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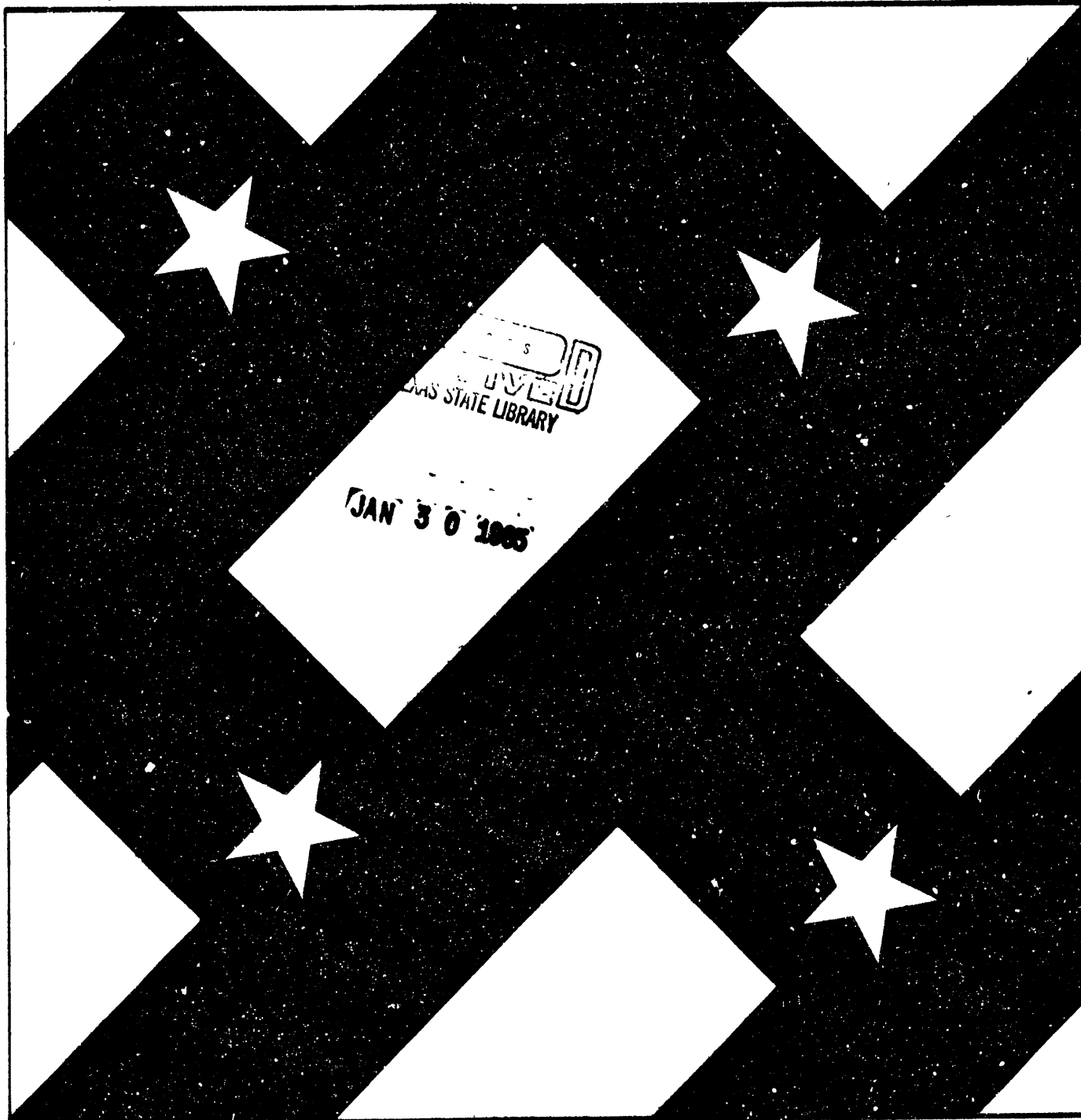
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Texas Register

Volume 10, Number 8, January 25, 1985

Pages 265 - 308



Highlights

The **Texas Education Agency** adopts on an emergency basis a new section concerning the appraisal of certified personnel
Effective date - January 17

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The **Public Utility Commission of Texas**

proposes a new section concerning telephone extended area service
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Earliest possible date of adoption - February 25

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**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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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).



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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-273 (RQ-463). Request from Wilhelmina Delco, chairman, Higher Education Committee, Texas House of Representatives, Austin, concerning whether Texas Civil Statutes, Article 6813e, apply to a public junior college.

Summary of Opinion. Texas Civil Statutes, Article 6813e, applies to Del Mar Junior College.

JM-274 (RQ-383). Request from Jay T. Kimbrough, Bee County attorney, Beeville, concerning whether the Bee County Community Action Agency may receive interest-free loans from a bank which is a depository for Bee County.

Summary of Opinion. If the Bee County Community Action Agency is an extension of Bee County, it cannot receive interest-free loans from a bank which is a depository for Bee County. If, on the other hand, the agency is an independent, private, legal entity, any lending of county credit as a guarantor or surety on loans to the agency on an independent contract basis must be for an authorized county purpose and must have conditions attached to ensure the accomplishment of that county purpose.

JM-275 (RQ-412). Request from Bill Hale, executive director, Texas Commission on Human Rights, Austin, concerning whether the confidentiality provisions of Texas Civil Statutes, Article 5221k, apply to local human relations commissions.

Summary of Opinion. Information regarding employment discrimination complaints which is protected by Texas Civil Statutes, Article 5221k, §8.02(a), retains its confidential character when it is transferred from the Texas Commission on Human Rights to a local human rights commission pursuant to Article 5221k, §4.04.

JM-276 (RQ-347). Request from George W. McNiel, state auditor, Austin, concerning whether the tuition charges listed in the Texas Education Code, §54.051(k), apply to vocational/technical courses taken on the basis of contract hours.

Summary of Opinion. The \$50 tuition charge in the Texas Education Code, §54.051(k), applies to properly accredited associate nursing degree programs as well

as to properly accredited vocational nursing degree programs, if they are offered for credit at public junior colleges which receive state supplemental funding. The \$50 tuition charge is a fixed charge rather than a minimum.

JM-277 (RQ-439). Request from Tommy W. Wallace, Van Zandt County criminal district attorney, Canton, concerning whether a constable who has been appointed to fill a vacancy is authorized to call a meeting of a county grievance committee.

Summary of Opinion. A constable may request a hearing before a salary grievance committee pursuant to Texas Civil Statutes, Article 3912K, whether he has been elected or appointed to his office.

JM-278 (RQ-416). Request from Candy Moore, executive officer, Polygraph Examiners Board, Austin, concerning the meaning of "immediately preceding" for the purposes of the Polygraph Examiners Act, Texas Civil Statutes, Article 4413(29cc), §8(a)(2).

Summary of Opinion. The words "immediately preceding" as used in the Polygraph Examiners Act, Texas Civil Statutes, Article 4413(29cc), §8(a)(2), requiring as an alternative to a baccalaureate degree five years of active investigative experience "immediately preceding" the application, mean the five years nearest to the filing of the application.

JM-279 (RQ-469). Request from W. A. Ewert, Jr., Kleberg County attorney, Kingsville, concerning whether the city of Kingsville may designate two individuals to perform the duties of city secretary.

Summary of Opinion. Kingsville, a home rule city, may confer by ordinance adopted pursuant to its city charter the duties of city secretary on two individuals.

JM-280 (RQ-379). Request from Philip F. Ricketts, chairman, Public Utility Commission of Texas, Austin, concerning whether Texas Civil Statutes, Article 1446c, §6(i), prohibits former members and employees of the Public Utility Commission of Texas from serving a public utility as an outside consultant or attorney during the stated time period.

Summary of Opinion. Texas Civil Statutes, Article 1446c, §6(i), prohibit a former

member or employee of the Public Utility Commission of Texas from serving a public utility as an outside consultant or outside attorney during the time period stated in that provision.

JM-281 (RQ-458). Request from Margaret Moore, Travis County attorney, Austin, concerning when a county may charge the optional \$5.00 vehicle registration fee.

Summary of Opinion. A county which has adopted the optional \$5.00 vehicle registration fee may begin charging it only on January 1, 1985, and only for the renewal of registrations which expire on February 28, 1985.

JM-282 (RQ-397). Request from Lloyd Criss, chairman, Committee on Labor and Employment Relations, Texas House of Representatives, Austin, concerning the use of construction management contracts by state universities.

Summary of Opinion. Although offers for consultant services with respect to construction projects may be solicited by a university based upon a general project description before plans and specifications are complete, bids for construction of the project may not be so solicited. Consultant services contracts may be awarded upon negotiated fee proposals made with reference to a percentage of projected or estimated costs, but building contracts for construction of a facility must be let by the university upon competitive bids received by its governing body. Contracts for a guaranteed maximum price can be the subject of such competitive bids so long as the contingencies upon which the maximum price will be reduced are properly specified and advertised to potential bidders. But the construction of permanent improvements at an institution of higher education, or a portion of such work, cannot be undertaken on a "time and materials" or negotiated basis, and a consultant for the university who participates in the design, estimation of costs, or preparation of the plans and specification of a project is disqualified from bidding on the resulting construction contract therefor.

JM-283 (RQ-447). Request from Herbert E. Cohen, executive director, Texas Cosmetology Commission, Austin, concerning the

status of contract high school students under the Cosmetology Regulatory Act.

Summary of Opinion. Students who receive cosmetology training from private beauty culture schools with which their high schools contract are public school students. They are required to take 1,000 hours of in-

struction in beauty culture courses and 500 hours of related high school courses in a public school vocational program as prescribed by Texas Civil Statutes, Article 8451a, §10(b). Characterization of these students as public school students does not preclude them from being considered as

contract enrollees in a private beauty culture school for purposes of calculating student-instructor ratio under Texas Civil Statutes, Article 8451a, §22(2).

