brief descriptions. It also describes the key assumptions regarding the service delivery and technological environment that will exist over the life of the plan.

(C) Present status. This area describes the current automated information and telecommunications systems being employed to satisfy the needs and functions of the state governmental body. It also includes an evaluation of the state governmental body's skills and resources.

(D) Automated Information and Telecommunications Systems (AITS) plan strategy statement. This area contains a proposed automated information and telecommunications systems strategy and proposed actions to be taken to achieve the state governmental body's overall plan. The strategy statement should include a schedule for the four year period of the plan, and proposed procurement actions to be taken.

(E) Organizational impact. This area contains an assessment of the impact which the proposed long-range AITS plan will have on the state governmental body's objectives and its operation.

(F) Policy implications. This area discusses the need for changes, if any, in existing organizational policies or objectives, or for the adoption of new policies which might impact the timely implementation of the proposed long-range AITS plan.

(G) High priority projects. This area briefly discusses each of the state governmental body's high priority projects that are affected by the implementation of the proposed long-range AITS plan.

(H) Economic considerations. This area discusses and lists the overall costs, benefits, methods of financing, risk assessment, etc., for the proposed long-range AITS plan over a four year period.

(I) Program utilization. This area contains current and planned program utilization and major application utilization of information and telecommunications systems resources by percent of total systems used. Reasons for major changes in utilization should be described, as well as systems

backlog, if any.

(J) Attachments. Attachments to the long-range AITS plan must at a minimum contain the following attachments.

(i) Present and proposed systems configuration. This attachment should provide an overview of the state governmental body's current and proposed automated information and telecommunications systems.

(ii) Data processing cost allocation. This attachment should include the information required by §203.1 of this title (relating to Cost Allocation Guideline for Automated Information Systems).

(iii) Disaster recovery plan. This attachment should contain the state governmental body's Disaster Recovery Plan as required by §207.1 of this title (relating to Guidelines for the Preparation and Submission of Disaster Recovery Plans).

(2) To integrate the long-range AITS plan with the legislative appropriations request (LAR), the four years to be included in the plan are the two years required in the LAR and the subsequent two years in the following biennium. Accordingly, a long-range AITS plan should utilize the current year as the base period and project the next two biennia.

(d) Criteria for Proposed Actions Requiring Basic Certification. The council must certify in writing to the State Purchasing and General Services Commission that a state governmental body has complied with the requirements for basic certification before the governmental body may take any of the following actions:

(1) purchase at a cost of more than \$1,500 of telecommunications devices, systems, or services or of automated information systems, the computers on which they are automated, or a service related to the automation of information systems or the computers on which they are automated, including computer software;

(2) lease or lease-purchase at a cost of more than \$1,000 per month of telecommunications devices or systems, or of automated information systems or the computers on which they are automated, including computer software; or

(3) major conversion of telecommunications devices or systems, or of automated information systems or the computers on which they are automated.

(e) Criteria for Basic Certification.

(1) Basic Certification is based upon a review and finding of an adequately prepared and filed:

(A) long-range AITS plan; and

(B) inventory of hardware, software, and skills.

(2) Initial basic certification, required after September, 1987, shall be based upon the long-range AITS plans on file with the council on September 1, 1987. Agencies with no long-range AITS plans on file must submit such plans in order to receive basic certification. Basic certification must be up-

dated biennially in each even numbered year by the submission of a long-range AITS plan prepared under subsection (c) of this section. (See subsection (h) of this section, regarding submission instructions, for more detail.)

(3) When the council finds serious inadequacies in the long-range AITS plan or inventories submitted, the council will note the areas of inadequacies which require action by the state governmental body, with a specified date indicated by which time the inadequacies must be addressed. The council may provisionally certify the long-range AITS plan during this time limit extension. If so, the State Purchasing and General Services Commission will be notified of the extension. If the state governmental body does not satisfactorily address the noted inadequacies of the long-range AITS plan or inventories within the specified date, then the council will notify the State Purchasing and General Services Commission and the agency of that fact, and the actions contingent upon basic certification specified in Texas Civil Statutes, Article 4413(32h), §2.016, may not be taken.

(4) Notification of basic certification is to be provided by the council to the governor, lieutenant governor, speaker of the house of representatives, State Purchasing and General Services Commission, state auditor, and the state governmental body.

(f) Criteria for proposed actions requiring advanced certification.

(1) The following provides the criteria for proposed actions of state governmental bodies in regard to automated information or telecommunications devices, systems, or services:

(A) the purchase of telecommunications devices, systems or services, or of automated information systems, or the computers on which they are automated which will have a cost recorded in an inventory of at least \$300,000 or 2.0% of the governmental body's annual budget, whichever is less, provided however, that such purchase cost shall be at least \$100,000;

(B) the acquisition of proprietary computer programs which shall be components of automated information or telecommunications systems which have an initial cost of at least \$150,000 or 1.0% of the governmental body's annual budget, whichever is less, provided, however, that such initial cost shall be at least \$100,000;

(C) the contracting for a service related to telecommunications devices, systems, or services, or of automated information systems or the computers on which they are automated which will have a contract cost of at least \$100,000;

(D) the leasing of automated information or telecommunications devices, systems, or services, or the licensing of computer programs to be used in automated information or telecommunications systems which have a monthly cost of \$12,000 or 0.08% of a governmental body's annual budget, whichever is less, provided, however,

that such monthly cost shall be at least \$5,000;

(E) an annual purchase of computer time-shared service or an annual increase of such service, provided by private sources, of more than \$300,000 or 2.0% of the governmental body's annual budget, whichever is less, provided, however, that such annual purchase shall be at least \$100,000.

(2) Proposals for commercial maintenance service contracts for telecommunications devices, systems, or services, or for computer programs or computers and renewals thereof need not be filed with the advisory council if the cost of such commercial maintenance service was projected in the justification for acquisition of the computer programs or computers.

(g) Advanced Certification procedures. When a state governmental body proposes to take a procurement action meeting the criteria of subsection (f) of this section, then the state governmental body shall file with the council a justification statement approved by the chief executive officer or appointed designee.

(1) At a minimum the justification statement should include:

(A) copies of the appropriate requisition(s) to be forwarded to the State Purchasing and General Services Commission for processing;

(B) statements that:

(i) basic certification has previously been filed by the council;

(ii) the proposed items to be purchased, leased, or lease-purchased are necessary; best suited to fulfill the state governmental body's needs; and, where appropriate, capable of electronically interchanging information; and

(iii) the terms of the purchase, lease, or lease-purchase are the most cost-effective alternative available and equivalent items or services are not available, by interagency contract or otherwise, from another state governmental body;

(C) a statement of the relationship of the proposed action to the long-range AITS plan;

(D) a description of the automated information or telecommunications systems, computers, or services to be acquired, or the major conversion to be accomplished;

(E) a statement that efforts have been made to purchase compatible hardware, software, or telecommunications systems;

(F) a statement of acquisition costs and annual operating expenses, both those of the proposed action itself and the estimated incremental costs entailed in consequence (e.g., for training, system development, absorbed mainframe capacity, etc.);

(G) a schedule for acquisition, installation, and/or implementation;

(H) an analysis of a proposed action to acquire automated information

systems or telecommunications systems equipment on a lease or purchase arrangement where it is expected that state-appropriated funds will be needed beyond the end of the biennium. The following information is required:

(i) anticipated interest charges over the life of the contract to the extent that this can be determined;

(ii) anticipated cost savings to be realized through present acquisition of the equipment compared with outright purchase, should adequate funds become available;

(iii) any other information the agency may deem appropriate; and

(iv) an affirmative statement that the state governmental body reasonably expects to be able to make payments beyond the current biennium without having to rely on an increased level of general revenue appropriations;

(1) a statement to the effect that the proposed action was included in the state governmental body's legislative appropriations request, or an explanation as to why it was not.

(2) Within 10 days after initial receipt of the proposal, the council shall, with reasonable specificity, notify the submitting state governmental body of any supporting or other information the council requires to conduct its review. The date of receipt of the proposal is either the initial date of arrival of the proposal or the date that any supporting or other information, if requested, is received. Review shall commence on the date of receipt.

(3) The advisory council shall review each procurement proposed and shall, within 90 days after the date of the receipt of the proposal, certify in writing to the governor, lieutenant governor, speaker of the house of representatives, State Purchasing and General Services Commission, and state auditor whether or not the proposed procurement action satisfies the criteria for advanced certification. The council shall also send a copy of the appropriate requisition(s) to the State Purchasing and General Services Commission for processing.

(h) Submission instructions.

(1) The long-range AITS plans and inventories, as described in subsection (c) of this section, and information relating to proposed actions as described in subsection (g) of this section, are to be submitted to the Executive Director, Automated Information and Telecommunications Council, P.O. Box 13564, Austin, Texas 78711-3564.

(2) Long-range AITS plans and inventories submitted prior to December, 1987, may be prepared under prior AITC rules and guidelines at the state governmental body's option. Subsequent plans must be submitted in accordance with subsection (c)(1) of this section.

(3) Long-range AITS plans and inventories must be prepared and submitted to the council within 30 days of submission of the first legislative appropriations request by

the state governmental body during each even-numbered fiscal year.

(4) A summary of all hardware purchases over \$100,000 but less than \$300,000 executed during the prior fiscal year are to be submitted to the above address during September of each calendar year.

(5) Extensions of the time limit for filing for and making basic or advanced certifications may be granted by agreement between the state governmental body and the council.

(i) Exemptions. The executive director of a state governmental body may take an action meeting the criteria of subsection (d) of this section without complying with subsection (e) of this section, or subsection (f) of this section without complying with subsection (g) of this section, if it is determined that the action is necessary as a result of a fire, natural disaster, or other actual emergency which poses imminent threats to the public health and safety, or which creates reasonably unforeseeable situations requiring immediate action. The executive director is to make necessary changes to the long-range AITS plan and submit to the council justification for the action within 14 days after the action is taken. The council will review the justification on a priority basis to determine if the action taken was prudent.

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 December 2, 1987.

TRD-8710825 Tina J. Turner  
Administrative Assistant  
Automated Information  
and  
Telecommunications  
Council

Effective date: December 23, 1987  
Proposal publication date: October 9, 1987  
For further information, please call  
(512) 463-5530.



## TITLE 4. AGRICULTURE

### Part I. Texas Department of Agriculture

#### Chapter 7. Pesticides

##### ★ 4 TAC §7.17

The Texas Department of Agriculture adopts an amendment to §7.17, without changes to the proposed text published in the October 30, 1987, issue of the *Texas Register* (12 TexReg 3985).

The amendment reduces administrative costs and increases efficiency in the renewal process for licenses issued by the department under the Pesticide Control Act, Chapter 76, Texas Agriculture Code (the Act). By setting an early renewal

application date, the amendment will allow the department to receive renewal licenses and process such licenses before the expiration date of March 1. The amendment also notifies applicators of conditions under which failure to comply with the renewal date will lead to violations. An expiration date set for renewal applications will allow the department to better enforce the Act.

The amendment sets an early application date for the filing of renewal applications, clarifies what will be considered a complete application, explains actions that could lead to violations under Chapter 76, and sets a date after which a renewal application will be treated like a new license and require testing of the applicant.

Comments opposing the amendments as written were submitted by the Texas Agricultural Aviation Association (TAAA). TAAA's general concern is that applicators need to have assurance that a good faith effort to comply with application requirements will not be penalized. TAAA recommended that a statement be added to §7.17 which commits TDA to issuing licenses by March 1 and states that applicators will not be penalized if a complete application is filed but a license is not received on time. In addition, TAAA recommended that language be added to §7.17(b) to state that operating without a license, and not failure to file, is an offense which subjects an applicator to penalties.

Finally, TAAA argues that failure to furnish proof of liability insurance is not an offense under the Act and recommends that the department not treat it as such.

The agency disagrees that provisions committing the TDA to issuing licenses by March 1 and providing that applicators filing complete and timely applications will not be penalized are necessary to protect applicators who make a good faith effort to comply. TDA recognizes the importance of timely processing of license renewal applications and is committed to the expeditious processing of applications and issuing of licenses. Section 7.17(b) clearly states that only applicants failing to submit complete and timely applications will be penalized. Applicants who file timely and complete applications will not be penalized between the time that their license expires and the time that a new license is issued. Because of this provision, TDA does not feel a need for an additional section.

The agency disagrees that §7.17(b) should be changed to state that operating without a license, and not failure to file, is a violation of Chapter 76. Commercial applicator licenses automatically expire on the last day of February of the year following the year in which a license is issued. Once a license expires and an applicator, without filing a timely and complete application, continues to make applications, without filing a timely and complete ap-

plication, continues to make applications, he or she is violating the Code by operating without a license. As stated in §7.17(b), such a violation subjects an applicator to sanctions under the Code which could include the department's refusal to issue a license. Operating without a license is not, however, the only violation which may occur as a result of an applicator's failure to file a timely and complete application. As stated in the preamble to the proposed amendment, the department, in §7.17(b), attempts to clarify what types of violations will result in penalties. Such violations are not limited to operating without a license. A failure to file a complete and timely application would be a separate offense, as it would be a violation of §7.17(a). The department is authorized to treat the failure to comply with §7.17(a) as a violation of the Act, §76.201(d)(1) and (2) which provides that violations of a rule adopted under the Act constitutes an offense.

TAAA suggests that failure to furnish proof should not be considered a violation, but rather that if an applicator actually has proper liability insurance or bond coverage, failure to furnish proof after notice that it is not on file, would be a violation. TAAA further suggests that an enforcement action could be commenced against an individual and cleared when proof is provided. The agency disagrees that failure to furnish proof is not a violation of the Act and a ground for suspension or revocation of a commercial applicator license.

The Agriculture Code, §76.108, states that an original license may not be issued before evidence of financial responsibility has been filed with the department. The Agriculture Code, §76.111(g), states that failure to file a bond or liability insurance policy to show proof of insurance is a ground for suspension or revocation of a commercial applicator license.

These provisions clearly place the burden of providing proof of insurance on the applicant. In addition, it would be cost prohibitive for the department to bear the burden of seeking out proof of insurance from applicators who fail to file such proof as required by law. The department will continue to work with applicators who are making a good faith effort to provide the proof required under the Act.

The amendment is adopted under the Texas Agriculture Code, §§76.108-76.110, which provides the Texas Department of Agriculture with the authority to require licensing of commercial and noncommercial pesticide applicators and set out conditions under which a license is issued; §76.113 which provides for renewal and expiration of pesticide applicators licenses; and §§76.003-76.005 and §76.104, which authorize the department to adopt rules for carrying out Chapter 76.

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 December 3, 1987

TRD-8710869

Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of  
Agriculture

Effective date: December 24, 1987

Proposal publication date: October 30, 1987

For further information please call

(512) 463-7583



## TITLE 16. ECONOMIC REGULATION

### Part II. Public Utility

#### Commission of Texas

### Chapter 23. Substantive Rules

#### Records and Reports

##### ★ 16 TAC §23.15

The Public Utility Commission of Texas adopts new §23.15, with changes to the proposed text published in the October 23, 1987, issue of the *Texas Register* (12 TexReg 3904)

The new section implements a mechanism for collecting the assessment authorized by the Public Utility Regulatory Act, §18(i) and §43B(h)

This new section allows the commission to collect the assessment authorized by the Public Utility Regulatory Act, §18(i) and §43B(h)

One of the comments filed suggested more specificity in the section: when payments would be due, when the requirement for assessments would expire, and when the amount of assessment required would be reviewed. This comment also questioned the amount of the assessment. The other comment suggested the assessment required by the section, and the entities required to pay it, be reviewed annually.