TRD-850548

★ ★ ★

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 ext** [Brackets] indicate deletion of existing material within a rule.

TITLE 19. EDUCATION

Part II. Texas Education

Agency

Chapter 97. Planning and Accreditation

Subchapter D. Principles, Standards, and Procedures for the Accreditation of School Districts

Additional Accreditation Regulations

★ 19 TAC §97.113

The Texas Education Agency adopts on an emergency basis amendments to §97.113, as it was adopted on an emergency basis in the December 21, 1984, issue of the *Texas Register* (9 TexReg 6400). The section concerns student eligibility to participate in extracurricular activities. The section as adopted on an emergency basis did not address student eligibility to participate in extracurricular activities during the fourth six-weeks period of the 1984-1985 school year. University Interscholastic League constitution and contest rules which previously governed participation in University Interscholastic League activities were repealed effective December 31, 1984. Therefore, at the present time, neither University Interscholastic League rules nor State Board of Education rules address eligibility to participate in extracurricular activities during the fourth six-weeks period.

The amendments to the emergency adoption add new subsections (n) and (o), concerning student eligibility to participate in extracurricular activities during the fourth six-weeks period of the 1984-1985 school year.

Subsection (n) provides that students may participate in such activities which require absence from class only if the student has and maintains a 70 average in at least four courses for the prior and current semester, provided the student does not miss any class in which the student does not have a 70 average. Courses to be considered are specified in the section.

Subsection (o) addresses eligibility to participate in University Interscholastic

League activities and reinstates University Interscholastic League eligibility rules as they were effective for the fall semester of the 1984-1985 school year.

Subsection (c)(4)-(6) has been amended by adding the word "grade" in each paragraph, to clarify that the minimum credit requirements apply to students in the 10th, 11th, or 12th grades, not to students in lower grades who may be in their 10th, 11th, or 12th year in school.

The amendments are adopted on an emergency basis so that rules may be in place to govern student participation in extracurricular activities during the fourth six-weeks period of the 1984-1985 school year.

The amendments are adopted on an emergency basis under the Texas Education Code, §11.26(a)(5), which authorizes the State Board of Education to establish regulations for the accreditation of school districts; and the Texas Education Code, §21.920, which directs the State Board of Education by rule to limit participation in and practice for extracurricular activities during the school day and the school week.

§97.113. *Student Absences for Extracurricular or Other Activities.*

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

(c) A student in grades seven-12 may participate in extracurricular activities on or off campus at the beginning of the school year only if the student has earned the cumulative number of credits in state-approved courses indicated in this subsection:

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

(4) beginning of the 10th grade year—at least four credits toward graduation;

(5) beginning of the 11th grade year—at least nine credits toward graduation; and

(6) beginning of the 12th grade year—at least 15 credits toward graduation.

(d)-(m) (No change.)

(n) For the fourth six-week period in the 1984-1985 school year only, a student may participate in extracurricular or other activities on or off campus that require absences from one or more classes only if:

(1) the student has and maintains a 70 average or better in at least four of the

classes in which that student is enrolled for the prior and current semester;

(2) that student does not miss any class in which the student does not have and maintain at least a 70 average; and

(3) only courses approved for state graduation credit by the State Board of Education may be counted toward the number in which the student must have and maintain a 70 average or better. Courses in physical education or competitive athletics may not be counted.

(o) For the fourth six-week period in the 1984-1985 school year only, students shall be eligible to participate in University Interscholastic League activities in accordance with current University Interscholastic League rules and this subsection.

(1) The student is eligible to participate in a league varsity contest as a representative of a participant school if he or she meets current University Interscholastic League requirements and the following:

(A) the student has attended more than one-half of the preceding semester and passed at least four one-half credit courses, including at least three separate courses, as required by the University Interscholastic League constitution and contest rules, §411, as it was in effect for the fall semester of the 1984-1985 school year;

(B) the student is passing at least four one-half credit courses or the equivalent, including at least three separate courses, as required by the University Interscholastic League constitution and contest rules, §412, as it was in effect for the fall semester of the 1984-1985 school year.

(2) To determine if a student is passing at least four one-half credit courses, the student's work from the beginning of the semester to seven days before the contest (or 30 days before a music contest) in which the student intends to participate must be considered.

Issued in Austin, Texas, on January 18, 1985.

TRD-850492 W. N. Kirby
Interim Commissioner of
Education

Effective date: January 18, 1985
Expiration date: April 13, 1985
For further information, please call
(512) 476-7077.

★ ★ ★

Chapter 149. Education
Personnel Development
Subchapter C. Appraisal of
Certified Personnel

★ 19 TAC §149.41

The Texas Education Agency adopts on an emergency basis new §149.41, concerning the appraisal of certified personnel.

House Bill 72, 68th Legislature, 2nd Called Session, 1984, requires that all teachers and administrators in local school districts be appraised in the performance of their duties.

The law requires the State Board of Education to develop and adopt an appraisal process and criteria on which to appraise teachers for career ladder level assignment purposes. The rules allow local districts to use locally adopted evaluation instruments until the development and adoption of the state standardized system is complete. The development, validation, field trials, and training will involve a large number of teachers and administrators before the state system can be implemented.

For the 1984-1985 school year, at least one appraisal of each teacher and administrator, conducted by two appraisers, is required. Beginning in the 1985-1986 school year, two appraisals are required, each conducted by two appraisers.

Subsection (d) requires at least one conference each year to be conducted by the appraiser(s) for each teacher or administrator appraised.

For the 1984-1985 school year, the Central Education Agency will make available suggested interim procedures and guidelines and sample appraisal instruments. However, since the sample instruments have not been validated, it will be the responsibility of each school district to select, in consultation with local teachers, the instruments most appropriate for the district.

It is the policy of the Texas Education Agency to establish and maintain an educational personnel development program to meet particular personnel needs of the state. Opportunities for professional

growth targeted to identified needs will result in better qualified staff for all schools in the state.

The implementation of the appraisal system has three main purposes: to improve the quality of instruction, to provide direction to staff for professional growth, and to provide information to serve as the basis for sound and defensible career ladder and employment decisions.

This new section is adopted on an emergency basis to enable school districts to conduct required appraisals for the 1984-1985 school year.

The new section is adopted on an emergency basis under the Texas Education Code, §13.302, which requires the State Board of Education to adopt an appraisal process and criteria on which to appraise the performance of teachers for career ladder level assignment purposes; and the Texas Education Code, §13.303, which requires each school district to use the appraisal process and performance criteria developed by the State Board of Education in appraising teachers for career ladder level assignment purposes.

§149.41. Appraisal Requirements.

(a) Each teacher and administrator shall be appraised in the performance of his or her duties. This requirement shall apply to all certified personnel, as classified in the Texas Education Code, §16.056, Texas public education compensation plan, including the nondegreed teacher.

(b) The results of the annual appraisal of teachers shall be used for career ladder level assignment purposes.

(c) For school year 1984-1985, at least one appraisal conducted by two appraisers is required. Beginning in school year 1985-1986, there shall be no fewer than two appraisals during the year, each conducted by two appraisers, except as provided in the Texas Education Code, §13.303(c).

(1) For teacher appraisal, each appraiser shall conduct at least one classroom observation and complete a written record of that observation. At least two observations shall be summarized into each appraisal. All of the appraisals shall be summarized by the appraisers into one final report on the individual's annual performance. This report shall become a part of the individual's personnel file.

(2) It shall not be necessary for both (or all) appraisers to evaluate each individual on each item.

(d) At least one conference each year shall be conducted by the appraiser(s) for each teacher or administrator appraised. The conference shall be diagnostic and prescriptive as provided in the Texas Education Code, §13.302(f).

(1) One appraiser may conduct the conference provided that the written records, completed by both appraisers and pertinent to the individual being appraised, are available for discussion during the conference, and that ratings do not fall below satisfactory in any category.

(2) If ratings fall to a level that would preclude maintenance or advancement on the career ladder, then, at the written request of the teacher, both appraisers shall be present at the conference with written records pertinent to the appraisal.

(e) For the 1984-1985 school year, and until the State Board of Education adopts an appraisal process, each school district shall appraise staff using the evaluation instruments adopted by the local board of trustees. Each evaluator shall be trained in the appropriate use of those instruments. For teacher appraisals, those evaluation instruments shall use the performance categories as defined in the Texas Education Code, §13.304.

(f) For the 1984-1985 school year, and until the State Board of Education adopts an appraisal system, the Central Education Agency shall provide suggested interim procedures and implementation guidelines. The agency shall also make available sample instruments. Since the sample instruments have not been validated by the agency, it shall be the responsibility of each school district to select, in consultation with local teachers, the appraisal instruments deemed to be the most appropriate for the district.

Issued in Austin, Texas, on January 17, 1985.

TRD-850539

W. N. Kirby
Interim Commissioner of
Education

Effective date: January 17, 1985

Expiration date: May 17, 1985

For further information, please call
(512) 476-7077.

★ ★ ★

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 General Rules

★ 16 TAC §23.3

The Public Utility Commission of Texas proposes an amendment to §23.3, concerning the definition of extended area service, which had not been defined previously.

Rhonda Colbert Ryan, commission secretary, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Ryan also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the elimination of confusion as to the meaning of extended area service. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Rhonda Colbert Ryan, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

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

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

Extended area service (EAS)—A telephone switching and trunking arrangement which provides for calling service between two or more exchanges, provided at local

exchange rates rather than at toll message charges.

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 January 18, 1985.

TRD-850803

Rhonda Colbert Ryan
Secretary of the
Commission
Public Utility
Commission of Texas

Earliest possible date of adoption:
February 25, 1985
For further information, please call
(512) 458-0100.

★ ★ ★

Certification

★ 16 TAC §23.31

The Public Utility Commission of Texas proposes amendments to §23.31, concerning certification. The amendment exempts from certification the use or provision of coin-operated telephones registered under 47 Code of Federal Regulations Part 68.

Rhonda Colbert Ryan, secretary of the commission, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Ryan also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is clarification of the obligation for certification by those using or providing coin telephones. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Rhonda Colbert Ryan, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

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

§23.31. Certification Criteria.

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

(c) Certificates for new service areas and facilities. Except for certificates granted under subsection (b) of this section, the commission may grant applications and issue certificates only after finding that the certificate is necessary for the service, accommodation, convenience, or safety of the public. For an electric utility generating unit, the commission may grant an application only when it finds that purchased power, conservation, and alternative capacity and associated energy sources available at a lower or equal cost to the ratepayers, together with capacity from qualifying facilities with which contracts have been executed, cannot be reasonably expected to be available in sufficient quantity and for sufficient duration to allow the utility to modify its capacity expansion plan so as to provide for deferral or cancellation of the generating unit for which certification is requested. The commission may issue the certificate as applied for, or refuse to issue it, or issue it for the construction of a portion only of the contemplated system or facility or extension thereof, or for the partial exercise only of the right or privilege. The commission may amend or revoke any certificate issued under this section upon a finding of fact that the public convenience and necessity requires such amendment or revocation. The cost of construction of a new electric utility generating unit found reasonable in granting a certificate may be taken into consideration in determining the amount of construction work in progress and the plant in service associated with that unit to be included in the rate base of the utility. In addition, the projected design electrical rating, capacity factor, and heat rate associated with the unit shall be taken into consideration in determining recoverable fuel expenses associated with the operation of the unit.

(1) (No change.)

(2) A certificate is not required for the following:

(A)-(H) (No change.)

(I) use or provision of coin-operated telephones registered under 47 Code of Federal Regulations Part 68.

(3) (No change.)

(d)-(g) (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 January 18, 1985.

TRD-850604 Rhonda Colbert Ryan
Secretary of the
Commission
Public Utility
Commission of Texas

Earliest possible date of adoption:

February 25, 1985

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

★ ★ ★

Customer Service and Protection

★ 16 TAC §23.49

The Public Utility Commission of Texas (PUC) proposes new §23.49, concerning telephone extended area service.

This section sets out procedures to be followed in requesting the establishment of extended area service between telephone exchanges. These procedures would provide to all parties to a request for extended area service a complete understanding of the basis for a recommendation either for or against the request by the PUC staff. This section also covers how a community would file a request for the service, how the commission staff would assess a request for the service, what information would be required of the affected telephone company or companies, and specific guideposts to be used by the staff in determining whether to proceed with a request.

Rhonda Colbert Ryan, secretary of the commission, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Ryan also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is provision of a complete understanding of the basis for a recommendation either for or against the request by the Public Utility Commission staff to all parties to a request for extend-

ed area service. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Rhonda Colbert Ryan, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

The new section is proposed under Texas Civil Statutes, Article 1446c, §16, which provide the PUC 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.

§23.49. Telephone Extended Area Service. The guidelines set forth in this section are intended to establish consistent procedures for the processing of requests for extended area service (EAS) which may be pending on, or applied for after, the effective date of this section.

(1) Conditions for approval. In the absence of proper and compelling reasons to the contrary, the commission staff will recommend establishment of new EAS when the following general conditions are satisfied:

(A) there exists a significant community of interest between exchanges; and

(B) the incremental rates to be charged for the EAS arrangements, as determined by the commission, will generate revenues within the affected exchange(s) sufficient to meet the increased cost resulting from the provision of EAS; and

(C) the proposed EAS, when offered at a price sufficient to meet the increased costs, is approved by a substantial majority of affected subscribers.

(2) Filing requirements.

(A) In order to be considered by the commission staff for further handling, a request for EAS shall be initiated by one or more of the following actions:

(i) a petition signed by the greater of 5.0% of 100 of the subscribers in the exchange from which the petition originates; or

(ii) a resolution adopted and filed with the commission by the governing body of a political subdivision provided that said governing body properly represents the exchange requesting EAS.

(B) A determination by the commission of the need for establishment of a particular EAS arrangement shall not be undertaken more frequently than once in any three-year period.

(C) All requests for EAS, regardless of how initiated, shall state the name of the exchange(s) to which the EAS is sought.

(D) The petition shall set forth the name and telephone number of each sig-

natory and the name of the exchange from which the subscribers received service.

(3) Community of interest.

(A) Upon receipt of a proper filing under the provisions set out in paragraph (2) of this section, the utility or utilities involved will be directed by the commission staff to initiate appropriate calling usage studies and, thereafter, within 75 days of receipt of such notification, file with the commission staff the results of such studies. The data to be filed shall be based upon a minimum 30-day study of representative calling patterns, shall be in such form, detail, and content as the commission staff may reasonably require, and shall include, at a minimum, the following information:

(i) the number of messages and either minutes-of-use or billed toll revenues, expressed per customer access line per month, over each interexchange route being studied and in each direction, segregated between business and residence users and combined for both; and

(ii) detailed analysis of the distribution of calling usage among subscribers, over each route and in each direction showing the number of subscribers making zero calls, one call, etc., through 10 calls, the number of subscribers making between 11 and 20 calls, the number of subscribers making between 21 and 50 calls, and the number of subscribers making more than 50 calls per month;

(iii) data showing, by classes of service, the number of customer access lines in service for each of the exchanges being studied;

(iv) the toll rates applicable between the exchanges, distance between rate centers, and the average revenue per message for the calls during the study period;

(v) the number of foreign exchange (FX) lines in service over each route and the average calling volumes carried on these lines expressed as both messages per month and hundred call seconds (CCS);

(vi) a listing of other interexchange carriers providing service between the petitioning exchange and the exchange to which EAS is desired.

(B) A preliminary showing that a reasonable degree of community of interest between exchanges, sufficient to warrant further proceedings, will be considered to exist when:

(i) there is an average (arithmetic mean) of no less than 10 calls per customer access line per month from each exchange to the other; and

(ii) no less than two-thirds of the customer access lines make at least five calls per month from each exchange to the other.

(C) If it is clear from the filing that there is sufficient interest by customer representatives for the initiating exchange to bear the entire cost of the EAS implemen-

tation, then the previously mentioned traffic data should be analyzed by the commission staff to determine the strength of community of interest from the initiating exchange to the exchange to which EAS is sought.

(D) In the event that the interexchange traffic patterns over any given route do not meet the prescribed community of interest qualifications as set out in this section, the commission staff would determine that no further investigation would be warranted or necessary for that portion of the request at that time. If, however, the interexchange traffic patterns do not meet but are sufficiently close to those prescribed qualifications to cause such a determination to be uncertain, the commission staff may investigate the feasibility of an optional EAS plan.

(4) Determination of costs.

(A) Following a determination that the appropriate requirements of paragraph (2) and paragraph (3) of this section have been met as outlined in this section, the utility or utilities involved will be advised by the commission staff to initiate the studies necessary to determine the changes in costs which may reasonably be expected to result from establishment of the requested EAS. The staff shall advise the utility if the cost studies are to be based on optional or nonoptional EAS service. These studies will consider and develop, for each route, the relevant costs as follows:

(i) net increases in capital costs resulting from required additions to network capacity less reductions in required quantities of facilities and equipment presently utilized for toll services between the exchanges. The added investment will be based upon the additional switching and trunking requirements necessary to accommodate the incremental usage at prescribed levels of service, as may be determined from realistic estimates of call stimulation factors and holding time effects due to EAS. Appropriate annual carrying charges will be applied to the added investment to obtain the additional annual costs attributable to EAS;

(ii) analysis of increases and decreases in expenses resulting from the new service and the net effect on operating expenses;

(iii) a separate schedule showing local revenue increases resulting from exchange regrouping, if applicable;

(iv) analysis of the effect on toll revenues, including:

(I) effects of increases or decreases in capital costs, expenses, and revenues, as described in paragraph (4)(A)(i)-(iii) of this section, upon intercompany settlements;

(II) effects upon intercompany toll settlements of change in separation factors resulting from the proportionate increase in local usage, including EAS, to toll usage;

(III) loss of toll revenue billed, identifying the effects upon intercompany toll settlements.

(B) On or before 120 days from the date of notification, the utility(ies) shall file with the commission staff the summary results of these studies, together with supporting schedules and detail as will permit the identification of study components and verification of study results

(5) EAS rate additives.

(A) Coincident with the filing of cost study results, the utility(ies) shall submit recommendations for proposed incremental rate additives, by classes of service, necessary to support the cost of the added service.

(B) The commission staff will review the utility recommendations according to the following guidelines to determine the flat rate increment to be used in the subscriber survey in the affected exchange(s).

(i) No increase in rates shall be incurred by the subscribers of nonbenefiting exchanges.

(ii) New EAS will be priced using those flat rate increments designed to recover the added costs for each route, and the total increment chargeable to subscribers within an exchange will be the sum of the increments of all new EAS routes established for that exchange after the effective date of this rule, except as discussed in subparagraph (B)(vi) of this section.

(iii) Additional annual revenues derived from local rate band regrouping shall be deducted from the cost of implementing the service in the exchange generating the regrouping revenues.

(iv) The additional cost for each new EAS route will be divided between the two participating exchanges on each route according to the ratio of calling patterns between the two exchanges.

(v) In establishing the EAS flat rate increment, all classes of customer access line rates within each exchange shall be increased by equal percentages.

(vi) If the staff analysis of the request for EAS reveals that there is not a substantial community of interest from each exchange to the other, but a stated interest by customer representatives of the initiating exchange to bear the entire cost of the EAS implementation, then an EAS flat rate increment shall be developed which places the entire cost of the new service on the customers who desire the service.

(C) A preliminary showing that the proposed EAS plan is sufficient to warrant further investigation will be considered to exist when at least two-thirds of the subscribers of the initiating exchange would derive benefit from the proposed plan through rates which would be lower than or equal to their current combined payments of local rates and toll rates to the exchange to which EAS is desired.

(D) In the event that EAS flat rate additives are not found to be beneficial

or acceptable to subscribers, the staff may explore alternative EAS rating plans.