Southwestern Bell Telephone Company and Texas Statewide Telephone Cooperative, Inc. commented on the new section.

The commission does not believe it is necessary to explicitly state in the section that it will be reviewed as necessary for appropriateness. The agency will do that internally anyway and propose changes as necessary.

The new section is adopted under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, and in administering the provisions of this Act

##### §23.15. Local Exchange Company Assessment.

(a) Amount of assessment. Each local exchange company subject to the jurisdiction of the commission shall pay an annual assessment equal to \$0.146 per access line. The

assessment shall apply to access lines in existence during the preceding calendar year.

(b) Notice of assessment. Each year the commission shall calculate the assessment due from each local exchange company and so advise each company. The commission shall also advise companies of the address to which payments should be made and any identification or markings necessary for the payment to be properly credited.

(c) Payment of assessment. All assessments required by this section shall be due and payable to the State of Texas on or before December 10th of each year; except that the first assessments required by this section shall be due and payable to the State of Texas on or before January 6, 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 December 3, 1987

TRD-8710917

Phillip A. Holder  
Secretary of the  
Commission  
Public Utility  
Commission of Texas

Effective date: December 25, 1987

Proposal publication date: October 23, 1987

For further information, please call

(512) 458-0100



## Part VI. Texas Motor Vehicle Commission

### Chapter 101. Practice and Procedure

##### ★ 16 TAC §101.45

The Texas Motor Vehicle Commission adopts the repeal of §101.45, without changes to the proposed text published in the October 20, 1987, issue of the *Texas Register* (12 TexReg 3868).

The repeal is being replaced with a more comprehensive section on the recording and transcription of hearings and the costs thereof which is adopted contemporaneously with this repeal.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4413(36), §3.02, which grants general rulemaking authority to the commission.

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 December 2, 1987

TRD-8710866

Russell Harding  
Executive Director  
Texas Motor Vehicle  
Commission

Effective date: December 24, 1987

Proposal publication date: October 20, 1987

For further information, please call

(512) 476-3587.



The Texas Motor Vehicle Commission adopts new §101.45, without changes to the proposed text published in the October 20, 1987, issue of the *Texas Register* (12 TexReg 3868).

The new section provides that hearings in contested cases will be transcribed by a court reporter, unless otherwise determined by the hearing examiner and except as provided in §107.6, and that the costs for transcribing hearings and the preparation of an original transcript of the record of the agency proceedings will be assessed equally among the parties involved. The new §101.45 also allows the commission to assess to the appellant the costs of preparation of a certified copy of the record of an agency proceeding upon appeal of commission final decisions in contested cases as authorized by the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4413(36), §3.02, which provide the commission with the authority to adopt rules reasonably required to effectuate the provisions of the Code and govern practice and procedure before the agency.

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

Issued in Austin, Texas, on December 2, 1987.

TRD-8710865

Russell Harding  
Executive Director  
Texas Motor Vehicle  
Commission

Effective date: December 24, 1987

Proposal publication date: October 20, 1987

For further information, please call

(512) 476-3587.



## Chapter 103. General

##### ★ 16 TAC §103.4, §103.12

The Texas Motor Vehicle Commission adopts an amendment to §103.4, and new §103.12, without changes to the proposed text published in the October 20, 1987, issue of the *Texas Register* (12 TexReg 3868).

The amendment to §103.4 brings the section into conformance with an amendment to the Texas Motor Vehicle Commission Code, Texas Civil Statutes, Article 4413(36), enacted during the

regular session of the 70th Legislature, 1987, by reducing the protest notice area on new license applications from 25 miles to 15 miles. The new §103.12 clarifies that a notice of protest by a dealer of a proposed franchise termination or noncontinuance must be in writing and filed in the commission's office in Austin prior to the effective date of franchise termination or noncontinuance as stated in the notice from the manufacturer of distributor.

No comments were received regarding adoption of the amendment or new section.

The amendment and new section are adopted under Texas Civil Statutes, Article 4413(36), §3.02, which provide the commission with the authority to adopt rules reasonably required to effectuate the provisions of the Code.

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 December 2, 1987.

TRD-8710864      Russell Harding  
Executive Director  
Texas Motor Vehicle  
Commission

Effective date: December 24, 1987  
Proposal publication date: October 20, 1987  
For further information, please call  
(512) 476-3587



## Chapter 107. Warranty Performance Obligations

### ★ 16 TAC §§107.2, 107.7, 107.8

The Texas Motor Vehicle Commission adopts amendments to §§107.2, 107.7, and 107.8, without changes to the proposed text published in the October 20, 1987, issue of the *Texas Register* (12 TexReg 3869).

The amendments are adopted to bring the agency's procedural rules for lemon law cases into conformity with amendments to the Texas Motor Vehicle Commission Code, Texas Civil Statutes, Article 4413(36), enacted during the 70th Legislature, 1987. The amendment to §107.2 simply requires additional information to be provided in a complaint filed under the lemon law and the amendment to §107.7, provides that exceptions to a proposal for decision in a lemon law case must be filed within 20 days following receipt of the proposal for decision and that the granting of a request for oral argument before the commission is discretionary with the commission. The amendment to §107.2 provides that a lemon law complaint filing fee of \$35.00, as required by a Code amendment, must be remitted with the complaint, and the amendment to §107.8 provides that an award in favor of the vehi-

cle owner shall include reimbursement for the amount of the filing fee

Only one comment was received on the proposed amendments. Navistar International, Inc., a truck manufacturer, objected to the limitation of 20 days within which to file exceptions to proposals for decision as being not sufficient time. The commission did not agree with the comment as the commission believes that 20 days following receipt of a proposal for decision is adequate time for the filing of exceptions and, further, a request for additional time may always be made where unusual or extenuating circumstances exist.

The amendments are adopted under Texas Civil Statutes, Article 4413(36), §6.07(e), which provide that the commission shall adopt rules for the enforcement and implementation of the Texas Motor Vehicle Commission Code, §6.07.

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 December 2, 1987

TRD-8710863      Russell Harding  
Executive Director  
Texas Motor Vehicle  
Commission

Effective date: December 24, 1987  
Proposal publication date: October 20, 1987  
For further information, please call  
(512) 476-3587



## TITLE 22. EXAMINING BOARDS

### Part IX. State Board of Medical Examiners

#### Chapter 175. Schedule of Fees and Penalties

##### ★ 22 TAC §175.1

The Texas State Board of Medical Examiners adopts an amendment to §175.1, without changes to the proposed text published in the October 30, 1987, issue of the *Texas Register* (12 TexReg 3986).

The amendment outlines the temporary increases mandated by the legislature, includes the fee for the new special purpose examination (SPEX) being given to licensure candidates, and sets forth new fees for supervision of physician assistants and acupuncturists

The section enables licensees and prospective licensees to understand the amounts of every fee charged by the board.

No comments were received regarding adoption of the amendment

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

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

Issued in Austin, Texas, on December 3, 1987

TRD-8710934      G. V. Brindley, Jr.  
Executive Director  
Texas State Board of  
Medical Examiners

Effective date: December 25, 1987  
Proposal publication date: October 30, 1987  
For further information, please call  
(512) 452-1078



##### ★ 22 TAC §175.2

The Texas State Board of Medical Examiners adopts the repeal of §175.2, without changes to the proposed text published in the October 30, 1987, issue of the *Texas Register* (12 TexReg 3986).

The repeal was necessary to enable the agency to insert a new, different section. The repeal should be considered in concert with proposed and amended sections to this chapter which are being simultaneously presented for adoption.

The repeal of the section will further streamline the chapter

No comments were received regarding adoption of the repeal

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

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

Issued in Austin, Texas, on December 3, 1987

TRD-8710933      G. V. Brindley, Jr.  
Executive Director  
Texas State Board of  
Medical Examiners

Effective date: December 25, 1987  
Proposal publication date: October 30, 1987  
For further information, please call  
(512) 452-1078



**\*22 TAC §175.2, §175.3**

The Texas State Board of Medical Examiners adopts new §175.2 and §175.3, without changes to the proposed text published in the October 30, 1987, issue of the *Texas Register* (12 TexReg 3987).

The new sections set out a separate section for penalties, and a section addressing the method of payment of any penalties or fees charged by the board. The new sections should be considered in concert with proposed and repealed sections of Chapter 175 also recently adopted by the board.

The new sections are expected to streamline the chapter on fees and penalties, thus enabling licensees and prospective licensees to better understand the board's fee and penalty procedures.

No comments were received regarding adoption of the new sections.

The new sections 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.

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 December 3, 1987.

TRD 8710935  
G.V. Brindley Jr.  
Executive Director  
Texas State Board of  
Medical Examiners

Effective date: December 25, 1987  
Proposal publication date: October 30, 1987  
For further information, please call  
(512) 452-1078



**Part XI. Board of Nurse Examiners  
Chapter 218. Delegation of Nursing Tasks**

**\*22 TAC §§218.1, 218.5-218.12**

The Board of Nurse Examiners adopts amendments to §§218.1, 218.5, 218.6, and 218.7-218.10, and new §218.7 and §218.8, without changes to the proposed text published in the October 2, 1987, issue of the *Texas Register* (12 TexReg 3519). The amendments to §§218.7-218.10 consist of a redesignation of section numbers to §§218.9-218.12.

The amendments were necessary in order to alleviate the fiscal impact and staffing concerns expressed by health care facilities.

The amendments promote safe, quality patient care, without any significant negative impact on health care costs, by providing direction to the registered nurse as to what the board considers to be appropriate delegation and the factors which should be considered.

A public hearing was held on November 18, 1987, in which oral and written testimony was considered. The comments related to §§218.5, 218.6, 218.9, and 218.12. There were recommendations to delete the task list contained in §218.5 and §218.6 and there were also recommendations to retain the task lists.

The Texas Nurses Association spoke in favor of the amendments. There were several commenters who gave suggestions for changes to a particular section, however, these commenters were neither for nor against the amendments.

Several commenters recommended that §218.5 and §218.6 be deleted. There were also several commenters who were in favor of retaining §218.5 and §218.6 as proposed. The board believes that these sections are necessary in order to communicate to registered nurses what the board considers to be appropriate delegation. The amendments would provide nurses with the necessary guidance as to what nursing tasks should and should not be delegated to unlicensed persons. The amendments do allow registered nurses the ability to exert professional discretion. At the same time, it also assures the public that the person performing the nursing task is competent to perform that task.

Two commenters suggested that §218.6(b)(5) be amended by deleting a reference to currently employed nurses in the facility. The board believes that it is important for currently employed nurses who are delegating nursing tasks to unlicensed people to either have input into the policy or to have the opportunity to review the policy to determine the competency of an unlicensed person to do a delegated task.

Two commenters recommended that §218.9 be amended to allow RNs to delegate the administration of medications to certain unlicensed technicians. The board believes that it would be remiss in its duty to protect the public, if it promulgated rules which allow RNs to delegate the administration of medications to unlicensed persons.

Two commenters recommended that §218.12(11) be deleted since it is ambiguous and may lead to confusion in application of the section. The board was unable to gain sufficient information to justify deleting this exclusion at this time.

Two commenters recommended that surgical technologists be added to the exclusion section. The board believes that the sections as revised clearly allow the

RN to delegate certain tasks to surgical technologists. Therefore, it is inappropriate to exclude them from the rules.

The amendments are adopted under Texas Civil Statutes, Article 4514, §1, which provide the Board of Nurse Examiners with the authority to make and endorse all rules and regulations necessary for the performance of its duties and conducting of proceedings before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing, and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with this Act. Such rules and regulations shall not be inconsistent with the provisions of this law.

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 December 2, 1987.

TRD-8710850  
Lourse Sanders  
Executive Secretary  
Board of Nurse  
Examiners for the  
State of Texas

Effective date: December 24, 1987  
Proposal publication date: October 2, 1987  
For further information, please call  
(512) 835-4880



**TITLE 25. HEALTH SERVICES  
Part I. Texas Department of Health  
Chapter 123. Respiratory Care Practitioner Certification**

**\*25 TAC §123.7, §123.8**

The Texas Department of Health adopts amendments to §123.7 and §123.8, without changes to the proposed text published in the August 21, 1987, issue of the *Texas Register* (12 TexReg 2769). The amendments also were adopted on an emergency basis and published in the same issue of the *Texas Register* (12 TexReg 2746).

The amendments bring the sections into compliance with Texas Civil Statutes, Article 4512I, as amended by House Bill 97, 70th Legislature, 1987, by updating the examination standards and procedures, and the eligibility requirements for a renewable certificate as a respiratory care practitioner.

The amendments authorize the department to issue a renewable certificate to those who passed the examination, but did not meet the education requirements. The amendments also allow an additional



examination opportunity for temporary certificate holders in November 1987, provided an examination application is postmarked by September 1, 1987, to insure this additional examination opportunity. Additionally, the passing score of 60 is extended from August 31, 1987, to December 31, 1987.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4512I, §3 and §15, which provide the Texas Board of Health with the authority to adopt rules and establish examination requirements for a certificate as a respiratory care practitioner and to issue certificates to temporary certificate holders who meet the examination requirements; and House Bill 97, 70th Legislature, 1987, which provides the Texas Department of Health with the authority to issue a certificate to practice respiratory care to a holder of a temporary certificate who meets the examination requirements by September 1, 1987.

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 December 7, 1987

TRD-8710952      Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of  
Health

Effective date December 29, 1987  
Proposal publication date August 21, 1987  
For further information please call  
(512) 458-7531



## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part I. General Land Office

#### Chapter 1. Executive Administration

#### ★31 TAC §1.91

The General Land Office adopts an amendment to §1.91, without changes to the proposed text published in the November 6, 1987, issue of the *Texas Register* (12 TexReg 4102).

The amendment authorizes a fee for the maintenance of services provided by the agency and for which the agency is under contract to provide

The fee proposal as adopted assures bookkeeping consistency within the agency and will result in minimal economic impact on the customer by spreading the cost of agency work out over the life of the contract

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Natural Resources Code, §31.051, which gives the commissioner of the General Land Office the authority to make and enforce rules consistent with the law; and the Natural Resources Code, §31.064, which instructs the commissioner to determine, to set, and to collect reasonable fees

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 December 7, 1987

TRD-8710942      Garry Mauro  
Commissioner  
General Land Office

Effective date, December 28, 1987  
Proposal publication date November 6, 1987  
For further information, please call  
(512) 463-5009



## Chapter 13. Land Resources

#### ★31 TAC §13.19

The General Land Office adopts new §13.19, without changes to the proposed text published in the October 2, 1987, issue of the *Texas Register* (12 TexReg 3508).

The new section is adopted to insure that the state land covered by the section will be used primarily for wildlife refuge, sanctuary, recreation, or natural resources conservation purposes.

The new section will establish that all of the state land that is currently being proposed for addition to the coastal barrier resources system by the United States Department of the Interior be used primarily for wildlife refuge, sanctuary, recreation, or natural resources conservation purposes.

No comments were received regarding adoption of the new section.

The new section is adopted under the Natural Resources Code, Title 2, Chapter 31, §31.051, which instructs the commissioner of the General Land Office to execute and perform all acts and other things relating to public land of the state and to make and enforce suitable rules consistent with the law.