(6) Subscriber survey.

(A) In all cases where a request for EAS conforms to the requirements of these rules and the customers of either exchange would be subject to new rates from either regrouping or the use of an incremental charge for EAS, or both, the commission staff will require a survey of all subscribers to be made by the utility(ies) by mail.

(B) The customer survey explanatory letter shall be a separate mailing and shall contain no material not contemplated by this rule. It shall include all pertinent information that would enable the customer to exercise a rational choice of acceptance or rejection of the proposal and shall contain at least the following items:

(i) a brief explanation of the purpose of the survey;

(ii) a tabulation showing, by classes of service, the increases in rates to which the subscribers would be subject;

(iii) a listing of the telephone exchange or exchanges and the three-digit telephone number prefixes (NXX's) which would become accessible if the EAS was approved;

(iv) a statement indicating that only those voting by a signed return postcard will be counted;

(v) the date by which the postcard ballots must be returned for consideration. This return date will provide, at a minimum, a period of 30 days from the date on which the survey letter is mailed.

(C) The customer survey letter shall include a preaddressed, stamped postcard ballot which shall provide at least the following information:

(i) a brief statement of the service proposal being voted on as more fully described in the customer survey letter;

(ii) spaces for the customer to indicate his or her preference for or against the proposal;

(iii) lines for signature, telephone number, and date;

(iv) a space for customer comments;

(v) the date by which the postcard ballots must be returned to be eligible for consideration. This return date will provide, at a minimum, a period of 30 days from the date on which the survey letter is mailed.

(D) Both the subscriber survey letter and the return postcard ballot shall have prior approval of the commission staff before mailing, and the postcard ballot shall be returnable to the commission staff for tabulation of results.

(E) Approval of a nonoptional EAS plan shall be recommended by the commission staff upon a finding that:

(i) sixty percent of all subscribers in each exchange required to be surveyed vote favorably; or

(ii) seventy percent of the respondents in each exchange vote favorably and at least two-thirds of all subscribers in each exchange required to be surveyed respond; or

(iii) the prescribed majorities of clause (i) or (ii) of this subparagraph are met by the subscribers of only the initiating exchange as provided for under paragraph (5)(B)(vi) of this section.

(F) Approval of an optional EAS plan, as described in paragraph (3)(D) of this section, shall be recommended by the commission staff if analysis of subscriber survey results indicate sufficient subscriber interest to support provision of the service.

(G) The subscriber survey material shall state separately for each exchange required to be surveyed the amount of local service rate increases applicable to that exchange both in the event all exchanges vote for the EAS or only the petitioning exchange. In no event shall the percentage of responses or affirmative votes be aggregated or averaged over the exchanges involved, but the results shall be separately completed for each exchange.

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 January 18, 1985.

TRD-850605 Rhonda Colbert Ryan
Secretary of the
Commission
Public Utility
Commission of Texas

Earliest possible date of adoption:
February 25, 1985

For further information, please call
(512) 468-0100.

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Quality of Service

★ 16 TAC §23.61

The Public Utility Commission of Texas proposes amendments to §23.61, concerning the local exchange service. Telephone local exchange service is further defined to specifically exclude use or provision of coin-operated telephones registered under 47 Code of Federal Regulations Part 68.

Rhonda Colbert Ryan, secretary of the commission, has determined that for the first five-year period the rule will be in ef-

fect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Ryan also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that the definition of local exchange service will be further clarified to exclude the use or provision of coin-operated telephones registered under 47 Code of Federal Regulations Part 68. There is no anticipated economic cost to those individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Rhonda Colbert Ryan, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

The amendments are proposed under Texas Civil Statutes, Article 144f, §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.

§23.61. Telephone Utilities.

(a) Definitions. The following words and terms, when used in these sections, shall have the following meaning, unless the context clearly indicates otherwise:

(1)-(18) (No change.)

(19) Local exchange service—Telecommunications service provided within service areas in accordance with the local exchange tariffs. It includes the use of exchange facilities required to establish connections between customer access lines within the exchange and between customer access lines and the long distance facilities serving the exchange. Local exchange service does not include use or provision of coin-operated telephones registered under 47 Code of Federal Regulations Part 68.

(20)-(37) (No change.)

(b)-(m) (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 January 18, 1985.

TRD-850606 Rhonda Colbert Ryan
Secretary of the
Commission
Public Utility
Commission of Texas

Earliest possible date of adoption:
February 25, 1985

For further information, please call
(512) 468-0100.

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TITLE 19. EDUCATION

Part I. Coordinating Board, Texas College and University System

Chapter 25. Administrative Council

Subchapter C. Administration of Retirement Annuity Programs

★ 19 TAC §25.78

The Coordinating Board, Texas College and University System proposes amendments to §25.78, concerning auditing procedures. The amendments update the annual reporting requirements to add information on custodial accounts, eliminate the annual report to the institution, and require reporting of each transfer to the participant upon its execution.

James McWhorter, Administrative Council executive secretary, has determined that for the first five year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. McWhorter also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is that employees of higher education will receive more useful information each year on their accounts. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to James McWhorter, Executive Secretary, Administrative Council, Coordinating Board, Texas College and University System, P O Box 12788, Austin, Texas 78711

The amendments are proposed under Texas Civil Statutes, Article 3.50-3, §4(b)(4)(G), which provide the Administrative Council with the authority to adopt rules and regulations consistent with the provisions of the Act to carry out its statutory responsibilities.

§25.78. Auditing Procedures.

(a) Each institution shall require that companies who enroll Optional Retirement Program (ORP) participants and receive contributions must submit, at least annually, a report or reports to each participant containing:

(1) For all [fixed annuity] accounts:

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

(E) net payments this reporting period; and

(F) total value of account at end of this reporting period; and [.]

(G) net cash surrender value of account at end of this reporting period reflecting all potential charges against the account if it were surrendered for cash as of the last day of this reporting period. [interest rate or rates paid on this account from the previous reporting period to the end of the current reporting period and, where multilevel rates of interest were paid on account, a breakdown showing the amount in the participant's account at each interest level, the amount of interest earned at each interest level, and the rates of interest;

[(H) net cash surrender value of account at end of this reporting period reflecting all potential charges against the account if it were surrendered for cash as of the last day of this reporting period; and

[(I) all transfers made during this reporting period of the participant's money from one type of account to another and charges made for that transfer.]

(2) For fixed [variable] annuity accounts, the following additional information:

(A) interest rate or rates paid on this account from the previous reporting period to the end of the current reporting period [name and address of participant]; and

(B) where multilevel rates of interest were paid on an account, a breakdown showing the amount in the participant's account at each interest level, the amount of interest earned at each interest level, and the rates of interest. [identifying number;

[(C) total payments received this reporting period;

[(D) expense charges this reporting period;

[(E) net payments this reporting period;

[(F) units purchased this reporting period;

[(G) total units in account at end of this reporting period;

[(H) unit value at end of this reporting period; and

[(I) total value of account at end of this reporting period;

[(J) net cash surrender value of account at end of this reporting period reflecting all potential charges against the account if it were surrendered for cash as of the last day of this reporting period; and

[(K) all transfers made during this reporting period of the participant's money from one type of account to another and charges made for that transfer.]

(3) For variable annuity and custodial accounts, the following additional information:

(A) units of each fund or investment or account purchased this reporting period;

(B) total units of each fund or investment or account in the account at end of this reporting period; and

(C) value of unit of each fund or investment or account at end of this reporting period.

(b) Each institution shall require that companies who enroll the ORP participants and receive [Optional Retirement Program] contributions [during any year] must submit confirmation of receipt of funds directly [at the end of that year a report] to each [participating institution showing the current status of all active] participant at least quarterly [accounts]. The reports shall contain the date and amount of each payment received during the reporting period.

(c) Each institution shall require that companies who enroll the ORP participants and receive contributions must, immediately upon execution of a transfer from one fund or investment or account to another fund or investment or account, submit a confirmation directly to the participant. This confirmation shall include all transfer information, including a statement of the charges made for the transfer, if any. [Optional Retirement Program payments shall be forwarded to carriers within 10 business days of the legal availability of funds. Where possible, the state share of the payment should be forwarded with the employee share to which it applies. Where that is not possible, the employees' share should be forwarded upon withholding and the state share forwarded upon receipt.]

(d) The ORP payments shall be forwarded to companies within 10 business days of the legal availability of funds. Where possible, the state share of the payment should be forwarded with the employee share to which it applies. Where that is not possible, the employees' share should be forwarded upon withholding and the state share forwarded upon receipt.

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 January 16, 1985.

TRD-850549

James McWhorter
Executive Secretary
Administrative Council
Coordinating Board,
Texas College and
University System

Proposed date of adoption:

March 14, 1985

For further information, please call
(512) 475-2033.



Part II. Texas Education Agency

Chapter 41. State Commissioner of Education

Subchapter D. Adoptions by Reference

★ 19 TAC §41.61

The Texas Education Agency (TEA) proposes amendments to §41.61, concerning the adoption by reference of Bulletin 742, *School District Data Submission to the Texas Education Agency*. This publication contains all of the forms for data collection used by the TEA.

The proposed amendments provide that districts are to accumulate average daily attendance during the four-week period in October and a four-week period during the spring semester which has yet to be designated by the State Board of Education. Full-time equivalent counts for students in special education and vocational education are now required. The proposed amendments also provide for an expanded professional status code to identify staff assignments by function and subject matter area, and that fiscal accounting will be at the program and campus level, as required by Bulletin 679, the *Financial Accounting Manual*. The amendments would be effective for the 1984-1985 school year.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is an enhanced ability to determine educational costs by campus and by program, with information needed to improve the management of education at the state and local levels. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §11.52(d), which provides the commissioner of education with the authority to prescribe uniform systems of forms, reports, and records necessary to secure needed information from county school officers and local school districts.

§41.61. School District Data Submission to the Texas Education Agency.