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 December 4, 1987

TRD-8710921      Garry Mauro  
Commissioner  
General Land Office

Effective date December 25, 1987  
Proposal publication date October 12, 1987  
For further information, please call  
(512) 463-5009



## Part IV. School Land Board

### Chapter 155. Land Resources

#### Coastal Public Lands

#### ★31 TAC §155.8

The School Land Board adopts an amendment to §155.8, without changes to the proposed text published in the October 16, 1987, issue of the *Texas Register* (12 TexReg 3821)

The amendment deletes a subsection in order to avoid conflict with new §155.11, which is being adopted concurrently and which covers the same subject matter.

The section lists other state and local governmental entities under whose rules and regulations permits must be filed

No comments were received regarding adoption of the amendment

The amendment is adopted under the Natural Resources Code, Title 2, Chapters 32 and 33, §32.062 and §33.064, which provides the School Land Board with the authority to adopt rules for the sale and lease of state land and for the enforcement of the Natural Resources Code, Chapter 33.

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 December 4, 1987

TRD-8710923      Garry Mauro  
Chairman  
School Land Board

Effective date December 25, 1987  
Proposal publication date October 16, 1987  
For further information, please call  
(512) 463-5009



#### ★31 TAC §155.11

The School Land Board adopts new §155.11, without changes to the proposed text published in the October 16, 1987, issue of the *Texas Register* (12 TexReg 3821).

The section is adopted to insure that the coastal public land covered by the section will be used primarily for wildlife refuge, sanctuary, recreation, or natural resources conservation purposes.

The new section will establish that all of the coastal public land that is currently being proposed for addition to the coastal barrier resources system by the United States Department of the Interior be used primarily for wildlife refuge, sanctuary,

recreation, or natural resources conservation purposes

No comments were received regarding adoption of the new section

The new section is adopted under the Natural Resources Code, Title 2, Chapters 32 and 33, §32.062 and §33.064, which provide the School Land Board with the authority to adopt rules for the sale and lease of state land and for the enforcement of the Natural Resources Code, Chapter 33

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 December 4, 1987

TRD-8710922 Garry Mauro  
Chairman  
School Land Board

Effective date December 25, 1987  
Proposal publication date October 16, 1987  
For further information, please call  
(512) 463-5009



## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part 1. Texas Department of Human Services Chapter 49. Child Protective Services

The Texas Department of Human Services (DHS) adopts the repeal of §§49.301-49.306 and 49.1308, and amendments to §§49.307, 49.506-49.508, 49.510, 49.511, 49.1102, and 49.1303-49.1307, without changes to the proposed text published in the October 30, 1987, issue of the *Texas Register* (12 TexReg 4004).

The department is taking this action to ensure that sections concerning child protective services comply with state legislation passed by the 70th Legislature, 1987.

Sections 49.301-49.306, defining abuse and neglect, are repealed. Amended sections clarify policy regarding abuse and neglect investigation interviews, purchase of medical exams, rights to an administrative review of investigation findings, and notice requirements. Sections concerning service planning for children and parents are amended to consolidate and clarify the expectations for service plans and the parties that must be involved.

No comments were received regarding adoption of the amendments and repeals. The repeals are adopted under the Human Resources Code, Title 2, Chapter 41, which provides the department with the authority to enforce laws for the protec-

tion of children. The repeals also are adopted under the Texas Family Code, Title 2, which provides the department with the authority to enforce laws and regulations governing the parent-child relationship.

### Subchapter C. Eligibility for Child Protective Services

#### ★ 40 TAC §§49.301-49.306

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 December 4, 1987.

TRD-8710886 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date January 1, 1988  
Proposal publication date: October 30, 1987  
For further information, please call  
(512) 450-3765



#### ★ 40 TAC §49.307

The amendment is adopted under the Human Resources Code, Title 2, Chapter 41, which provides the department with the authority to enforce laws for the protection of children. The amendment also is adopted under the Texas Family Code, Title 2, which provides the department with the authority to enforce laws and regulations governing the parent-child relationship.

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 December 4, 1987.

TRD-8710887 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date January 1, 1988  
Proposal publication date. October 30, 1987  
For further information, please call  
(512) 450-3765



### Subchapter E. Intake and Investigation Services

#### ★ 40 TAC §§49.506-49.508, 49.510, 49.511

The amendments are adopted under the Human Resources Code, Title 2, Chapter 41, which provides the department with the authority to enforce laws for the protection of children. The amendments also are adopted under the Texas Family Code, Title 2, which provides the department with the authority to enforce laws and

regulations governing the parent-child relationship.

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 December 4, 1987

TRD-8710888 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date. January 1, 1988  
Proposal publication date October 30, 1987  
For further information, please call  
(512) 450-3765



### Subchapter K. Court-Related Services

#### ★ 40 TAC §49.1102

The amendment is adopted under the Human Resources Code, Title 2, Chapter 41, which provides the department with the authority to enforce laws for the protection of children. The amendment also is adopted under the Texas Family Code, Title 2, which provides the department with the authority to enforce laws and regulations governing the parent-child relationship.

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 December 4, 1987

TRD-8710889 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date January 1, 1988  
Proposal publication date October 30, 1987  
For further information, please call  
(512) 450-3765



### Subchapter M. Substitute Care Placement Services

#### ★ 40 TAC §§49.1303-49.1307

The amendments are adopted under the Human Resources Code, Title 2, Chapter 41, which provides the department with the authority to enforce laws for the protection of children. The amendments also are adopted under the Texas Family Code, Title 2, which provides the department with the authority to enforce laws and regulations governing the parent-child relationship.

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 December 4, 1987

TRD-8710890

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: January 1, 1988  
Proposal publication date: October 30, 1987  
For further information, please call  
(512) 450-3765.



**★ 40 TAC §49.1308**

The repeal is adopted under the Human Resources Code, Title 2, Chapter 41, which provides the department with the authority to enforce laws for the protection of children. The repeal also is adopted under the Texas Family Code, Title 2, which provides the department with the authority to enforce laws and regulations governing the parent-child relationship.

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 December 4, 1987.

TRD-8710891

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: January 1, 1988  
Proposal publication date: October 30, 1987  
For further information, please call  
(512) 450-3765.



**Chapter 85. General Licensing Procedures**

The Texas Department of Human Services (DHS) adopts the repeal of §85.7005 and new §§85.7005-85.7007. Section 85.7007 is adopted with changes to the proposed

text published in the October 2, 1987, issue of the *Texas Register* (12 TexReg 3539). The repeal of §85.7005 and new §85.7005 and §85.7006 are adopted without changes and will not be republished. Editorial changes to the proposed text were made to §85.7007 to eliminate ambiguity. Repealed §85.7005 is being replaced by §§85.7005-85.7007. The new sections clarify responsibilities in an abuse or neglect case. The new sections also include definitions to supplement those on abuse and neglect recently enacted by the 70th Legislature, 1987, and requirements for applying the definitions of abuse and neglect to out-of-home child care programs.

The adoption of the repeal and new sections is justified because abuse/neglect investigations are resolved in a more timely manner.

The new sections will function as guidelines for licensing staff during investigations of abuse and neglect in child care facilities.

No comments regarding the adoption of the repeal and new sections were received.

**Subchapter NNN. Abuse/Neglect Facilities**

**★ 40 TAC §85.7005**

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

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

Issued in Austin, Texas, on December 3, 1987

TRD-8710853

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: December 28, 1987  
Proposal publication date: October 2, 1987  
For further information, please call  
(512) 450-3565



**Subchapter NNN. Abuse/Neglect Investigations in Child Care Facilities**

**★ 40 TAC §§85.7005—85.7007**

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

§85.7007. *Noncompliance with Minimum Standards.* A facility is in violation of minimum standards and subject to adverse or corrective action on its license if the preponderance of evidence indicates that noncompliance with minimum standards caused or substantially contributed to abuse or neglect. A facility may be found in non-compliance and subject to adverse action, even if the perpetrator of noncompliance cannot be identified.

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 December 3, 1987.

TRD-8710854

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: December 28, 1987  
Proposal publication date: October 2, 1987  
For further information, please call  
(512) 450-3565.



**State Board of Insurance Exempt Filings**

**State Board of Insurance Notifications 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 adopted amendments to the Texas Automobile Manuals II and III. The Texas Automobile Manuals II and III Rule 38., §G, and Rule 74., §E.2.a., have been amended to include new subsections reading as follows.

(1) Texas Automobile Manuals II, Rule 38, §G is amended to include the following.

28. American Defensive Driving, Inc., defensive driver improvement course

(a) An auto afforded personal auto coverage shall be subject to a credit of

10% applied to the rate otherwise applicable, provided satisfactory evidence (certificate of completion or photostat thereof issued by American Defensive Driving, Inc.) is presented to the company that the principal operator of such auto has successfully completed the American Defensive Driving, Inc., defensive driver improvement course.

(b) If the policy insures two or more autos, the credit shall apply only to the autos principally operated by the person awarded the American Defensive Driving, Inc., defensive driver improvement course certificate of completion.

(c) The credit shall apply for a period of 36 months subsequent to the date of issuance of the certificate of completion. Following such 36 month period

in order to again qualify for such credit, the course must be successfully completed and evidence again presented to the company. The credit shall only apply if the certificate of completion is issued on or after January 1, 1988.

(2) Texas Automobile Manual III, Rule 74, §E.2.a., is amended to include the following.

27. American Defensive Driving, Inc., defensive driver improvement course requires certification issued on or after January 1, 1988, by American Defensive Driving, Inc.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on December 4, 1987.

TRD-8710875 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: January 1, 1988  
For further information, please call  
(512) 463-6327



The State Board of Insurance has adopted amendments to the Texas Automobile Manuals II and III. Texas Automobile Manuals II and III, Rule 38., Section G and Rule 74., Section E.2.a. have been amended to include a new subsection reading as follows:

(1) Texas Automobile Manuals II Rule 38, §G is amended to include the following:

"26. Reyna Driving System, Inc.

Defensive Driver Improvement Course

(a) An auto afforded personal auto coverage shall be subject to a credit of 10% applied to the rate otherwise applicable, provided satisfactory evidence (certificate of completion or photostat thereof issued by Reyna Driving System, Inc.) is presented to the company that the principal operator of such auto has successfully completed the Reyna Driving System, Inc. defensive driver improvement course.

(b) If the policy insures two or more autos, the credit shall apply only to the autos principally operated by the person awarded the Reyna Driving System, Inc. defensive driver improvement course certificate of completion.

(c) The credit shall apply for a period of 36 months subsequent to the date of issuance of the certificate of completion. Following such 36 month period in order to again qualify for such credit, the course must be successfully completed and evidence again presented to the company. The credit shall only apply if the certificate of completion is issued on or after January 1, 1988."

(2) Texas Automobile Manual III, Rule 74, §E.2.a. is amended to include the following:

(26) Reyna Driving System, Inc. defensive driver improvement course requires certification issued on or after January 1, 1988, by Reyna Driving System, Inc.

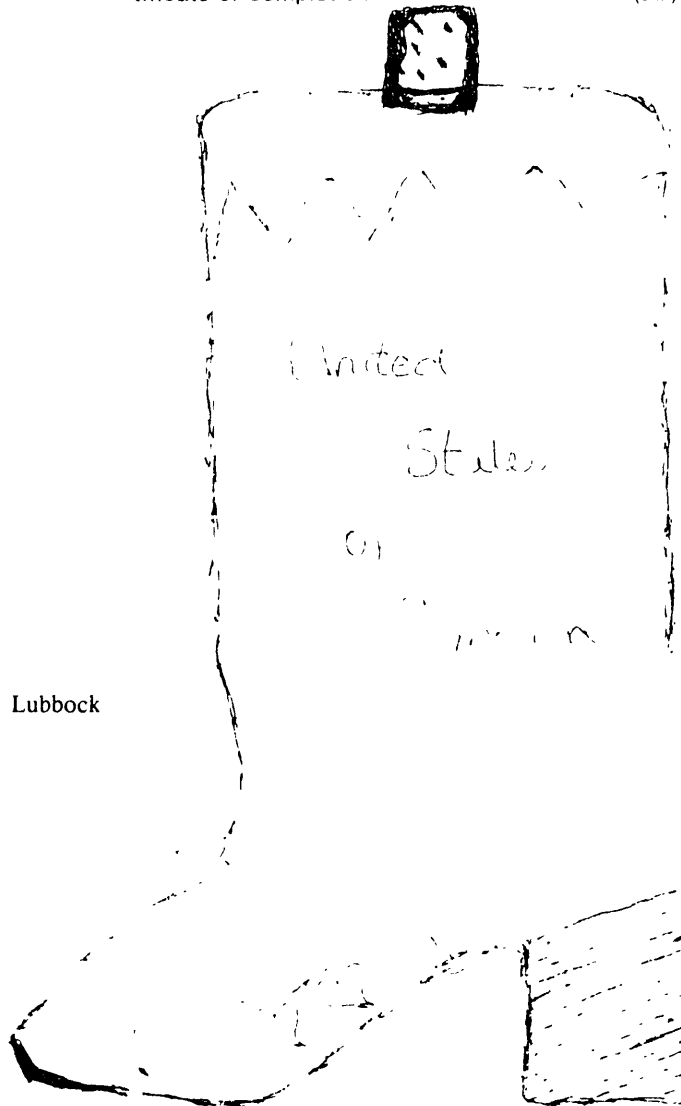
This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on December 4, 1987.

TRD-8710876 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: January 1, 1988  
For further information, please call  
(512) 463-6327.

Name: Juanita Lair  
Grade: 6  
School: Maedgen Elementary, Lubbock



# Open Meetings

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

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

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

## Texas Bond Review Board

**Tuesday, December 15, 1987, 9 a.m.** The Texas Bond Review Board will meet in the Senate Chamber, Capitol. According to the agenda, the board will consider Texas Industrial Accident Board—Application for approval of an installment purchase of a computer system. The net purchase price to be financed over five years would be \$480,372. Stephen F. Austin State University—Application for approval of \$1,000,000 in combined fee revenue bonds. Texas Water Development Board—Application for approval of the sale of up to \$25,000,000 tax-exempt private activity Texas water development bonds. Texas Department of Commerce—Proposed master plan for construction of corrections facilities.

**Contact:** Tom K. Pollard, Sam Houston Building, Seventh Floor, Austin, Texas 78711, (512) 453-1741.

**Filed:** December 7, 1987, 2:31 p.m.  
TRD-8710980



## Texas Department of Commerce

**Monday, December 14, 1987.** The Texas Department of Commerce will meet on the 19th Floor, First City Center, 816 Congress Avenue, Austin. Times and agendas follow.

**10 a.m.** The Texas Small Business Industrial Development Corporation (TSBIDC) will approve: minutes of previous meeting, request of the department, transfer of accounting functions, change in signatory authority, and drafting of a request for proposals concerning the marketing of TSBIDC; elect new officers of TSBIDC governing board; and consider assignment of audit responsibilities or 1987-1988 and staffing needs of TSBIDC.

**Contact:** Stanley Burnham, 816 Congress Avenue, Austin, Texas 78701, (512) 320-9645.

**Filed:** December 4, 1987, 4:08 p.m.  
TRD-8710930

**10:15 a.m.** The Board of Directors will approve minutes of the previous meeting; con-

sider recommended advertising agency for Tourism Division, company to handle the out-of-state 800 number for Tourism Division inquiries, TSBIDC board action approving J.W. Lauderback as a signatory on TSBIDC operating accounts, TSBIDC board action creating and filling additional TSBIDC board positions, TSBIDC board action requiring Kent Yeates to report directly to the department executive director, and time and place for 1988 board meetings; discuss articles of incorporation and bylaws and special funds management; consider procedures for the Texas Economic Development Foundation, Policy and Procedures Manual, and Workforce Development Division of the department; and hear presentation by S. Shore Harbour Development Board.

**Contact:** Alexa Ray, 816 Congress Avenue, Austin, Texas 78701, (512) 472-5059.

**Filed:** December 4, 1987, 4:09 p.m.  
TRD-8710931



**Tuesday, December 15, 1987, 1 p.m.** The Texas Department of Commerce will meet in Room 1-111, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the department will hear public testimony on the proposed rules for the Texas enterprise zone program, pursuant to Texas Civil Statutes, Article 5190.7, published in the December 4, 1987, issue of the *Texas Register*.

**Contact:** Wardaleen F. Belvin, 816 Congress Avenue, Suite 1200, Austin, Texas 78701, (512) 472-5059.

**Filed:** December 7, 1987, 4:38 p.m.  
TRD-8710998



## Texas Conservation Foundation

**Friday, December 11, 1987, 10:45 a.m.** The Board of Directors of the Texas Conservation Foundation will meet in Room 833, Stephen F. Austin Building, Austin. According to the agenda, the foundation will transfer

property in Cameron County; acquisition of property in Nueces County; and hear anti-litter campaign report and Trinity River Project report.

**Contact:** Alicia M. Reban, Room 8-180, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-2196.

**Filed:** December 3, 1987, 3:26 p.m.  
TRD-8710868



## Texas School for the Deaf

**Friday, December 11, 1987, 1 p.m.** The Governing Board of the Texas School for the Deaf will meet in the Boardroom, Administrative Building, 1102 South Congress Avenue, Austin. According to the agenda, the board will meet for an emergency agenda revision to discuss individuals from the audience wishing to make a report or comment; business requiring board action; business for information purposes; and hear comments by members. The emergency status is necessary because recent litigation involving the school needs to be reported to the governing board, and this action occurred December 1 and 2.

**Contact:** Susan Nixon, P.O. Box 3538, Austin, Texas 78767, (512) 440-5335.

**Contact:** Susan Nixon, P.O. Box 3538, Austin, Texas 78767, (512) 440-5335  
TRD-8710884



## East Texas State University

**Thursday, December 10, 1987, 1:30 p.m.** The Board of Regents/Ad Hoc Committee met in emergency session in the President's Office, McDowell Administration Building, East Texas State University, Commerce. According to the agenda, the committee considered amendment of policies relating to conferring of honorary degrees, citation of distinguished alumnus, naming of building, emeritus designation, and regents' professor.

The emergency status was necessary because scheduling problems due to the holidays.

**Contact:** Idanell Williams, East Texas State University, Commerce, Texas 75428, (214) 886-5539.

**Filed:** December 7, 1987, 1:50 p.m.  
TRD-8710977



### Employees Retirement System of Texas

**Wednesday, December 16, 1987, 9 a.m.** The Board of Trustees of the Employees Retirement System of Texas will meet in the ERS Building, 18th and Brazos Streets, Austin. According to the agenda summary, the board will consider and act on selection of consultants to provide services with respect to the Flexible Benefits Program. The board will also meet in executive session.

**Contact:** James T. Herod, 18th and Brazos Streets, Austin, Texas 78711, (512) 476-6431.

**Filed:** December 7, 1987, 9:44 a.m.  
TRD-8710950



### Texas State Board of Examiners of Dietitians

**Monday-Tuesday, December 28-29, 1987, 10 a.m. and 9 a.m., respectively.** The Texas State Board of Examiners of Dietitians will meet in Room T-507, 1100 West 49th Street, Austin. According to the agenda summary, the board will hold annual review of rules to assure currency in dietetic practice; consider education and evaluation procedures, rule corrections or changes received to date, and setting of next meeting date.

**Contact:** Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7501.

**Filed:** December 7, 1987, 4:21 p.m.  
TRD-8711002



### Texas Feed and Fertilizer Control Service

**Tuesday, December 22, 1987, 9 a.m.** The Advisory Committee for Texas Feed and Fertilizer Control Services will meet in Room 401, Rudder Tower, Texas A&M University Campus, College Station. According to the agenda, the committee will hear the fertilizer deficiency study committee report; consider fiscal year 1987 activities and 1988 plans; review budget; consider rationale on fee increases; and discuss soil fertility research.

**Contact:** I.J. Shenkir, P.O. Box 3160, College Station, Texas 77845, (409) 845-1121.

**Filed:** November 25, 1987, 1:40 p.m.  
TRD-8710644



### State Finance Commission

**Friday, December 11, 1987.** The State Finance Commission will meet at 2601 North Lamar Boulevard, Austin. Times and agendas follow.

**9 a.m.** The Banking Section will review and approve minutes of the previous meeting; consider examination fees relating to foreign bank agencies; consider rules relating to charter application fees, enforcement of final judgments, lease contracts, mortgage-backed securities, and House Bill 5 relating to timetables for processing applications; review department operations concerning examination activity, corporate affairs activity, personnel staffing report, and revenue and expenditure summaries; consider legislative update and approval of date of next meeting. The section will also meet in executive session to discuss pending litigation and personnel matters.

**Contact:** Jorge A. Gutierrez, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

**Filed:** December 3, 1987, 3:38 p.m.  
TRD-8710871

**11 a.m.** The commission will approve minutes of the previous August meeting; hear reports from Consumer Credit Department, Savings and Loan Department, and Banking Department; review departmental operations concerning audit or examination activity, charter, license and change of control activity, personnel staffing and turnover activity, and revenue and expenditure summaries; and consider legislative proposals and update. The commission will also meet in executive session to consider personnel matters and pending litigation.

**Contact:** Jorge A. Gutierrez, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

**Filed:** December 3, 1987, 3:37 p.m.  
TRD-8710870



### Texas Department of Health

**Thursday, December 10, 1987, 1:30 p.m.** The Primary Health Care Services Program Advisory Committee of the Texas Department of Health met in emergency session in Room G-107, 1100 West 49th Street, Austin. According to the agenda summary, the committee approve minutes of the previous meeting; hear program status report, considered University of Texas School of Public Health evaluation update, election of officers, and two year plan/needs assessment; heard annual report; and considered next meeting date. The emergency status was necessary because it was only time that quorum could meet and make recommendations to Board of Health concerning agenda items as required by law.

**Contact:** Clara Gonzalez, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7771.

**Filed:** December 7, 1987, 4:21 p.m.  
TRD-8711003



### Health and Human Services Coordinating Council

**Thursday, December 17, 1987, 7:30 a.m.** The Youth Commission of the Health and Human Services Coordinating Council will meet in the Seventh Floor Conference Room, Sam Houston Building, Austin. According to the agenda summary, the committee will consider selection of chairperson; consider recommendation public/private policy group concerning Common Documents Committee/levels of care workshop, Program Committee, and Cost Committee; hear report from Children and Youth Services State Coordinating Committee; and consider old and new business.

**Contact:** Tom Olsen, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

**Filed:** December 7, 1987, 4:28 p.m.  
TRD-8710991

**Thursday, December 17, 1987, 1:45 p.m.** The Health and Human Services Coordinating Council will meet in Room T-610, 1100 West 49th Street, Austin. According to the agenda, the council will consider restructuring of health and human service delivery in state agencies and adoption of Youth Committee report; hear project reports; consider adoption of fiscal year 1988 operating budget; approve revised council operating rules; consider adoption of committee organization and assignments and old and new business.

**Contact:** Patrice Thomas, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

**Filed:** December 7, 1987, 4:29 p.m.  
TRD-8710992



### Texas Higher Education Coordination Board

**Friday, December 18, 1987, 10:30 a.m.** The Administrative Council for the Texas Higher Education Coordinating Board will meet in Conference Room 209, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the council will consider final adoption of proposed amendments to §25.33, concerning basic coverage standards; consider proposed amendments to §25.72, concerning ORP standards; consider staff recommendation on ORP vesting; receive and consider advisory committee recommendations; consider a request from Stephen F. Austin State University to use insurance reserves to fund a health fitness program; consider institutional review; hear a summary of the 1985-1986 institutional audit

reports, and hear the executive secretary's report.

Contact: James McWhorter, P.O. Box 1258, Capitol Station, Austin, Texas 78711, (512) 462-6420.

Filed: December 3, 1987, 1:50 p.m.  
TRD-8710858



### Texas Commission on Human Rights

**Wednesday, December 16, 1987, 9 a.m.** The Texas Commission on Human Rights will meet in the Old Supreme Courtroom #310, State Capitol, Austin. According to the agenda summary, the commission will approve minutes of the previous meeting; discuss EEOC district directors; hear administrative reports, consider second quarterly cash flow statement, hear performance and funds management report, annual financial report, and report on EEO compliance training, consider special projects, litigation, IAOHR annual conference, TCHR annual conference, management plan, and charge resolution contract; hear TCHR annual report, and consider commissioners issues and unfinished business.

Contact: William M. Hale, 8100 Cameron Road, Suite 525, Austin, Texas 78753, (512) 837-8534.

Filed: December 4, 1987, 1:24 p.m.  
TRD-8710911



### Texas Industrial Accident Board

**Monday, December 7, 1987, 9:30 a.m.** The Texas Industrial Accident Board met in Room 107, First Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board approved board minutes, selected a 15 member health care advisory committee (umbrella) to the board (Article 8.306, §7, Senate Bill 1355); discussed and considered of job description of executive director and board policy on thermography, reviewed board files, this portion of the meeting closed pursuant to workers' compensation statute, and reviewed and discussed board activities.

Contact: Inez "Lippy" Foster, 200 East Riverside Drive, First Floor, Austin, Texas 78704, (512) 448-7960.

Filed: December 3, 1987, 3:24 p.m.  
TRD-8710867



### 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.

**Friday, December 4, 1987, 9:30 a.m.** The board met in emergency session in Room 414, to consider emergency adoption and authorization of publication of proposed rule concerning use of surplus lines insurance by a licensee or by an applicant for a license under the Private Investigators and Private Security Agencies Act (Texas Civil Statutes, Article 4413 (29bb)). The emergency status was necessary to ensure that liability insurance required by law for licensees under the Private Investigators and Private Security Agencies Act will be available.

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

Filed: December 3, 1987, 3:54 p.m.  
TRD-8710872

**Tuesday, December 15, 1987, 9 a.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9759—Application of Albert M. Tomforde, III, Austin, Albert M. Tomforde, Jr., Houston, and James Wynne Tomforde, Houston, to acquire control of New Security Life Insurance Company, Houston.

Contact: J.C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: December 7, 1987, 8:22 a.m.  
TRD-8710954

**Thursday, December 15, 1987, 9:30 a.m.** The board will meet in Room 414, to consider decision on revision of commercial automobile insurance rates in public hearing held November 17, 1987.

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

Filed: December 3, 1987, 3:54 p.m.  
TRD-8710873

**Tuesday, December 15, 1987, 1 p.m.** The board will meet in Room 414, to consider amendment to rule 120 of the automobile manual, emergency and proposed rules concerning inspections for windstorm and hail insurance, final action on 28 TAC §5.2003 and §5.2004, and amendments to mortgage guaranty master policies; consider board orders concerning personnel matters of state fire marshal and statistical and rate Development and litigation matters concerning State Fire Marshal; consider proposed rules on collection and reporting of data concerning liability insurance, letter to liability carriers concerning reporting requirements, personnel matters concerning research and information, personnel and litigation matters concerning commissioner, emergency and proposed rule 28 TAC §1.406, emergency and proposed rule exempting surplus lines companies from capital and surplus requirements, final action on 28 TAC §7.56 and §7.66, provisions in certain policies required by Human Resources Code, and proposed rule defining insurance exchanges and syndicates.

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

Filed: December 7, 1987, 3:56 p.m.  
TRD-8711001

**Tuesday, December 15, 1987, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9757—Application for approval of amendment to the articles of agreement of Emmco Lloyds Insurance Company, Dallas.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: December 7, 1987, 8:22 a.m.  
TRD-8710955

**Tuesday, December 15, 1987, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9698—Whether disciplinary action should be taken against Roy S. Bolin, Mesquite, who holds a Group I, legal reserve life insurance agent's license and a Group II, health and accident insurance agent's license issued by the board.

Contact: Lisa Lyons, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: December 7, 1987, 8:23 a.m.  
TRD-8710956

**Wednesday, December 16, 1987, 9 a.m.** The Commissioner's Hearing Section will consider Docket 9768—Application of Citizens Fidelity Insurance Company, Waco, to acquire control of White Life Insurance Company, Wichita Falls.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: December 7, 1987, 8:23 a.m.  
TRD-8710957

**Wednesday, December 16, 1987, 1 p.m.** The board will meet in Room 414, to consider Docket 1525—A request by the Prudential Insurance Company for approval of a pre-paid legal rate filing under the Insurance Code, Articles 1.04 and 5.13-1.

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

Filed: December 3, 1987, 3:54 p.m.  
TRD-871087

**Wednesday, December 16, 1987, 1:30 p.m.** The board will meet in Room 414, to consider decision on proposed amendments to 28 TAC §5.4001 concerning the plan of operation of the Texas Catastrophe Property Insurance Association.

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

Filed: December 4, 1987, 2:37 p.m.  
TRD-8710913

**Wednesday, December 16, 1987, 1:30 p.m.**  
The board will meet in Room 414, to consider decision on proposed amendments to 28 TAC §54001 concerning the plan of operation of the Texas Catastrophe Insurance Association. Decision may include adoption on an emergency basis.

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

**Filed:** December 7, 1987, 3:56 p.m.  
TRD-8710997

**Wednesday, December 16, 1987, 3:30 p.m.**  
The board will meet in Room 414, to consider possible adoption of 28 TAC §21704 concerning trade practices, unfair discrimination, and nondiscriminatory testing for human immunodeficiency virus, including consideration of adoption on an emergency basis.

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

**Filed:** December 8, 1987, 9:25 a.m.  
TRD-8711009

**Thursday, December 17, 1987, 9 a.m.** The board will meet in Room 101, John H. Reagan Building, 15th and Congress Avenue, Austin. According to the agenda summary, the board will consider adoption of premium rates for the writing of title insurance in the state of Texas and to consider amendments to the basic manual of rules, rates, and forms for the writing of title insurance in the State of Texas, 28 TAC §91.

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

**Filed:** December 7, 1987, 9:33 a.m.  
TRD-8710943

**Thursday, December 17, 1987, 9 a.m.** The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9766—Proposed plan of merger of Sunrise Insurance Company, Georgetown, Grand Cayman, Cayman Islands, British West Indies, into Western Indemnity Insurance Company, Austin.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526

**Filed:** December 7, 1987, 8:24 a.m.  
TRD-8710958

**Thursday, December 17, 1987, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9770—Application of Mayflower National Life Insurance Company, Lafayette, Indiana, to acquire control of Savers Annuity Insurance Company, Hurst.

**Contact:** James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526

**Filed:** December 8, 1987, 8:46 a.m.  
TRD-871005

**Friday, December 18, 1987, 9 a.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9767—Application for original charter of LPG Risk Retention Group Insurance Company, Dallas.