(a) The rules for data submission to the Texas Education Agency (TEA) are described in the official TEA bulletin *School District Data Submission to the Texas Education Agency*, Bulletin 742, as amended February 1985 [October 1983], which is adopted by this reference as the agency's official rule. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Central [Texas] Education Agency [(headquarters) Building, 201 East 11th Street, Austin, Texas]. On the effective date of this rule, the agency is located at 201 East 11th Street, Austin, Texas 78701. During the summer of 1985, the agency will move to 1701 North Congress Avenue, Austin, Texas 78701. After the agency's move, the rule will be available for inspection at that location.

(b) (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 January 10, 1985.

TRD-850493 W. N. Kirby
Interim Commissioner of
Education

Earliest possible date of adoption:
February 25, 1985
For further information, please call
(512) 475-7077.

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Chapter 75. Curriculum
Subchapter B. Essential Elements—
Prekindergarten [Kindergarten]-
Grade Six

★ 19 TAC §§75.21-75.29

(Editor's note: Sections 75.21-75.28 are proposed to be renumbered as §§75.22-75.29, without changes to the text. The text of the rules will not be republished but may be seen at the Texas Education Agency, 201 East 11th Street, Austin, or the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Education Agency (TEA) proposes amendments to §§75.21-75.28 and new §75.21, concerning essential

elements for prekindergarten through grade six. Sections 75.21-75.28 are renumbered to be §§75.22-75.29, and a new §75.21 is proposed. The proposed amendments change the subchapter title to include a reference to prekindergarten and designate the essential elements for prekindergarten education. Related provisions concerning prekindergarten education are included in an amendment to §75.141.

A task force comprised of representatives from school districts, regional education service centers, and universities assisted in drafting the proposed essential elements for prekindergarten education and in developing provisions for the operation of prekindergarten programs.

Proposed new §75.21, concerning prekindergarten education, sets out essential elements in a developmental sequence focusing on communication development, cognition development, motor development, fine arts, and social/emotional development. These elements are designed to allow students to build a foundation that will enable them to be successful in subsequent school experiences.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules is specification of those components which must be included in all prekindergarten programs to ensure quality and consistency of such programs throughout the state. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendments and new section are proposed under the Texas Education Code, §21.101, which requires the State Board of Education to designate essential elements for specified subjects and to require school districts to teach them at ap-

propriate grade levels, prekindergarten-grade 12.

§75.21. Prekindergarten Education.

(a) Communication development, prekindergarten. Communication development, prekindergarten, shall include the following essential elements.

(1) Listening (receptive language). The student shall be provided opportunities to:

(A) respond to simple directions, commands, and questions;

(B) recognize and compare familiar and unfamiliar environmental sounds, including sounds of animals, motors, musical instruments, and nature;

(C) acquire the meaning of vocabulary words related to concepts being presented;

(D) listen to literary selections daily for personal enjoyment;

(E) become aware of various speech sounds and patterns through rhymes, poems, chants, and fingerplays;

(F) respond to storytelling or oral reading by telling what the story is about, recalling facts and details, and recalling the sequence of events;

(G) focus attention on a speaker without interruption; and

(H) recognize voice tone as a way to express feeling.

(2) Speaking (expressive language). The student shall be provided opportunities to:

(A) participate in nonverbal communication through gesture, pantomime, and facial expression;

(B) use a variety of words to express feelings and ideas;

(C) talk about what is seen, heard, touched, tasted, or smelled as objects, people, and events are experienced;

(D) engage in a conversation by sharing ideas with others;

(E) dictate ideas and feelings as they are recorded;

(F) retell a familiar story or nursery rhyme;

(G) speak clearly;

(H) present fingerplays; and

(I) use oral language in a variety of situations.

(b) Cognition development, prekindergarten. Cognition development, prekindergarten, shall include the following essential elements.

(1) Identifying. The student shall be provided opportunities to:

(A) match objects in a one-to-one correspondence such as a cup to saucer, napkin to plate, etc. (mathematics);

(B) orally identify the number of objects in a group (mathematics);

(C) recognize the empty set (concept of zero) (mathematics);

(D) discuss ways people can help each other (social studies);

(E) know and practice rules of safety at home and school (social studies, science);

(F) learn social skills appropriate to group behavior (social studies);

(G) identify basic economic wants (food, clothing, shelter) of people (social studies);

(H) discuss how and why people celebrate special events (birthdays, holidays, etc.), including those that are culturally related (social studies);

(I) know and observe rules of the home, classroom, and school (social studies);

(J) know terms related to direction and location (up/down, near/far, above/below, etc.) (social studies);

(K) identify individuals who help students learn (family members, teachers, etc.) (social studies);

(L) demonstrate awareness of self in terms of name, age, and gender (social studies);

(M) discuss what families do together (play, work, etc.) (social studies);

(N) use the senses to gain information about the environment using taste, smell, touch, sight, and sound (science); and

(O) describe phenomena in the environment (science).

(2) Comparing and contrasting. The student shall be provided opportunities to:

(A) use vocabulary to designate quantities such as more than, less than, equal to, as many as, etc. (mathematics);

(B) use vocabulary to designate relationships such as under, over, above, below, in front of, far away from, etc. (mathematics);

(C) learn the vocabulary to compare sets or groups (same as, different than, alike, etc.) (mathematics);

(D) demonstrate concepts of part and whole with manipulative materials (mathematics);

(E) use vocabulary to compare objects (taller/shorter, heavier/lighter, etc.) (social studies, science, mathematics); and

(F) compare similarities and differences among objects using taste, smell, touch, sight, and sound (science).

(3) Classifying. The student shall be provided opportunities to:

(A) form groups by sorting and matching objects according to their attributes (mathematics);

(B) combine and separate groups of object to form new groups (mathematics);

(C) identify property as "his/hers/mine/ours" (social studies);

(D) classify acceptable/unacceptable behavior at home and school (social studies); and

(E) sort objects from the environment according to one or more characteristics (use, composition, location, etc.) (science).

(4) Sequencing and ordering. The student shall be provided opportunities to:

(A) repeat a simple pattern using objects (mathematics);

(B) order two or three objects by size (length, height, etc.) (mathematics);

(C) count orally (mathematics);

(D) describe sequences in basic family and school routines (social studies); and

(E) sequence events in order of their occurrence (science).

(5) Predicting cause/effect relationships. The student shall be provided opportunities to know and discuss the consequences of actions in social relationships (sharing, hitting, disturbing others, etc.) (social studies).

(c) Motor development, prekindergarten. Motor development, prekindergarten, shall include the following essential elements:

(1) physical fitness development to improve the quality of life. The student shall be provided opportunities to participate in developmental activities related to muscular strength and endurance, flexibility, and cardiorespiratory endurance;

(2) motor skills that develop positive body image and confidence. The student shall be provided opportunities to:

(A) acquire fundamental movement skills:

(i) locomotor (walking, running, jumping, hopping, etc.);

(ii) nonlocomotor (bending and stretching, pushing and pulling, twisting and turning, etc.);

(iii) manipulative (working with bean bags, large balls, long ropes, etc.); and

(iv) posture and body mechanics (standing, sitting, falling safely, etc.);

(B) develop fine motor skills:

(i) practice self-help skills (such as zipping, buttoning, lacing, buckling, snapping, and pouring liquids and solids such as sand and rice);

(ii) develop pincher control (working puzzles with large pieces, folding paper, screwing/unscrewing, working with clothespins, punching holes, and picking up small objects and placing in containers); and

(iii) formulate patterns (using hand or foot in the air, sand, string beads); and

(C) develop perceptual awareness skills:

(i) body awareness (an awareness of name, location, and relationship of body parts);

(ii) spatial and directional awareness (an awareness of how much space the body occupies and where to move);

(iii) coordination (eye-hand, eye-foot, rhythm); and

(iv) balance.

(3) rhythmic activities that develop coordination, self-expression, creativity, and endurance. The student shall be provided opportunities to participate in rhythmic activities:

(A) fundamental skills;

(B) creative rhythms; and

(C) singing games;

(4) skills related to games and sports. The student shall be provided opportunities to:

(A) participate in skills common to games and sports (starting, stopping, dodging, throwing, kicking, catching, etc.);

(B) participate in cooperative games; and

(C) develop and practice behavior reflective of good sportsmanship and safety;

(5) skills and activities related to sequential gymnastics. The student shall be provided opportunities to:

(A) develop gross motor skills;

(B) develop preliminary gymnastic skills (creeping, crawling, rolling, and balancing); and

(C) develop the ability to use apparatus appropriate for prekindergarten.

(d) Fine arts, prekindergarten. Fine arts, prekindergarten, shall include the following essential elements.

(1) Art.

(A) Awareness and sensitivity to natural and man-made environments. The student shall be provided opportunities to discover line, color, shape, and texture by seeing and feeling objects.

(B) Inventive and imaginative expression through art materials and tools. The student shall be provided opportunities to:

(i) experiment informally with a variety of simple media; and

(ii) express individual thoughts and feelings through picture making, puppetry, modeling, constructing, and print-making.

(C) Understanding and appreciation of self and others through art culture and heritage. The student shall be provided opportunities to look at and talk about artworks, including primary sources.

(2) Music.

(A) Singing concepts and skills. The student shall be provided opportunities to:

(i) create vocal sounds by imitating; and

(ii) sing songs.

(B) Music listening. The student shall be provided opportunities to:

(i) hear music for quiet listening; and

(ii) hear music that tells a story.

(C) Responses to music through moving and playing. The student shall be provided opportunities to:

(i) move and dance; and

(4) play simple rhythm and/or melody instruments.

(3) Theater arts.

(A) Expressive use of the body and voice. The student shall be provided opportunities to:

(i) develop body awareness and spatial perception using rhythmic and imitative movement; and

(ii) imitate sounds.

(B) Creative drama. The student shall be provided opportunities to dramatize limited-action stories and poems using simple pantomime and puppetry.