**Contact:** James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526

**Filed:** December 7, 1987, 8:24 a.m.  
TRD-8710959

**Friday, December 18, 1987, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9769—Reinsurance agreement whereby Burks-Walker-Tippitt Life Insurance Company, Tyler, will be reinsured by Mission Life Insurance Company, Houston.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

**Filed:** December 7, 1987, 8:24 a.m.  
TRD-8710960



### Legislative Audit Committee

**Thursday, December 17, 1987, 3 p.m.** The Legislative Audit Committee will meet in the Old Supreme Court Room, State Capitol, Austin. According to the agenda, the committee will consider status of current audits, update on prior audit findings, and other issues.

**Contact:** Lawrence F. Alwin, P.O. Box 12067, Austin, Texas 78711, (512) 463-5858

**Filed:** December 7, 1987, 3:25 p.m.  
TRD-8710987



### Pan American University

**Tuesday, December 8, 1987, 11 a.m.** The Board of Regents, Academic Affairs Committee for Pan American University met for an agenda revision in the Boardroom, Administrative Building, Pan American Building, Edinburg. According to the agenda, the committee met in executive session to consider pending litigation pursuant to Article 6252-17, §2(e), regarding the Mallet lawsuit against the State of Texas and Pan American University, and Carrasco Jr. v. Pan American University, et al.

**Contact:** Miguel A. Nevarez, Pan American University, Edinburg, Texas, (512) 381-2100.

**Filed:** December 4, 1987, 1:37 p.m.  
TRD-8710912



### Board of Pardons and Paroles

**Tuesday, December 8, 1987, 9:30 a.m.** The Board of Pardons and Paroles made an

emergency revised agenda to a meeting held at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board considered executive director's job description. The emergency status was necessary because board members cannot adjust their schedules to meet at any other reasonable time to discuss this item.

**Contact:** Juanita Hlamas, 8610 Shoal Creek Boulevard, Austin, Texas 78753, (512) 459-2749.

**Filed:** December 7, 1987, 11:41 a.m.  
TRD-8710973

**Monday-Friday, December 14-18, 1987, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday.**

A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners and inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

**Contact:** Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713

**Filed:** December 4, 1987, 10:33 a.m.  
TRD-8710893

**Tuesday, December 15, 1987, 1:30 p.m.** The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions, other than out-of-country conditional pardons, including full pardons and restoration of civil rights of citizenship; emergency medical reprieves, commutations of sentence; and other reprieves, remissions, and executive clemency actions.

**Contact:** Juanita Hlamas, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2749

**Filed:** December 4, 1987, 10:32 a.m.  
TRD-8710892

### 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.

**Wednesday, December 9, 1987, 11 a.m.** The Hearings Division considered Dockets 7460 and 7172—Application of El Paso Electric Company for authority to change rates and application of El Paso Electric Company for review of sale and leaseback of Palo Verde Nuclear Generating Station Unit Two.

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

**Filed:** December 4, 1987, 2:45 p.m.  
TRD-8710918

**Friday, December 11, 1987, 9 a.m.** The Hearings Division will consider proposed substantive rules §23.26 concerning new and



experimental services and §23.27 concerning rate-setting flexibility for services subject to significant competition.

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

**Filed:** December 3, 1987, 2:52 p.m.  
TRD-8710861

**Wednesday, January 6, 1988, 10 a.m.** The Hearings Division will meet to consider Docket 7805—Application of Livingston Telephone Company, Inc. to detariff CPE.

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

**Filed:** December 3, 1987, 2:52 p.m.  
TRD-8710862

**Friday, January 8, 1988, 1:30 p.m.** The Hearings Division will consider Docket 7790—Petition of the General Counsel for an evidentiary proceeding to determine market dominance among interexchange telecommunications carriers.

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

**Filed:** December 7, 1987, 2:44 p.m.  
TRD-8710982

**Friday, January 22, 1988, 1:30 p.m.** The Hearings Division will consider Docket 7790—Petition of the General Counsel for an evidentiary proceeding to determine market dominance among interexchange telecommunications carriers.

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

**Filed:** December 7, 1987, 2:44 p.m.  
TRD-8710983

**Friday, May 27, 1988, 10 a.m.** The Hearings Division will consider Docket 7790—Petition of the General Counsel for an evidentiary proceeding to determine market dominance among interexchange telecommunications carriers.

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

**Filed:** December 7, 1987, 2:38 p.m.  
TRD-8710984

**Tuesday, May 31, 1988, 10 a.m.** The commission will consider Docket 7790—Petition of the General Counsel for an evidentiary proceeding to determine market dominance among interexchange telecommunications carriers.

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

**Filed:** December 7, 1987, 2:37 p.m.  
TRD-8710985



## Railroad Commission of Texas

**Monday, December 14, 1987, 9 a.m.** The Railroad Commission of Texas will meet in the 12th floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

The commission will consider and possibly elect chairman of Railroad Commission of Texas

**Contact:** Walter F. Lile, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7149.

**Filed:** December 4, 1987, 10:41 a.m.  
TRD-8710894

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters, including but not limited to discussion, consideration, and/or action on the following: management study, oil and gas general counsel, oil field investigator personnel and their operations, the creation and designation of an executive director with related positions and matters, and personnel matters relating to the office of general counsel and special counsel.

**Contact:** Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

**Filed:** December 4, 1987, 10:41 a.m.  
TRD-8710895

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

**Contact:** Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

**Filed:** December 4, 1987, 10:41 a.m.  
TRD-8710896

The Flight Division director's report on division administration, budget, procedures, and personnel matters

**Contact:** Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6787.

**Filed:** December 4, 1987, 10:42 a.m.  
TRD-8710897

Various matters falling within the Gas Utilities Division's regulatory jurisdiction. In addition the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time or date.

**Contact:** Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

**Filed:** December 4, 1987, 10:42 a.m.  
TRD-8710898

The Office of General Counsel will consider and act on the General Counsel's report on division administration, budget, procedures, and personnel matters; including but not limited to the following: *Huto Oils v. Railroad Commission C-5937* in the Supreme Court of Texas, *Walker Operating, et al v. Federal Energy Regulatory Commission, U.S. Court of Appeals for the 19th Circuit, 85-2683 and 86-2698*, et al in relation to Oil and Gas Docket 10-87,017.

**Contact:** Gail Watkins, P.O. Drawer 12967, Austin, Texas 78711, (512)463-6921.

**Filed:** December 4, 1987, 10:42 a.m.  
TRD-8710899

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Brian Schable, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6710.

**Filed:** December 4, 1987, 10:42 a.m.  
TRD-8710900

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters, also consider various matters falling within the LP-Gas regulatory jurisdiction.

**Contact:** Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6931.

**Filed:** December 4, 1987, 10:43 a.m.  
TRD-8710901

Various matters falling within the Oil and Gas Division's regulatory jurisdiction. In addition the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

**Contact:** Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7325.

**Filed:** December 4, 1987, 10:44 a.m.  
TRD-8710903

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

**Contact:** Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

**Filed:** December 4, 1987, 10:45 a.m.  
TRD-8710904

Consideration of plugging with the use of state funds, Hi-Mountain Energy Corporation, J. Ellwood Chappell (00625), well #1, Jameson (Strawn) Field, Coke County.

**Contact:** Willis Steed, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6830.



Filed: December 4, 1987, 7:17 p.m.  
TRD-8710920

Copy of investigation of cementing practices  
of W. L. Corp., an oil North America

Contact: Tim Poe, P.O. Drawer 12967,  
Austin, Texas 78711, (512) 463-6713

Filed: December 4, 1987, 10:45 a.m.  
TRD-8710905

The Personnel Division director's report on  
division administration, budget, procedures,  
and personnel matters

Contact: Mark K. Bogan, P.O. Drawer  
12967, Austin, Texas 78711, (512) 463-6981

Filed: December 4, 1987, 10:44 a.m.  
TRD-8710902

The Office of Research and Statistical  
Analysis director's report on division admin-  
istration, budget, procedures, and personnel  
matters

Contact: Gail Gemberling, P.O. Drawer  
12967, Austin, Texas 78711, (512) 463-6976

Filed: December 4, 1987, 10:50 a.m.  
TRD-8710909

The Office of the Special Counsel director's  
report relating to pending litigation, state  
and federal legislation, and other budget, ad-  
ministrative, and personnel matters, in-  
cluding but not limited to discussion and or  
decision in Cause 417,521, Joe Broussard II  
and Ben C. Hebert v. Railroad Commission  
of Texas and Prudential Oil and Gas Inc.,  
250th District Court.

Contact: Walter Earl Fille, P.O. Drawer  
12967, Austin, Texas 78711, (512) 463-7149.

Filed: December 4, 1987, 10:48 a.m.  
TRD-8710907

The Surface Mining and Reclamation Divi-  
sion director's report on division adminis-  
tration, budget, procedures, and personnel  
matters. In addition, the commission will  
consider items previously posted for open  
meeting and at such meeting verbally  
postponed or continued to this date. With  
regard to any item, the commission may take  
various actions, including but not limited to  
scheduling an item in its entirety or for par-  
ticular action at a future time or date.

Contact: J. Randel (Jerry) Hill, William B.  
Travis Building, 1701 North Congress Ave-  
nue, Austin, Texas, (512) 463-6900

Filed: December 4, 1987, 10:50 a.m.  
TRD-8710908

Various matters falling within the Transpor-  
tation Division's regulatory jurisdiction. In  
addition the commission will consider items  
previously posted for open meeting and at  
such meeting verbally postponed or con-  
tinued to this date. With regard to any item,  
the commission may take various actions, in-  
cluding but not limited to scheduling an item  
in its entirety or for particular action at a  
future time or date.

Contact: C. Tom Clowe, P.O. Drawer  
12967, Austin, Texas 78711 (512) 463-7122.

Filed: December 4, 1987, 10:51 a.m.  
TRD-8710910

**Monday, December 16, 1987, 1:30 p.m.** The  
Oil and Gas Division of the Railroad Com-  
mission of Texas will meet in the 12th Floor  
Conference Room, William B. Travis Build-  
ing, 1701 North Congress Avenue, Austin.  
According to the agenda summary, the divi-  
sion will conduct a statewide oil and gas  
hearing.

Contact: Paula Middleton, P.O. Drawer  
12967, Austin, Texas 78711, (512) 463-6729.

Filed: December 4, 1987, 10:45 a.m.  
TRD-8710906



### Texas Rice Producers Board

**Thursday, December 17, 1987, 10 a.m.** The  
Texas Rice Producers Board of the Texas  
Department of Agriculture will meet in the  
Harris County Extension Service Building,  
Two Abercrombie Drive, Houston. Accord-  
ing to the agenda, the department will ap-  
prove minutes; discuss budget-income and  
refunds; consider update on collections and  
administrative matters; and discuss other  
business.

Contact: Curtis Leonhardt, 6699 Rookin,  
Houston, Texas 77074, (409) 270-6699.

Filed: December 3, 1987, 10:42 a.m.  
TRD-8710852



### School Land Board

**Tuesday, December 15, 1987, 10 a.m.** The  
School Land Board will meet in Room 831,  
Stephen F. Austin Building, 1700 North  
Congress Avenue, Austin. According to the  
agenda summary, the board will approve  
minutes of the previous meeting; consider  
pooling applications, acceptance of approx-  
imately 1.3 acres in Nueces County, blind  
school annex note in Travis County, acqui-  
sition by permanent school fund of 640 acres  
in Brewster County, direct sale in Galveston  
County, coastal public lands-commercial  
lease applications, cabin permit terminations,  
easement applications and lease applications,  
and amend to City of Corpus Christi lease;  
and hear the lease suspension report.

Contact: Linda K. Fisher, 1700 North Con-  
gress Avenue, Room 836, Austin, Texas  
78701, (512) 463-5016.

Filed: December 7, 1987, 4:23 p.m.  
TRD-8710990



### Texas Southern University

**Tuesday, December 8, 1987, 9:30 a.m.** The  
Board of Regents of Texas Southern Univer-  
sity met in emergency session in the

Auditorium, School of Education, 3100  
Cleburne, Houston. According to the agen-  
da, the board considered personnel matters.  
The emergency status was necessary because  
of a serious personnel matter requiring the  
immediate attention of the Board of Reg-  
ents.

Contact: Everett O. Bell, Texas Southern  
University, Houston, Texas 77004, (713) 529-  
8911.

Filed: December 7, 1987, 2:35 p.m.  
TRD-8710981



### Teacher Retirement System of Texas

**Friday, December 11, 1987, 8:30 a.m.** The  
Board of Trustees of the Teacher Retirement  
System of Texas will meet for an agenda re-  
vision in the boardroom, 1001 Trinity, Aus-  
tin. According to the agenda, the board will  
consider certification of yield on investment  
earnings for 1986-1987 fiscal year.

Contact: Mary Godzik, 1001 Trinity, Austin,  
Texas 78701, (512) 397-6400.

Filed: December 3, 1987, 1:43 p.m.  
TRD-8710857



### Texas Turnpike Authority

**Thursday, December 17, 1987, 10 a.m.** The  
Board of Directors of the Texas Turnpike  
Authority will meet in Ballroom C, Hobby  
Airport Hilton, 8181 Airport Boulevard,  
Houston. According to the agenda sum-  
mary, the board will approve minutes of the  
October 27, 1987, meeting; consider final  
adoption of budgets for calendar year 1988  
and adoption of preliminary engineering  
procurement policy regarding Dallas north  
tollway projects; approve phase two engi-  
neering reports and review of proposed  
financial plan thereon regarding proposed  
Trinity Turnpike project; consider accep-  
tance of engineering report and approval of  
supplemental agreement; hear progress re-  
port on automated vehicle identification  
system; discuss nonrevenue traffic and high  
speed rail proposal including authorization  
to execute grant agreement. The board will  
also meet in executive session to consider  
purchase of right-of-way parcels.

Contact: Harry Kabler, P.O. Box 190369,  
Dallas, Texas 75219, (214) 522-6200.

Filed: December 8, 1987, 8:38 a.m.  
TRD-8711006



### Texas Water Commission

The Texas Water Commission will meet at  
1700 North Congress Avenue, Austin, unless  
otherwise noted. Dates, times, rooms, and  
agendas follow.

**Monday, December 14, 1987, 2 p.m.** The commission will meet in Room 1149B, to consider complaints against the City of Palestine filed by Four Pines Water Supply Corporation and Norwood Water Supply Corporation and have been designated as Docket 7458-D.

**Contact:** Cynthia G. Hayes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** December 4, 1987, 4:18 p.m.  
TRD-8710937

**Monday, December 14, 1987, 2 p.m.** The commission will meet in Room 123, to consider the executive director's report on agency administration, policy, budget, procedures, and personnel matters.

**Contact:** Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

**Filed:** December 4, 1987, 4:19 p.m.  
TRD-8710938

**Tuesday, December 15, 1987, 10 a.m.** The commission will meet in Room 118, to consider water district bond issues, use of surplus funds, change in plans, release from escrow, proposed water quality permits, amendments and renewals, water rate matters, water right applications, contract matters and adoption of rules concerning consolidated permits and industrial solid waste and municipal hazardous waste permits.

**Contact:** Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

**Filed:** December 3, 1987, 4:08 p.m.  
TRD-8710877

**Tuesday, December 15, 1987, 10 a.m.** The commission will meet in Room 118, to consider application by J.R. Oliver for Proposed Permit 13364-01, Chambers County; consider report and petition for order assessing administrative penalties of Fina Oil and Chemical Company (SWR 30083); hear report of noncompliance of Booker Custom Packing Company, Inc. (Permit 02757); consider order assessing administrative penalties concerning Nor-Sham Inc., doing business as Best Western International Airport Inn (Permit 10980-01), matter of site known as the Wortham Lead Salvage Site (no SWR number), recommendation to remand the application for an amendment to Permit 12189-01 of Point West Associates to the executive director for processing as renewal application; and consider motion requesting setting of interim rates of Tri-County Utilities for rate increases, Docket 7402-R.

**Contact:** Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899

**Filed:** December 3, 1987, 4:09 p.m.  
TRD-8710878

**Wednesday, December 16, 1987, 10 a.m.** The commission will meet in Room 118, to consider application by S.B. Hayter Trust for a \$11.121 and \$11.143 permit, Neches River Basin, Nacogdoches County, for irrigation purposes, consider report of substan-

tial noncompliance and petition for order finding substantial noncompliance and requiring certain actions of City of Kerrville, (Permit 10576-01) and City of Childress (Permit 10076-02); hear enforcement report and petition for order requiring certain actions of Crest Sanitary Corporation (Permits 11158-01, 11739-01, and 10436-01, and order assessing administrative penalties of Engine Components, Inc. (SWR 31567))

**Contact:** Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

**Filed:** December 3, 1987, 4:10 p.m.  
TRD-8710879

**Wednesday, December 16, 1987, 2 p.m.** The commission will meet in Room 118, to consider order assessing administrative penalties to Parts Washer, Inc. (SWR 40872); City of Eagle Pass (Permit 10406-01), substantial noncompliance and requiring certain actions of City of Blum (Permit 10820-01), and petition in the matter of the site known as McBay Oil and gas (SWR 31549).

**Contact:** Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

**Filed:** December 3, 1987, 4:11 p.m.  
TRD-8710880

**Monday, January 4, 1988, 10 a.m.** The Office of Hearings Examiner will meet in Room 1149A, to consider Docket 7347-C--Application for a water certificate of convenience and necessity by Alpha Utility Company of Franklin County

**Contact:** James Murphy, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875

**Filed:** December 3, 1987, 4:12 p.m.  
TRD-8710881

**Wednesday, January 13, 1988, 9 a.m.** The Office of Hearings Examiner will meet in the Classroom, Rolling Hills Water Treatment Plant, 2500 Southeast Loop 820, Fort Worth. According to the agenda summary, the examiner will consider application of City of Azle, 613 Southeast Parkway, Azle, Texas, 76020 for an amendment to Permit 11183-01 to authorize an increase in the interim and final discharges of treated domestic wastewater effluent from volumes not to exceed average flows of 125,000 gallons per day and 250,000 gallons per day and 294,000 gallons per day. Parameters for Biochemical Oxygen Demand, total suspended solids and minimum dissolved oxygen concentration are to be 10 mg/l, 15 mg/l, and 4 mg/l, respectively.

**Contact:** Marcella Sellers, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875

**Filed:** December 3, 1987, 4:13 p.m.  
TRD-8710882

**Thursday, January 21, 1988, 9 a.m.** The Office of Hearings Examiner will meet in the Commissioner's Courtroom, Nueces County Courthouse, 901 Leopard, Corpus Christi. According to the agenda summary, the office will consider application of City of Corpus Christi, P.O. Box 9277, Corpus Christi,

Texas 78469 for renewal of Permit 10401-04 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 16,200,000 gallons per day from the Oso Wastewater Treatment Plant which is located at the intersection of Nile Drive and Ennis Joslin Road in the City of Corpus Christi in Nueces County. The effluent is discharged by pipe to Oso Bay in Segment 2485 of the Bay Waters

**Contact:** James Murphy, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** December 4, 1987, 4:20 p.m.  
TRD-8710939

**Tuesday, January 26, 1988, 9 a.m.** The Office of Hearings Examiner will meet in Room 512, to consider application to Guadalupe-Blanco River Authority, P.O. Box 271, Seguin, Texas 78155, for an amendment to Permit 11496-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 50,000 gallons per day to a volume not to exceed an average flow of 10,000 gallons per day. The proposed amendment would also increase the minimum dissolved oxygen concentration from 2 mg/l to 4 mg/l. The applicant operates the Canyon Park Estates Wastewater Treatment Facilities.

**Contact:** Michael L. Woodward, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875

**Filed:** December 4, 1987, 4:19 p.m.  
TRD-8710940

**Wednesday, January 27, 1987, 10 a.m.** The Office of Hearings Examiner will meet in the MBank Auditorium, 910 Travis, Houston. According to the agenda summary, the office will consider application of Crown Central Petroleum Corporation, 111 Red Bluff Road, Pasadena, Texas 77251 for a permit (Proposed Permit HW-50112) to operate a storage, processing, and disposal facility for the management of Class I hazardous waste and for a compliance plan to authorize a compliance monitoring program and corrective action program at its Pasadena Plant. The facility is located on a 170-acre tract of land along the southern bank of the Houston Ship Channel immediately east of the Washburn Tunnell, approximately 1/2 mile north of State Highway 225, in Pasadena, Harris County. This location is in the drainage area of Segment 1006 of the San Jacinto River Basin.

**Contact:** Ann McMurray, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** December 7, 1987, 3:59 p.m.  
TRD-8710988

## Texas Water Development Board

**Friday, January 8, 1988, 9 a.m.** The Texas Water Development Board will meet in Room 118, Stephen L. Austin Building, Austin. According to the agenda, an at-

torney with the board will conduct a public hearing on the proposed federal fiscal year 1988 intended use plan for the state water pollution control revolving fund

**Contact:** M. Reginald Arnold II, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

**Filed:** December 4, 1987, 4:27 p.m.  
TRD-8710936



## Regional Agencies

### Meetings Filed December 3

**The Bastrop County Appraisal District, Appraisal Review Board,** met at 1200 Cedar Street, Bastrop, on December 9, 1987, at 7 p.m. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

**The Coastal Bend Council of Governments,** will meet in the Central Jury Room, Nueces County Courthouse, 901 Leopard, Corpus Christi, on December 11, 1987, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

**The Golden Crescent Service Delivery Area, Private Industry Council, Inc.** will meet at 1301 East Rio Grande, Victoria, on December 9, 1987, at 6:30 p.m. Information may be obtained from Clea Schoener, P.O. Box 2149, Victoria, Texas 77902.

**The Gulf Bend Mental Health and Mental Retardation Center, Board of Trustees,** met at 1404 Village Drive, Victoria, on December 10, 1987, at noon. Information may be obtained from Bill Dillard, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611.

**The Hunt County Tax Appraisal District, Board of Directors,** met in the Boardroom, 4801 King Street, Greenville, on December 10, 1987, at 7 p.m. Information may be obtained from Joe Pat Davis or Jeanette Jordan, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

**The Lampasas County Appraisal District, Board of Directors,** met at 109 East Fifth Street, Lampasas, on December 9, 1987, at 2 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

**The Liberty County Central Appraisal District, Board of Directors,** will meet at 1820 Sam Houston, Liberty, on December 16, 1987, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722.

**The Lower Colorado River Authority, Board of Directors,** met at 3700 Lake Austin Boulevard, Austin, on December 7, 1987, at 10 a.m. Information may be obtained from John E. Bagalay, 3700 Lake Austin

Boulevard, Austin, Texas 78711, (512) 473-3200.

**The Mental Health and Mental Retardation Center of East Texas, Board of Trustees,** met in the Boardroom, 2323 West Front Street, Tyler, on December 10, 1987, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

**The Nueces River Authority, Board of Directors,** met at the Marriott Hotel, 707 North Shoreline Drive, Corpus Christi, on December 10, 1987, at 11 a.m. Information may be obtained from Con Mims, P.O. Box 349, Uvalde, Texas 78802, (512) 278-6810.

**The Panhandle Regional Planning Commission, Board of Directors,** met in the Conference Room, 2736 West 10th Street, Amarillo, on December 10, 1987, at 1:30 p.m. Information may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas 79105-9257, (806) 372-3381.

**The Central Appraisal District of Rockwall, Board of Directors,** met at 106 North San Jacinto, Rockwall, on December 8, 1987, at 7:30 p.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

TRD-8710851



### Meetings Filed December 4

**The Austin-Travis County Mental Health and Mental Retardation Center, Finance and Control Committee and Board of Trustees** met in Suite 107, 611 South Congress Avenue, Austin, on December 9 and 10, 1987, at noon and 7 a.m. respectively. Information may be obtained from Sharon Taylor, 611 South Congress Avenue, Austin, Texas 78704, (512) 447-4141.

**The Barton Springs-Edwards Aquifer Conservation District, met** at 909 North Loop 4, Buda, on December 7, 1987, at 6 p.m. Information may be obtained from Larry G. Hada, 98 San Jacinto Boulevard, Suite 1800, Austin, Texas 78701, (512) 472-8021.

**The Tax Appraisal District of Bell County, Board of Directors,** will meet at 411 East Central, Belton, on December 16, 1987, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841, ext. 26.

**The Burnet County Appraisal District, Board of Directors,** met at 215 South Pierce, Burnet, on December 10, 1987, at 6:30 p.m. Information may be obtained from Amy Sharder, 215 South Pierce, Burnet, Texas 78611, (512) 756-8291.

**The Dallas Area Rapid Transit, Minority Affairs and Budget and Finance Committee,**

met in Room W-107, Dallas Convention Center, Dallas, on December 5, 1987, at 1 p.m. The Planning and Development Committee met at 601 Pacific Avenue, Dallas, on December 8, 1987, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

**The Dallas Central Appraisal District, Board of Directors,** met in Suite 500, 1420 West Mockingbird Lane, Dallas, on December 9, 1987, at 7:30 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

**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 December 15, 1987, at 5:30 p.m. Information may be obtained from Jim McDermott, 4101 South Medford Drive, Lufkin, Texas 75901.

**The Denton Central Appraisal District, Appraisal Review Board and Board of Directors,** will meet at 3911 Morse Street, Denton, on December 11 and 17, 1987, at 9 a.m. and 4 p.m. respectively. Information may be obtained from John D. Brown, 3911 Morse, Denton, Texas 76205, (817) 566-0904.

**The East Texas Council of Governments, Executive Committee,** met in the ETCOG Offices, Kilgore, on December 10, 1987, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

**The Education Service Center, Region I, Board of Directors,** met in the Marrs Room, Embassy Suites, McAllen, on December 9, 1987, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611.

**The Education Service Center, Region III, Board of Directors,** will meet at 1905 Leary Lane, Victoria, on December 11, 1987, at 1 p.m. Information may be obtained from J.W. Donaldson, 1905 Leary Lane, Victoria, Texas 77901.

**The Ellis County Tax Appraisal District, met** at 406 Sycamore Street, Waxahachie, on December 10, 1987, at 7 p.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

**The Hockley County Appraisal District, Board of Directors,** will meet at 306 College Avenue, Levelland, on December 14, 1987, at 6 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

**The Lower Colorado River Authority,** Board of Directors, met at 3700 Lake Austin Boulevard, Austin, on December 10, 1987, at 10 a.m. Information may be obtained from John E. Bagalay, 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 773-3200.

**The Rusk County Appraisal District,** Board of Directors, will meet in the Administrative Offices, 107 North Van Buren, on December 15, 1987, at 2:30 p.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (214) 657-9697.

**The Texas Municipal League, (Risk and Insurance Management Services),** Board of Trustees, met at the Southwest Tower, 211 East Seventh Street, Austin, on December 10 and 11, 1987, at 9 a.m. Information may be obtained from Allen F. Hyman, 211 East Seventh Street, Austin, Texas 78701.

**The West Central Texas Council of Governments,** Regional Advisory Council on Aging, will meet in Administrative Offices, 1025 East North 10th Street, Abilene, on December 17, 1987, at 10 a.m. Information may be obtained from Lewis E. Lemmond, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-8710883



#### Meetings Filed December 7

**The Austin-Travis County Mental Health and Mental Retardation Center,** Board of Trustees, met in Suite 107, 611 South Congress Avenue, Austin, on December 10, 1987, at 7 a.m. Information may be obtained from Sharon Taylor, 611 South Congress Avenue, Austin, Texas 78704, (512) 447-4141.

**The Bexar-Medina-Atascosa Counties Water Control and Improvement District,** Board of Directors, will meet on Highway 81, Natalia, on December 14, 1987, at 8 a.m. Information may be obtained from C.A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

**The Cherokee County Appraisal District,** Board of Directors, will meet at 107 East Sixth Street, Rusk, on December 17, 1987, at 2:30 p.m. Information may be obtained from S.R. Danner, P.O. Box 494, Rusk, Texas 77585, (214) 683-2296.

**The Dallas Central Appraisal District,** Appraisal Review Board, will meet in Suite 500, 1420 West Mockingbird Lane, Dallas, on December 18, 1987, at 10 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

**The Dewitt County Appraisal District,** Board of Directors, will meet at 103 Bailey Street, Cuero, on December 15, 1987, at 7:30 p.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

**The Education Service Center, Region XIV,** Board of Directors, will meet at 1850 State Highway 351, Abilene, on December 17, 1987, at 5:30 p.m. Information may be obtained from Taressa Huey, P.O. Box 70-A, Abilene, Texas 79601.

**The Education Service Center, Region XVI,** Board of Directors, will meet in the Boardroom, 1601 South Cleveland, Amarillo, on December 18, 1987, at 10:30 a.m. Information may be obtained from Kenneth M. Laycock, 16701 South Cleveland, Amarillo, Texas 79102, (806) 376-5521.

**The Education Service Center, Region XVII,** Board of Directors, will meet in the Webb Room 217, 4000 22nd Place, Lubbock, on December 18, 1987, at 10 a.m. Information may be obtained from Weldon E. Day, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000, ext. 200.

**The Erath County Appraisal District,** Board of Directors, will meet in the Boardroom, 1390 Harbin Drive, Stephenville, on December 16, 1987, at 10 a.m. Information may be obtained from Jerry Lee, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-7301.

**The Gillespie County Appraisal District,** Board of Directors, will meet in the Assembly Room, City Hall, Fredericksburg, on December 16, 1987, at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9807.

**The Gray County Appraisal District,** Board of Directors, met in the Conference Room, 815 North Sumner, Pampa, on December 10, 1987, at 5 p.m. Information may be obtained from W. Pat Bagley, 815 North Sumner, Pampa, Texas 79065, (806) 665-0791.

**The Hickory Underground Water District #1,** Board and Advisors, met at 2005 Old Nine Road, Brady, on December 10, 1987, at 6 p.m. Information may be obtained from Rick Illgner, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785.

**The Jasper County Appraisal District,** Board of Directors, will meet at Evadale ISD Administration Building, Highway 105, Evadale, on December 15, 1987, at 7 p.m. The Appraisal Review Board will meet in the Courthouse Annex, 121 North Austin, Jasper, on December 17, 1987, at 9 a.m. Information may be obtained from David W. Luther, Jasper County Courthouse Annex, Jasper, Texas 75951, (409) 384-2544.

**The Appraisal Review Board of Jones County,** Board of Directors, will meet at 1137 East Court Plaza, Anson, on December 17, 1987, at 8 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422.

**The Lamb County Appraisal District,** Board of Directors, will meet in the Board Meeting Room, 330 Phelps Avenue, Littlefield, on December 15, 1987, at 8 p.m. Information may be obtained from Murlene J. Bilbrey, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

**The Lower Neches Valley Authority,** Board of Directors, will meet at 7850 Eastex Freeway, Beaumont, on December 15, 1987, at 10:30 a.m. Information may be obtained from A.T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

**The Mason County Appraisal District,** will meet at 206 Ft. McKavitt Street, Mason, on December 16, 1987, at 5:15 p.m. Information may be obtained from Neal Little, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989.