(e) Social/emotional development, prekindergarten. Social/emotional development, prekindergarten, shall include the following essential elements:

(1) concepts and skills that foster individual personal health and safety. The student shall be provided opportunities to:

(A) demonstrate self-help skills by:

(i) being responsible for personal hygiene;

(ii) managing dressing and undressing;

(iii) eating appropriately and independently;

(iv) learning about the parts of the body and what they do;

(v) recognizing routine healthy behaviors;

(vi) expanding vocabulary to include health terms; and

(vii) recognizing common visible signs of general illness and wellness;

(B) develop a healthy self-concept reflected by:

(i) accepting failure as well as successes by self;

(ii) praising good work and success of others;

(iii) willingness to try again after failure;

(iv) taking pride in own work;

(v) willingness to try new things;

(vi) accepting constructive criticism;

(vii) respecting property of others;

(viii) recognizing own uniqueness;

(ix) reacting to change in a reasonable way;

(x) becoming aware of how others see him or her; and

(xi) expressing strong emotions safely;

(C) recognize danger of poisonous substances, including drugs; and

(D) recognize hazards in the environment and acquire knowledge and skills needed to avoid injury and to prevent accidents;

(2) health-related concepts and skills that involve interactions between in-

dividuals. The student shall be provided opportunities to:

(A) demonstrate adjustment to the school setting by:

(i) accepting school routine;

(ii) recognizing that he or she is one of many; and

(iii) participating in leadership as well as follower roles;

(B) demonstrate self-discipline by demonstrating appropriate independent as well as group behavior;

(C) observe and follow home/school safety rules and procedures by:

(i) knowing what to do when lost;

(ii) staying away from medication and poisons;

(iii) knowing rules about crossing the street; and

(iv) knowing what to do when strange or familiar adults behave inappropriately (abuse); and

(D) develop concept of family by:

(i) recognizing that there are different types of families;

(ii) recognizing that each person is part of a family; and

(iii) doing simple home chores.

§75.22.[§75.21.]English Language Arts.

§75.23.[§75.22.]Other Languages.

§75.24.[§75.23.]Mathematics.

§75.25.[§75.24.]Science.

§75.26.[§75.25.]Health.

§75.27.[§75.26.]Physical Education.

§75.28.[§75.27.]Fine Arts.

§75.29.[§75.28.]Social Studies, Texas and United States History.

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 January 16, 1985,

TRD-850494

W. N. Kirby
Interim Commissioner of
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For further information, please call
(512) 476-7077.

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Subchapter E. Well-Balanced Curriculum

★19 TAC §75.141

The Texas Education Agency proposes an amendment to §75.141, concerning the description of a well-balanced elementary curriculum. The proposed amendment prescribes the minimum re-

quirements for determining eligibility for prekindergarten and for the operation of the prekindergarten program.

Richard Bennett, associate finance commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is a provision for prekindergarten education to help students gain a foundation which will help prepare them for entry into kindergarten. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 476-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This amendment is proposed under the Texas Education Code, §21.101, which requires the State Board of Education to designate essential elements for specified subjects and to require school districts to teach them at appropriate grade levels, prekindergarten through grade 12.

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

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

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

(1) Eligibility requirements.

(A) To determine eligibility for students who do not speak and comprehend the English language, school district shall:

(i) administer home language survey; and

(ii) screen students using informal oral inventories, adaptations of oral proficiency instruments approved by the commissioner of education, or other appropriate commercially developed instruments.

(B) To determine eligibility for students who came from a family whose annual income is at or below subsistence, school districts shall apply the formula used to qualify students for free or reduced-price lunches under the National School Lunch Program.

(2) **Minimum time.** The minimum time for the operation of prekindergarten classes on a half-day basis shall be three hours.

(3) **Student/teacher ratio.** Beginning with the 1985-1986 school year, a school district may not enroll more than 22 students in a prekindergarten class. This requirement shall not apply during the last 12 weeks of any school year.

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

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Subchapter G. Other Provisions

★ 19 TAC §75.172, §75.173

The Texas Education Agency proposes new §75.172 and §75.173, concerning advanced placement examinations and tutorial programs.

House Bill 72, 68th Legislature, 2nd Called Session, 1984, added to the Texas Education Code new §21.724, which requires that the State Board of Education approve and that school districts administer advanced placement examinations in grades one-five and for each secondary academic course. The proposed new sections allow school districts to begin planning for implementation of the required advanced placement examinations. Because of the magnitude of the task facing districts in implementing this part of the law, it is proposed that districts which need more time to prepare or secure these tests be permitted to implement the law in the 1985-1986 school year and that, generally, a phase-in schedule be established.

Under the proposed rules, districts must administer advanced placement examinations no later than May 1986 and each year thereafter. Provision for a hardship waiver is included for districts unable to meet this requirement.

Examinations must have, or be linked to, national or Texas norms, must be psychometrically sound, and must meet curriculum content requirements. Subsection (a)(2) includes standards by which examinations will be reviewed.

Subsection (b) and subsection (c) address content which examinations must cover. Subsection (d) sets out the approval process for examinations.

Subsection (e) provides that students must score at or above the equivalent of the 90th percentile or, if legislation permits, at or above a cut-off score established by the State Board of Education.

Students who exceed the maximum number of absences allowed by the Texas Education Code, §21.041, may use an advanced placement examination to receive credit for a course or grade if they meet the criteria for credit in the rule.

Section 75.173 provides that tutorial programs must be offered to students in grades one-12 in the subjects of English language arts, mathematics, science, and social studies. School districts must provide tutorial sessions at least twice per week for a cumulative total of 90 minutes, but have the option of providing the tutorials in shorter sessions on three or four days a week. Tutorials must be done under the supervision of an appropriately certified teacher. Districts may require a minimum amount of tutoring as part of the regular contractual duties of all teachers. Districts may pay teachers for tutoring outside the regular school day.

Richard Bennett, associate finance commissioner, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. For §75.172, the anticipated effect on state government is an estimated additional cost of \$40,000 each year from 1988-1990. The anticipated effect on local government is an estimated additional cost of \$270,000 each year from 1988-1990. The cost is a minimal estimate; based on 10% of students taking exams with a cost of \$1.00 per student to administer and score; 2.7 million students, thus \$270,000. This is a state total impact on all local school districts. Cost for individual districts will vary with the size of the district. For §75.173 there is no anticipated effect on state or local government. Districts may pay teachers additional funds for tutorials, but are not required to do so. There is no anticipated economic effect on small businesses.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules is the provision of tutorial assistance for students who are failing, or who are in danger of failing, subjects or courses. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701 (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These new sections are proposed under the Texas Education Code, §21.203, which requires each school district to provide tutorial services; and the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program.

§75.172. Advanced Placement Examinations.

(a) General provisions.

(1) School districts shall administer advanced placement examinations for grades one to five and for academic subjects in grades six and above, in accordance with the Texas Education Code, §21.724. The advanced placement examinations shall be administered to students qualified to take them no later than May 1986 and each year thereafter. Advanced placement examinations may be given at other reasonable times. Districts unable to comply with this requirement may receive a hardship waiver from the commissioner of education which will be good for one year. This waiver may be given only for specific subject areas or grades.

(2) Examinations must have, or be satisfactorily linked to, national or Texas norms and must be psychometrically sound as well as meeting curriculum content requirements. Districts and other entities may develop and submit their instruments for approval, or districts may select from a list of instruments approved by the State Board of Education. All instruments shall be reviewed against a set of standards developed by the commissioner of education. These standards shall include, but need not be limited to, the following:

- (A) rationale for creating the test;
- (B) inclusion of required competencies;
- (C) selection of item types;
- (D) determination of numbers of items;
- (E) development of items;
- (F) test scoring procedures;
- (G) test security;
- (H) validity;
- (I) reliability;
- (J) continued development;
- (K) setting of cut scores;
- (L) performance review; and
- (M) norming procedures.

(3) Districts may use screening tests to determine eligibility for taking advanced placement examinations.

(4) Students may not be advanced more than one grade level on the basis of performance on one particular advanced placement examination. Students may, however, elect to take more than one advanced placement examination in any one year. In addition, advanced placement examinations may be used to obtain credit for a particular grade or course in which the student is currently enrolled.

(b) Primary grade tests (grades one to five). The content of the advanced placement examinations must test all academic aspects of the respective grade levels. The curriculum coverage of the test must include and go beyond the essential elements of Chapter 75 of this title (relating to Curriculum) as listed for the respective grade levels in all academic subject areas. The areas which must be included in the examination are as follows:

- (1) mathematics;
- (2) English language arts;
- (3) science;
- (4) health; and
- (5) social studies.

(c) Secondary subject areas (grade six and above). The content of the advanced placement examinations must test all aspects of the course. The curriculum coverage of each test must include and go beyond the essential elements listed for that particular course in Chapter 75 of this title (relating to Curriculum).

(d) Approval process.

(1) In order to be approved, each examination must be submitted to the Central Education Agency at least 60 days before the administration date.

(2) The State Board of Education may grant temporary approval (good for one year) of advanced placement examinations submitted for review and approval. Final approval is conditional upon submission of acceptable performance data.

(e) Granting of advanced placement credit. Students shall be given credit for a course or advanced one grade only if all three of the following conditions are met:

(1) the student scores at or above the equivalent of the 90th percentile or the State Board of Education-approved cutoff score, if permitted by legislation, on the advanced placement examination. If there is more than one subject area in an examination, then the student must exceed the cutoff score in all subject areas;

(2) the local school district administration approves of the credit;

(3) parental or guardian approval is granted.

(f) Use of credit. Students who exceed the maximum number of absences allowed by the Texas Education Code, §21.041, may utilize an advanced placement examination to receive credit for the par-

ticular course or grade provided they meet the scoring standard of subsection (e)(1) of this section.

§75.173. Tutorial Programs.

(a) Purpose of tutorials.