**The North Texas Municipal Water District,** Board of Directors, will meet at 505 East Brown Street, Wylie, on December 17, 1987, at 4 p.m. Information may be obtained from Carl W. Riehn, 505 East Brown Street, Wylie, Texas 75098, (214) 442-5405.

**The Northeast Texas Municipal Water District,** Board of Directors, will meet at Highway 250 South, Hughes Springs, on December 14, 1987, at 10 a.m. Information may be obtained from J.W. Dean, P.O. Box 955, Hughes Springs, Texas 75656, (214) 639-7538.

**The Nueces-Jim Wells-Kleberg Soil and Water Conservation District,** Board of Directors, will meet at 2287, North Texas Boulevard, Alice, on December 15, 1987, at 2 p.m. Information may be obtained from Carol Freeman, P.O. Box 142, Alice, Texas 78332, (512) 668-9390.

**The Palo Pinto Appraisal District,** Board of Directors, will meet in the Palo Pinto Courthouse, Palo Pinto, on December 16, 1987, at 3 p.m. Information may be obtained from Jack Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-3651, ext. 234.

**The San Antonio River Authority,** Board of Directors Policies and Procedures Committee, will meet at 100 East Guenther Street, San Antonio, on December 16, 1987, at 1 p.m. and 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

**The Swisher County Appraisal District,** Board of Directors, will meet at 130 North Armstrong, Tulia, on December 17, 1987,

at 7:30 p.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tullia, Texas 79088, (806) 995-4118.

**The Tyler County Tax Appraisal District**, Board of Directors, will meet at 103 Pecan, Woodville, on December 15, 1987, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

**The Upper Leon River Municipal Water District**, Board of Directors, will meet in the General Office of the Filter Plant, Proctor Lake, Comanche County, on December 17, 1987, at 6:30 p.m. Information may be obtained from Garry Godfrey, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258.

**The Upshur County Appraisal District**, Board of Directors, will meet at Warren and Trinity Streets, Gilmer, on December 14, 1987, at 1 p.m. Information may be obtained

from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041. TRD-8710941



### Meetings Filed December 8

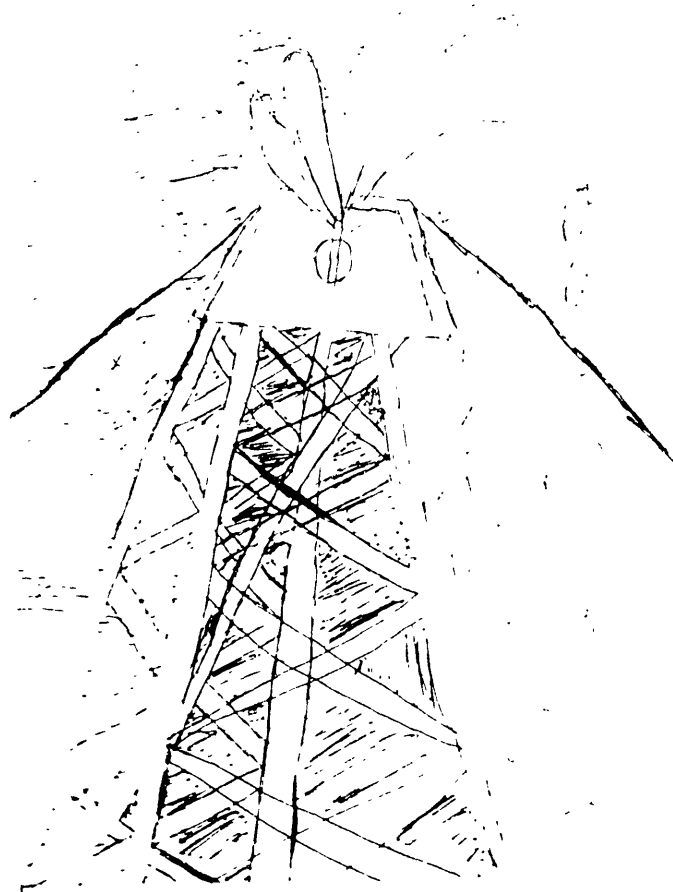
**The Capital Area Planning Council**, Executive Council and General Assembly, will meet in the Austin South Plaza Hotel, Austin, on December 15, 1987, at 11 a.m. and 11:30 a.m., respectively. Information may be obtained from Richard G. Bean, 2520 IH-35 South, Suite 100, Austin, Texas 78704-5798, (512) 443-7653.

**The Dallas Area Rapid Transit**, Budget and Finance Committee, met at 601 Pacific Avenue, Dallas, on December 8, 1987, at 5:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

**The Education Service Center, Region XII**, Board of Directors, will meet at 401 I-35, Waco, on December 17, 1987, at 7:30 p.m. Information may be obtained from Weldon O. Mills, P.O. Box 1249, Waco, Texas 76703, (817) 756-7494.

**The Houston-Galveston Area Council**, Project Review Committee and Board of Directors, will meet in the Fourth Floor Boardroom, 3555 Timmons, Houston, on December 15, 1987, at 9 a.m. and 10 a.m. respectively. Information may be obtained from Steve Howard, 3555 Timmons, Houston, Texas 77027, (713) 627-3200.

**The South Texas Private Industry Council, Inc.**, met at Zapata Community Center, U.S. Highway 83, Zapata, on December 10, 1987, at 4 p.m. Information may be obtained from Ruben M. Garcia, P.O. Box 1757, Laredo, Texas 78044-1757. TRD-8711004



Name: Brad Gray  
Grade: 6  
School: Maedgen Elementary, Lubbock

# 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 Health Intent to Revoke Certificates of Registration

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following registrants for failure to pay fees pursuant to *Texas Regulations for Control of Radiation (TRCR)* 13.8:

(1) Samuel G. Guajardo, D.C., 2217 Primrose, McAllen, Texas 78504, Certificate of Registration Number 8-13627;

(2) Jack E. Burroughs, D.D.S., 17200 Red Oak Drive, Suite 208, Houston, Texas 77090, Certificate of Registration Number 11-07873;

(3) Bruce E. Pendergrass, D.C., 15122 Highway 3, Webster, Texas 77598, Certificate of Registration Number 11-07587;

(4) Edward Mapula, D.D.S., 1801 North Mesa, Suite D, El Paso, Texas 79902, Certificate of Registration Number 3-14601;

(5) Freddie N. Davis, D.D.S., 5534 North Wayside Drive, Houston, Texas 77028, Certificate of Registration Number 11-08991;

(6) A. J. Van Ostrom, D.D.S., 1510 E. Front Street, Tyler, Texas 75702, Certificate of Registration Number 7-13279.

The agency intends to revoke the certificates of registration, order the registrants to cease and desist use of radiation machine(s), and order the registrants to divest themselves of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of each complaint, no order will be issued.

This notice affords the opportunity for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas from 8 a.m. to 5 p.m., Monday-Friday (except holidays).

Issued in Austin, Texas, on December 3, 1987.

TRD-8710919

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

Filed December 4, 1987

For further information, please call (512) 835-7000

## Intent to Revoke Radioactive Material Licenses

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following licensees for failure to pay fees pursuant to *Texas Regulations for Control of Radiation (TRCR)* 13.8:

(1) Applied Clinical Laboratories, Incorporated, 201 Plaza Boulevard, P.O. Box 1167, Hurst, Texas 76053, Radioactive Material License Number 5-3759;

(2) Chaparral Inspection Company, P.O. Box 9425, Odessa, Texas 79762, Radioactive Material License Number 12-3139;

(3) American Casedhole Specialists, Incorporated, 5817 #2 East Berry Street, Fort Worth, Texas 76119, Radioactive Material License Number 5-3131;

(4) B. W. Henderson, 1023 Mound Street, Suite A, Nacogdoches, Texas 75961, Radioactive Material License Number 10-3519.

(5) Tyler Surveys, Incorporated, 908 Cardinal Crest, Andrews, Texas 79714, Radioactive Material License Number 12-3533.

(6) Gammatron, Incorporated, P.O. Box 34042, Houston, Texas 77034, Radioactive Material License Number 1-02148;

(7) The University of Texas at Dallas, Department of Biology, 2601 North Floyd Road, P.O. Box 83006880688, Richardson, Texas 75083-0688, Radioactive Material License Number 1-02114.

(8) William B. Wilson Manufacturing Company, P.O. Box 34627, San Antonio, Texas 78233, Radioactive Material License Number 9-2630.

The agency intends to revoke the radioactive material licenses, order the licensees to cease and desist use of such radioactive materials, and order the licensees to divest themselves of such radioactive material, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the fee is paid within 30 days of the date of each complaint, no order will be issued.

This notice affords the opportunity for a hearing to show cause why the radioactive material licenses should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material licenses will be revoked at the end of the

30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m., Monday-Friday (except holidays).

Issued in Austin, Texas, on December 3, 1987

TRD-8710855 Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of  
Health

Filed December 3, 1987

For further information, please call (512) 835-7000.



## Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

### NEW LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Lamesa	Medical Arts Hospital	104080	Lamesa	0	11/20/87
Throughout Texas	American Log Engineering, Inc.	104133	Wichita Falls	0	11/17/87
Throughout Texas	Harmony Drilling Company, Inc.	104129	Houston	0	11/17/87
Throughout Texas	B and B Wellbore Services, Inc.	104119	Victoria	0	11/17/87
Throughout Texas	The Conlan Group, Inc.	104134	Longview	0	11/17/87
Tyler	The University of Texas Health Center at Tyler	104117	Tyler	0	11/16/87

### AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Ablene	Ablene Christian University	101460	Ablene	11	11/18/87
Arp	Baker Tank Company	102599	Arp	14	11/17/87
Austin	Texas Instruments, Inc.	103838	Austin	3	11/06/87
Austin	Ryan Corporation	101692	Austin	23	11/18/87
College Station	Texas A & M University	100448	College Station	60	11/12/87
DFW Airport	Facilities Maintenance Department	104016	DFW Airport	1	11/12/87
Dallas	Robert H. Dedman Memorial Medical Center	102314	Dallas	16	11/10/87
Dallas	Texas Instruments Incorporated	104096	Dallas	1	11/17/87
Fort Worth	Twin Oak Medical Center	103364	Fort Worth	8	11/23/87
Fort Worth	Bell Helicopter Textron	103023	Fort Worth	2	11/19/87
Gonzales	I.C. America, Inc.	104103	Gonzales	3	11/12/87
Houston	Sprun Branch Memorial Hospital	102473	Houston	14	11/13/87
Houston	Cypress-Tarbanks Medical Center, Inc.	103424	Houston	7	11/18/87
Houston	Kelsey Seybold Clinic, P.A.	100391	Houston	31	11/23/87
Houston	Evondell Petrochemical Company	100187	Houston	28	11/18/87

Lubbock	I.C.C. Institute of Water Research	L02804	Lubbock	2	11/10/87
Lubbock	Diagnostic Radiology Associates	L03948	Lubbock	4	11/18/87
Lubbock	I.C.C. Institute of Water Research	L02804	Lubbock	3	11/18/87
Mesquite	Mesquite Physicians Hospital	L02317	Mesquite	4	11/10/87
Midland	Midland Certified Reagent Company	L03497	Midland	5	11/17/87
New Braunfels	Lafarge Corporation	L02809	New Braunfels	10	11/17/87
Palestine	Anderson County Memorial Hospital	L02728	Palestine	8	11/16/87

### AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Location	Name	License #	City	Amend- ment #	Date of Action
San Angelo	Shannon West Texas Memorial Hospital	L02174	San Angelo	18	11/10/87
San Angelo	Ethicon, Inc.	L00720	San Angelo	24	11/18/87
San Antonio	Syncor International Corp.	L02033	San Antonio	38	11/11/87
San Antonio	Baptist Hospital System	L00455	San Antonio	42	11/10/87
San Antonio	The U. I. Health Science Center at San Antonio	L01279	San Antonio	37	11/23/87
Throughout Texas	Great Guns, Inc.	L01990	Sour Lake	12	11/06/87
Throughout Texas	Danny R. Anderson Consultants, Inc.	L02476	El Paso	3	11/06/87
Throughout Texas	El Paso Engineering and Testing, Inc.	101567	El Paso	26	11/10/87
Throughout Texas	Exploration Logging of U.S.A. Inc.	L03258	Houston	5	11/06/87
Throughout Texas	ARCO Oil and Gas Company	L00134	Plano	39	11/06/87
Throughout Texas	Service and Compliance Consultants	103873	Coldspring	3	11/12/87
Throughout Texas	ACS Commercial Testing	103752	Tyler	2	11/12/87
Throughout Texas	Brazos Valley Inspection Services, Inc.	102859	Bryan	19	11/17/87
Throughout Texas	Petrolac, Inc.	L02363	Tyler	7	11/17/87
Throughout Texas	Northshore X-Ray & Testing Company	L03912	Houston	10	11/17/87
Throughout Texas	Professional Service Industries, Inc.	L03055	Longview	7	11/12/87
Throughout Texas	Gearhart Industries, Inc.	L02113	Fort Worth	52	11/06/87
Throughout Texas	Gray Wireline Service	L03541	Levelland	3	11/12/87
Throughout Texas	Law Engineering Testing Company	102453	Houston	10	11/12/87
Throughout Texas	Geotech Engineering and Testing	L03923	Houston	3	11/17/87
Throughout Texas	Tru-Tec	103913	La Porte	10	11/13/87
Throughout Texas	Western Atlas International, Inc.	L00446	Houston	86	11/13/87
Throughout Texas	Amarillo Road Company	L02893	Amarillo	4	11/17/87
Throughout Texas	Petroleum Measurement Corporation	103060	Houston	11	11/13/87
Throughout Texas	ICO Tubular Services, Inc.	L02697	Houston	7	11/19/87
Throughout Texas	ASOMA Instruments, Inc.	102788	Austin	22	11/18/87
Throughout Texas	PRO-FAC Services, Inc.	103561	Midland	8	11/18/87
Throughout Texas	Amersham - Tech Ops RPD	103567	Houston	5	11/18/87
Throughout Texas	Harding-Lawson Associates	101970	Houston	11	11/19/87
Tomball	Tomball Regional Hospital	102514	Tomball	10	11/18/87

### RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Beeville	Samy Y. Avoub, M.D.	103293	Beeville	2	11/10/87



Brownfield	Brownfield Regional Medical Center	102541	Brownfield	6	11-16-87
Sugar Land	Nalco Chemical Company	101023	Sugar Land	10	11-10-87
Throughout Texas	Jerry W. Owen	101851	Pasadena	37	11-09-87
Throughout Texas	Alpha Process Sales, Inc.	103305	Sugar Land	3	1-17-87
Throughout Texas	Texas Water Development Board	101852	Austin	11	11-17-87
Throughout Texas	Temperature Evaluation Logging Company, Inc.	102219	Odessa	11	11-17-87

**TERMINATIONS OF LICENSES ISSUED:**

Location	Name	License #	City	Amendment #	Date of Action
Amarillo	Bell Helicopter Textron, Inc.	103525	Amarillo	1	11-19-87
Fort Worth	Texas Wesleyan College	101506	Fort Worth	8	11-12-87
Houston	Stauffer Chemical Company	101864	Houston	7	11-06-87
Throughout Texas	Chambers County Road and Bridge Dept.	103961	Anahuac	1	11-06-87
Throughout Texas	Professional Service Industries, Inc.	101850	Longview	16	11-10-87
Throughout Texas	Professional Service Industries, Inc.	100431	Longview	24	11-10-87

In issuing new licenses and amending and renewing existing licenses, the Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Texas Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on December 3, 1987.

TRD-8710856 Robert A. MacLean  
Deputy Commissioner  
Texas Department of Health

Filed: December 3, 1987  
For further information, please call (512) 465-2640.

**Rescission of Orders**

Notice is given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following orders:

(1) order of revocation issued November 9, 1987, to Oran Lance Troegle, D.D.S., 2944 Motley, Suite 101, Mesquite, Texas 75150, holder of Certificate of Registration Number R06474;

(2) order of revocation issued November 9, 1987, to Kenneth P. Kuhlman, D.D.S., 3859 Crestline Road, Fort Worth, Texas 76107, holder of Certificate of Registration Number R07770;

(3) order of revocation issued November 10, 1987, to Seguire Dental Center, 211 South River, Seguin, Texas 78155, holder of Certificate of Registration Number R08867.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a.m.-5 p.m. (except holidays).

Issued in Austin, Texas, on December 2, 1987

TRD-8710844 Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: December 2, 1987  
For further information, please call (512) 835-7000

Notice is given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following order. Order of revocation issued November 12, 1987, to Larry Thompson's Logging and Perforating, Inc., 3125 Edgewood, San Angelo, Texas 76903, holder of Radioactive Material License Number L03197.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a.m.-5 p.m. (except holidays).

Issued in Austin, Texas, on December 2, 1987

TRD-8710845 Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: December 2, 1987  
For further information, please call (512) 835-7000

**Revocation of Certificates of Registration**

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following certificates

of registration. Listed following are the registrant, the registration number, the location, and the date of action: Lynn F. Gordon, D.D.S., 5-14406, Irving, November 9, 1987; Thomas H. Lindsey, D.D.S., 4-09850, Vernon, November 9, 1987.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a.m.-5 p.m. (except holidays).

Issued in Austin, Texas, on December 2, 1987

TRD-8710846 Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed December 2, 1987

For further information, please call (512) 835-7000



## Revocation of Radioactive Material Licenses

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following radioactive material licenses. Listed following are the licensee, the license number, the location, and the date of action: Medical Arts Hospital of Houston, Inc., 11-2404, Houston, October 29, 1987; Larry Thompson's Logging and Perforating, Inc., 4-3197, San Angelo, October 30, 1987; Victoria Wireline Service, Inc., 8-3649, Victoria, October 23, 1987; Stor-Tech Well Surveys, 11-3655, South Houston, October 23, 1987; RAM Inspection, Inc., 12-3741, Odessa, October 23, 1987; B. Sotoodeh, M.D., 9-367, San Antonio, October 23, 1987; Rae Medical Corporation, 11-3702, Houston, October 23, 1987.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a.m.-5 p.m. (except holidays).

Issued in Austin, Texas, on December 2, 1987

TRD-8710847 Robert A. MacLean  
Deputy Commissioner  
Professional Services

Filed December 2, 1987

For further information, please call (512) 835-7000



## State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration.

(1) Application for admission to do business in Texas of Group Underwriters, Inc., a foreign third party administrator. The home office is in Elberton, Georgia.

(2) Application for incorporation of Medical Care Referral Group, a domestic third party administrator. The home office is in El Paso.

(3) Application for incorporation of HealthCare Benefits, Inc., a domestic third party administrator. The home office is in Richardson.

(4) Application for incorporation of National Benefit Administrators, Inc., a domestic third party adminis-

trator. The home office is in Dallas.

(5) Application for incorporation of Independent Administrators Group, Inc., a domestic third party administrator. The home office is in Dallas.

(6) Application for incorporation of Young Insurance Agency, a domestic third party administrator. The home office is in El Paso.

(7) Application for incorporation of Resource Deployment, Inc., a domestic third party administrator. The home office is in Fort Worth.

(8) Application for incorporation of TRYCO Administrative Services, Inc., a domestic third party administrator. The home office is in Bellaire.

(9) Application for incorporation of Kidel & Associates Inc., a domestic third party administrator. The home office is in San Antonio.

(10) Application for incorporation of Group & Pension Administrators, Inc., a domestic third party administrator. The home office is in Dallas.

(11) Application for incorporation of Behrens, Inc., a domestic third party administrator. The home office is in Waco.

(12) Application for incorporation of ESP Agency, Inc., a domestic third party administrator. The home office is in Austin.

Issued in Austin, Texas, on November 30, 1987

TRD-8710860 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: December 3, 1987

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



The following applications have been filed with the State Board of Insurance and are under consideration.

(1) Application for incorporation of Pension Consultants & Administrators, Inc., a domestic third party administrator. The home office is in Austin.

(2) Application for incorporation of Dealer Based Services, Inc., a domestic third party administrator. The home office is in Bedford.

(3) Application for incorporation of Je He, Inc., a domestic third party administrator. The home office is in San Antonio.

(4) Application for incorporation of John F. Hunter & Associates, a domestic third party administrator. The home office is in Houston.

(5) Application for incorporation of Alpha Data Systems, Inc., a domestic third party administrator. The home office is in Dallas.

(6) Application for incorporation of Health Economics Corporation, a domestic third party administrator. The home office is in Dallas.

(7) Application for incorporation of Boon-Chapman, Ltd., a domestic third party administrator. The home office is in Austin.

(8) Application for incorporation of Boon-Chapman Benefit Administrators, Inc., a domestic third party administrator. The home office is in Austin.

(9) Application for incorporation of Claims Administrators and Plan Supervisors Corporation, a domestic third party administrator. The home office is in Austin.

(10) Application for incorporation of Insurance Benefit Services, Inc., a domestic third party administrator. The home office is in Houston.

(11) Application for incorporation of Risk Funding

Alternatives, Inc., a domestic third party administrator. The home office is in Tyler.

(12) Application for incorporation of Mass Administrators, Inc., a domestic third party administrator. The home office is in San Antonio.

Issued in Austin, Texas, on December 1, 1987

TRD-8710948      Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed December 7, 1987  
For further information, please call (512) 463-6327



The following applications have been filed with the State Board of Insurance and are under consideration.

(1) Application for incorporation of ULS, Inc., a domestic third party administrator. The home office is in Carrollton.

(2) Application for incorporation of EMS Administrative Services Corporation, a domestic third party administrator. The home office is in Fort Worth.

(3) Application for incorporation of Insurdata Incorporated, a domestic third party administrator. The home office is in Irving.

(4) Application for incorporation of HealthNet Administrators, a domestic third party administrator. The home office is in Houston.

(5) Application for incorporation of Accident Underwriters, Inc., a domestic third party administrator. The home office is in Dallas.

(6) Application for incorporation of HealthTrack, a domestic third party administrator. The home office is in Houston.

(7) Application for incorporation of HealthNet, a domestic third party administrator. The home office is in Houston.

(8) Application for incorporation of Health Network, Inc., a domestic third party administrator. The home office is in Houston.

(9) Application for admission to do business in Texas of Executive & Employee Benefit Plans, Inc., a foreign third party administrator. The home office is in Columbus, Ohio.

(10) Application for incorporation of Total Plan Services, Inc., a domestic third party administrator. The home office is in Dallas.

(11) Application for admission to do business in Texas of Gallagher Bassett Services, Inc., a foreign third party administrator. The home office is in Dover, Delaware.

(12) Application for incorporation of First Financial Administrators, Inc., a domestic third party administrator. The home office is in Houston.

Issued in Austin, Texas, on December 2, 1987

TRD-8710949      Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed December 7, 1987  
For further information, please call (512) 463-6327



## Public Utility Commission of Texas Long Run Incremental Cost Standards

The Public Utility Commission of Texas publishes the following questions in order to solicit the comments of interested parties regarding the possible proposal of substantive rules with respect to incremental cost standards.

**Pricing Based on Incremental Cost as Policy.** Is it practical to promulgate rules establishing an incremental cost basis for rate setting for the services provided by a regulated utility? Can a general methodology for approximating long run incremental cost (LRIC) be established in the context of substantive rules?

**Jurisdiction and Allocated Costs.** Is pricing a service on an incremental cost basis desirable when the service's associated investment and expenses have been jurisdictionally allocated?

**Methodological Issues.** Is there an appropriate general planning horizon upon which the estimates of long run incremental costs may be based? While it is clear that the calculation of LRIC should include anticipated direct expenses, should it contain anticipated indirect expenses, or expenses which are allocated generally or according to some notion of beneficiality? How should depreciation expense be calculated for additional plant required to provide the service? How should depreciation expense be calculated for plant which is retired ahead of schedule as a result of the provision of a new or competitive service?

**Contribution and the Allocation of Risk.** In the event that the service subject to LRIC-based pricing fails to recover sufficient revenues, how might the commission best protect the interests of the general body of ratepayers? Should the expenses associated with the provision of the service be disallowed in the subsequent general rate case? Should the company's stockholders bear all of the risk associated with new or competitive services? In the event that the service subject to LRIC-based pricing generates revenues in excess of the anticipated levels, should the excess revenues flow entirely to contribution?

Persons who wish to comment upon these issues should do so in writing, within 30 days after publication of these questions, to Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757.

Issued in Austin, Texas, on December 4, 1987

TRD-8710916      Phillip A. Holder  
Secretary of the Commission  
Public Utility Commission of Texas

Filed December 4, 1987  
For further information please call (512) 458-0100.



## Railroad Commission of Texas Notice of Hearing

Notice is given that the hearing on the consolidated Docket 003620ZCW and Docket 003623ZCW, the application of the Long Island Bridge Company, Inc., and the Railroad Commission of Texas called investigation of the operations of the Long Island Bridge Company, Inc., will be held pursuant to Texas Civil Statutes, Article 1466, et seq. (in particular Article 1473). The hearing will be December 28-31, 1987, and as otherwise announced on the record by the hearings examiner, at 9 a.m., in the central

jury room, Cameron County Courthouse, 974 East Harrison, Brownsville. The application of the Long Island Bridge Company, Inc., seeks authority to charge all users 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) as follows: \$1.00 for pedestrian traffic; \$3.50 for passenger motor vehicles, including mobile homes, R.V.'s, and motorcycles; \$4.50 for all trucks in excess of two tons. The purpose of the commission called investigation is to allow the Railroad Commission to regulate and control the Long Island Bridge Company, Inc. Long Island Bridge Company, Inc., alleges it is the owner of the swing bridge and that it made repairs and renovations to the swing bridge. In determining the tolls to be assessed, the applicant wants the following factors to be considered: depreciation, operation and maintenance expenses, debt service since 1985, reasonable rate of return, ad valorem taxes, insurance, and cost of collecting tolls.

Among other things, the protestants and intervenor in opposition alleges that the applicant, its successor-in-interest, a related party, or a prior owner of record:

- (a) made previous contracts conveying the right of user or easement;
- (b) reserved the right to pass over the swing bridge without any charge;

- (c) granted an easement and right-of-way to grantee and their assigns;
- (d) granted an implied right of egress and ingress to lot purchasers;
- (e) made verbal and written representations to governmental agencies and lot purchasers;
- (f) lost the right to assess tolls due to adverse possession;
- (g) any other relevant matter raised by protestants.

The commission called investigation is to determine the legislative intent of Article 1473 for the regulation and control of the Causeway Corporation by the Railroad Commission.

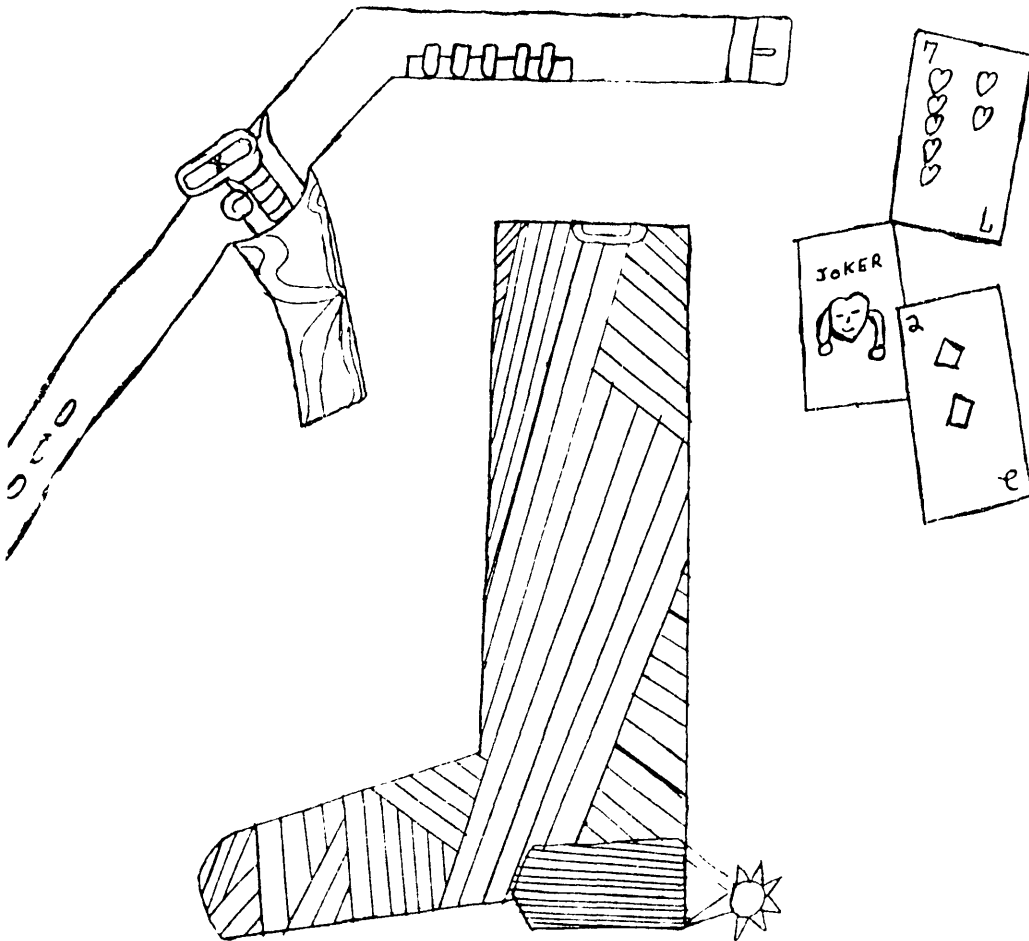
The contested proceeding shall be governed by Texas Civil Statutes, Article 6252-13a, and where appropriate, the general and special rules of practice and procedure before the Transportation Division, 16 TAC §5.401, et seq.

Issued in Austin, Texas, on November 25, 1987

TRD-8710831      Walter E. Lillie  
Special Counsel  
Railroad Commission of Texas

Filed, December 2, 1987

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



Name: Michael Stoehr  
Grade: 6  
School: Maedgen Elementary, Lubbock

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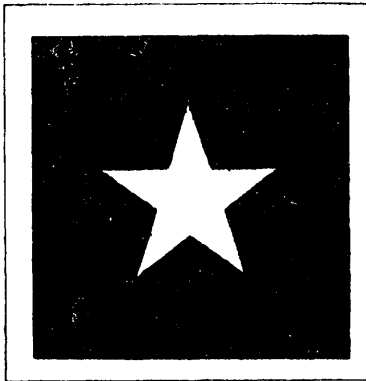


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