(1) The purpose of tutorials is to provide additional direct instruction and other assistance for students who are experiencing difficulty succeeding in the regular classroom.

(2) Tutorial services in combination with effective classroom instruction should enable students to be more successful because of the increase in time on task, the provision of intensive student-teacher interaction, and more active student participation in small learning groups.

(b) Establishment and operation of tutorial programs.

(1) Each school district shall provide tutorial programs at least twice a week.

(2) Any student should be encouraged to attend tutorial sessions, but the program shall be targeted at students scoring below 70 or in jeopardy of scoring below 70 in a course or subject.

(3) School districts shall provide tutorials in an arrangement of sites readily accessible to accommodate all students who are in need of tutoring.

(4) Tutorials shall be provided in the subjects of English language arts, mathematics, science, and social studies for grades one-12. Districts may offer tutorials in other subjects or courses.

(5) School districts shall advise all parents of the availability of the tutorial program. In addition, districts shall communicate with parents of students who require tutoring about the rules related to tutoring, the sites and scheduling options, the function and operation of the program, as well as the necessity of parental commitment. The parents shall also be informed about the relationship of the tutorial program to Subchapter H of this chapter (relating to Promotion and Alternatives to Social Promotion).

(c) Scheduling and time requirements.

(1) A school district board of trustees may require students who score lower than 70 on a scale of 100 to attend the tutorial sessions.

(2) Tutorial services may be made available before, during, after school, in the evenings, and on weekends. When tutorials are offered during the school day, the sessions may not occur during the scheduled elementary time requirements or secondary courses as required by Chapter 75, Subchapter E, of this title (relating to Well-Balanced Curriculum). In addition, students shall not be scheduled for a tutorial which causes them to miss classroom instruction.

(3) School districts shall provide the opportunity for students to participate in tutorials at least twice a week for a cumulative total of 90 minutes. A school dis-

trict may provide for the cumulative total of 90 minutes per week on three or four separate days and sessions may be of varying amounts of time to meet the needs of students. For example, sessions for grades one-three may vary from 15 or 20 minutes to 30 minutes, so long as the district offers an aggregate of 90 minutes per week in the subject. Districts may elect to provide more than the minimum time.

(4) If a student needs tutorial assistance in more than one subject or course, the teachers affected shall determine the priority order of the subjects and time to be allotted for each student.

(5) The 45-minute planning and preparation period required for each teacher during the school day shall not be used for tutorial purposes.

(d) Entrance criteria.

(1) The classroom teacher is primarily responsible for determining that a student should be recommended to attend tutorial sessions for a subject based on observations of the student's persistent difficulty in mastering classroom work. Other school professionals who have an opportunity to work with the student and observe his or her learning may also recommend tutoring for a student.

(2) The six-weeks grade report shall provide that teachers advise parents whether students are recommended or required to attend tutorials in the subsequent six-weeks grading period.

(e) Instruction and coordination with the regular classroom program.

(1) The tutorial sessions must be under the supervision of an appropriately certified teacher for each subject as specified in subsection (b)(4) of this section. Peers and paraprofessionals may assist. The certified teacher shall make the decisions about the extent and nature of the involvement of peers and paraprofessionals.

(2) The mode of instruction in the tutorial program shall be intensive, student-teacher interaction and directed instruction on specific class or homework assignments.

(3) The student's regular classroom and/or special teacher is encouraged to coordinate the assignment with the tutor.

(4) Students in special programs (special education, compensatory education, bilingual/English as a second language, migrant, and gifted and talented) shall be eligible for tutorial services, but the tutorial shall not replace other special services provided these students.

(f) Teacher pay.

(1) If the tutorial program is external to the regular school day, districts may pay teachers for tutoring at an hourly rate to be determined by the board of trustees.

(2) Districts may require a minimum amount of tutoring as part of the regular contractual duties of all teachers.

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

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

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Chapter 105. Foundation School Program

Subchapter C. Allocation of Personnel Units

★ 19 TAC §105.51

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Education Agency proposes the repeal of §105.51, concerning funding the semester system. The requirements concerning the length of the semester have been included in the proposed amendment to §105.71. Therefore, §105.51 is proposed for repeal to avoid duplication.

Richard Bennett, associate finance commissioner, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is consolidation of material concerning the school year into one section. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the Texas Education Code, §21.008, which requires school districts to operate for either two or three semesters during each school year, at the option of the district.

§105.51. Funding the Semester System.

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

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Subchapter D. School Year

★ 19 TAC §105.71

The Texas Education Agency proposes amendments to §105.71, concerning the days of operation required for school districts. This proposed amendment incorporates material which was previously contained in §105.51 and §117.1, both of which are proposed for repeal.

The proposed amendments to (a)(1)(A) specify the length for semesters. Previously, §105.51 specified that semesters must be 87 or 88 days long, with provision for variation with agency approval. The proposed amendment presented here permits a greater range, from 86 to 89 days, to accommodate scheduling difficulties imposed by the new provision of House Bill 72, 68th Legislature, 2nd Called Session, 1984, which requires that classes not start before September 1 each year.

Proposed new (a)(1)(F) includes language concerning authorization for local school boards to shorten the school day. This provision is being moved from §117.1, which is being proposed for repeal. The section has been revised to clarify that local boards may shorten the school day for any reason acceptable to the board, not only for school-related activities. This procedure may be used not more than six times per year. Districts which have periods longer than 55 minutes may shorten them to 55 minutes at local district discretion, without being subject to the six times per year limit.

Subsection (a)(1)(G) provides for shortened sessions during the first four weeks of the school year at the first grade level, at local district discretion.

Proposed subsection (a)(1)(H) permits local boards to designate not more than three days as "senior days" for the 1984-1985 school year.

The proposed amendment to subsection (a)(2) includes provision for inservice and preparation days in accordance with House Bill 72.

Richard Bennett, associate finance commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is consolidation of requirements concerning days of operation for school districts and greater control over school district discretion to shorten the instructional day for noninstructional activities. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This amendment is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program, and §21.923, which requires each school district to adopt and enforce a policy limiting interruptions of classes during the school day for nonacademic activities.

§105.71. Days of Operation Required.

(a) Regular school program.

(1) Instructional program.

(A) All school districts shall operate on the basis of a semester system, with the schools being in operation two or three semesters during each school year, providing not less than 175 days of instruction for students.

(i) If a district offers two semesters, each semester must consist from 86 to 89 days.

(ii) If a district offers three semesters, the three semesters must consist of approximately 58 days each.

(B) All school districts shall provide not less than 175 days of instruction for students. (Semesters shall be scheduled

for two or three semesters. The curriculum for operation of the schools for three semesters shall be based on at least 70-minute class periods.]

(C) The first day of instruction each school year shall not be earlier than September 1. [The last two days of each semester may be set aside for the purpose of giving final examinations in grades where classroom instruction is on a departmentalized basis provided a formalized examination schedule is established.]

(D) The school calendar shall be arranged so that the minimum hours of instruction required by Chapter 75 of this title (relating to Curriculum) are met. [No more than three days of actual instruction during the school term may be set aside as "senior days."]

(E) The last two days of each semester may be set aside for the purpose of giving final examinations in grades where classroom instruction is on a departmentalized basis provided a formalized examination schedule is established.

(F) With the approval of the local school board of trustees, a school may operate on an abbreviated day (not to be confused with half-day sessions). Where it is determined by the local board, in order to meet all classroom assignments, the local board may shorten each class period for any reason acceptable to the local board of trustees. Any class period may not be shortened to less than 45 minutes in grades nine-12. This procedure is to be used no more than six times per year and is to be so noted in the minutes of the local school board of trustees. Districts which have scheduled class periods longer than 55 minutes may shorten periods to 55 minutes at local district discretion, without being subject to the six times per year limit.

(G) During the first four weeks of the school year, school boards may authorize shortened, but not less than half-day, sessions for the first grade students to provide ample time for these students to make necessary adjustments to the school environment.

(H) Upon action by the board of trustees, recorded in the minutes, no more than three days of actual instruction for the 1984-1985 school term may be set aside for senior days.

(2) In-service training and preparation program.

(A) In addition to the 175 instructional days, for professional and paraprofessional personnel, [excepting clerical aides,] a total of not less than eight [10] days [in 1977-1978 and eight days in 1978-1979] shall be allowed for inservice training and for preparation related to the instructional program of the district.

(B) Two preparation days must immediately precede the opening of schools for the regular term, and one preparation day must immediately follow the end of

each semester. Teachers may not be required to participate in training or other activities outside the classrooms on preparation days.

(C)[(B)] Inservice training shall be provided in accordance with Chapter 149, Subchapter B, of this title (relating to Inservice Education).

(3) (No change.)

(b) (No change.)

(c) Holidays. All days of attendance or duty in this section [policy] are in addition to and do not include any holidays adopted by the local board of school trustees.

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

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Interim Commissioner of
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(512) 475-7077.

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Subchapter T. Requirements for Program Participation

★ 19 TAC §105.392

The Texas Education Agency (TEA) proposes amendments to §105.392, concerning student/teacher ratios. The amendments implement the requirements in House Bill 72, 68th Legislature, 2nd Called Session, 1984, concerning student/teacher ratios.

Beginning with the 1985-1986 school year, the maximum class size for grades kindergarten-two is 22 students. Beginning with the 1988-1989 school year, the maximum class size will be 22 students in grade three and grade four as well. The amendments also provide for a waiver of this requirement in cases where lack of personnel or lack of facilities make compliance a hardship. However, the section requires each district requesting a waiver to submit a plan which indicates how the district intends to come into compliance with the law. Requests for renewal of a waiver must be accompanied by a progress report on the district's implementation of the plan for coming into compliance.

The amendments also require that, in general, districts plan to come into compliance within three years. In exceptional circumstances, the commissioner of education may approve a district plan to come into compliance within five years.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state government or small businesses as a result of enforcing or administering the rule. The effect on local government is an estimated additional cost of \$34.6 million in 1986; \$37.195 million in 1987; \$39,984,625 in 1988; \$51.9 million in 1989; and \$55,792,500 in 1990. These figures assume 2,000 additional teachers in 1986 for kindergarten-grade two at \$17,300 each, which equals \$34.6 million, and 1,000 additional teachers in 1989 for grade three and grade four, at \$17,300 each, which equals \$17.3 million, for a total of \$51.9 million.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is smaller class sizes in the elementary grades, with an orderly procedure for waivers of requirements in cases of school district hardship, and with the understanding that districts which have received waivers are proceeding with their approved plans for coming into compliance. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §16.054, which establishes minimum class sizes for grades kindergarten-four, and which authorizes the commissioner of education to grant waivers to these class size requirements.

§105.392. Student-Teacher Ratios.

[(a) Policy. Each school district must employ a sufficient number of certified teachers to maintain an average ratio of not less than one teacher for each 25 students in average daily attendance.]

[(a)][(b)] General requirements [Administrative procedure]. Each school district must employ a sufficient number of certified teachers to maintain an average ratio of not less than one teacher for each 20 [25] students in average daily attendance. Teachers paid from federal funds [and from state compensatory education funds] shall not be

counted in computing the average student-teacher [pupil-teacher] ratio. Other professional personnel, such as counselors, supervisors, resource specialists, etc., will not be counted unless they are actually assigned to part-time teaching duties. The school district must determine the number of contact hours which these persons spend in teaching and develop a total of full-time equivalents. The number of full-time teachers plus the number of equivalents from part-time teachers is used in determining the average ratio.

(b) Maximum class size.

(1) In accordance with the Texas Education Code, §16.054, beginning with the 1985-1986 school year a school district may not enroll more than 22 students in any one class at any one time in grades kindergarten-two.

(2) Beginning with the 1988-1989 school year, a district may not enroll more than 22 students in any one class at any one time in grade three or grade four.

(3) Paragraph (1) and paragraph (2) of this subsection are applicable to the following classes: language arts, mathematics, social studies, science, and health.

(4) The limitations in this subsection shall not apply during the last 12 weeks of each school year.

(c) Waiver of maximum class size requirements.

(1) The commissioner of education may waive the class size requirements in subsection (b) of this section.

(2) When requesting a waiver, a district must comply with the following requirements.

(A) The district must demonstrate to the commissioner of education that:

(i) the district has no acceptable qualified applicant and all reasonable efforts to locate personnel have been made; or

(ii) the district has no suitable classroom space available and all reasonable efforts to obtain additional classrooms have been made. This review of additional space shall include all campuses and the possible conversion of existing space from other uses.

(B) The district must submit a plan showing the steps the district will take to correct the shortage of teachers or facilities and indicating the time by which the district intends to come into compliance with the class size requirements in the Texas Education Code, §16.054.

(i) In general, district plans should enable the district to be in full compliance with class size requirements within three years.

(ii) In exceptional circumstances, the commissioner of education may approve a district plan to come into compliance within five years.

(3) Waivers may be granted for no more than one semester at a time. After a

district's initial waiver has been granted, and the district's plan for coming into compliance has been approved, districts may request a renewal of the waiver each semester by submitting assurances that the implementation of the district's approved plan is proceeding as scheduled.

(4) Requests for waivers shall be submitted at a time and in a form prescribed by the commissioner of education.

(5) On occasion, movement of students within or into the district may cause an individual class on a campus to exceed the maximum class size permitted by law. Districts in which such a situation occurs need not request a waiver provided the class in question does not exceed 24 students, and provided no more than one class at a grade level on any campus is affected.

(6) The commissioner of education shall report to the State Board of Education each district which has been granted a waiver and the reason for which it was granted.

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 January 16, 1985.

TRD-850499 W. N. Kirby
Interim Commissioner of
Education

Proposed date of adoption:

March 9, 1985

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

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★ 19 TAC §105.393

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin).

The Texas Education Agency proposes the repeal of §105.393, concerning minimum staffing patterns. House Bill 72, 68th Legislature, 2nd Called Session, 1984, replaced the personnel unit allocation system for funding the Foundation School Program with a system based on per student base allocations. The requirements in §105.393 for the placement of administrative personnel at certain pay grades are no longer applicable after House Bill 72. The requirements for use of specified percentages of personnel units at the elementary level are also no longer applicable. Low pupil/teacher ratios in the elementary grades are mandated by House Bill 72, and these new

requirements are addressed in the proposed amendment to §105.393.

Richard Bennett, associate finance commissioner, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is deletion of a rule which is inconsistent with current law. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program.

§105.393. Minimum Staffing Patterns.

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 January 16, 1985.

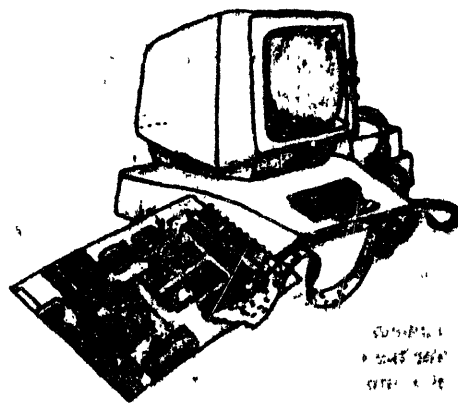
TRD-850500 W. N. Kirby
Interim Commissioner of
Education

Proposed date of adoption:

March 9, 1985

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

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Chapter 117. Pupil Attendance Accounting

★ 19 TAC §117.1

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 603E, Sam Houston Building, 201 East 14th Street, Austin).

The Texas Education Agency proposes the repeal of §117.1, concerning requirements for pupil attendance accounting for state funding purposes. This section contains the requirements for pupil attendance accounting. These provisions have been revised and included in proposed new Chapter 129, Subchapter D, concerning student attendance accounting. The sections concerning the days of operation required and the authorization to shorten the school day have been included in §105.71.

The proposed new rules on student attendance do not include authorization for students in attendance for funding purposes if they are absent from school to participate in 4-H activities or Texas Boys' Choir activities.

Richard Bennett, associate finance commissioner, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is consolidation of rules concerning student attendance in one section of the Texas Administrative Code. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program.

§117.1. Requirements for Pupil Attendance Accounting for State Funding Purposes.

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 January 16, 1985.

TRD-850501

W. N. Kirby
Interim Commissioner of
Education

Proposed date of adoption:

March 9, 1985

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

★ ★ ★

Chapter 129. Student Attendance

Subchapter A. Student Attendance Allowed

★ 19 TAC §129.1, §129.2

The Texas Education Agency (TEA) proposes amendments to §129.1 and §129.2, concerning student attendance. The proposed amendments implement the provisions in House Bill 72, 68th Legislature, 2nd Called Session, 1984, concerning full-day kindergarten, and move material concerning student attendance from §117.1, which is being proposed for repeal.

In §129.1(b)(1), the requirement that a child over age six who is assigned to kindergarten be carried on the first-grade register is deleted, since full-day full-year funding is now available for kindergarten students. The requirement that children assigned to the first grade for instructional purposes be carried on the kindergarten register is now limited to those schools which do not offer full-day, full-year kindergarten.

Section 129.1(d), concerning children placed in foster care, is deleted, since this section repeated the Texas Education Code, §21.031.

The proposed amendments to §129.2 delete the criteria for full-day kindergarten eligibility for educationally handicapped students, since under House Bill 72 half-day or full-day kindergarten may be offered to all students at local district discretion. The proposed amendments also provide for an adjustment in attendance accounting for those districts which offer full-day, full-year kindergarten.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications

for state or local government or small businesses as a result of enforcing or administering the rules.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is that TEA rules will be consistent with current statutes concerning student attendance. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendments are proposed under the authority of the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program (Texas Education Code, Chapter 16).

§129.1. Free Attendance in General.

(a) (No change.)

(b) Children are eligible to be enrolled in the first grade in accordance with the Texas Education Code, §16.003.

(1) A child who is not eligible under the Texas Education Code, §16.003, to enter the first grade may be assigned to the first grade before age six, but in a district which offers less than full-day, full-year kindergarten, the attendance of the child must be maintained in a kindergarten register. [Likewise, a child may be assigned to kindergarten after age six, but the attendance of the child must be maintained in a first grade register.] Such assignments are the decision of the local district, with the consent of the child's parent or guardian.

(2) (No change.)

(c) (No change.)

[(d) Children of school age who are placed in foster care by an agency of the state or a political subdivision shall be permitted to attend public schools in accordance with the Texas Education Code, §21.031(e) and (f).]

§129.2. Kindergarten.

[(a)] All children who are at least five years old but are not eligible for enrollment in the first grade are eligible for free attendance in kindergarten for either full-day or half-day attendance [½ day] for the entire

school year or for full-day attendance for one-half (one semester) of the school year in the school district in which they reside or are otherwise entitled to attend for Foundation School Program benefits. Attendance accounting figures for districts which offer full-day, half-year kindergarten shall be adjusted in accordance with instructions of the commissioner of education.

[(b) Educationally handicapped children are, at the discretion of the school district, eligible for full-day attendance for the entire school year. For the purpose of determining an eligible pupil, an "educationally handicapped" child is defined as:

[(1) a child who cannot speak and comprehend the English language;

[(2) a child who is from a family whose annual income is at or below that level which would qualify the student for free lunches under the National School Lunch Program. (Reference Texas Education Code, §16.102); or

[(3) a child who is receiving special education services requiring a full-day program.]

[(c) To determine whether a child is eligible for full-day, full-year kindergarten because of limited English-speaking ability, districts must use an English oral language proficiency test which is approved for use at the kindergarten level and which is listed in subsection (a) of §77.356 of this title (relating to Testing and Classification of Students).]

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 January 16, 1985.

TRD-850502 W. N. Kirby
Interim Commissioner of
Education

Proposed date of adoption:

March 9, 1985

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



Subchapter D. Student Attendance Accounting

★ 19 TAC §129.61

The Texas Education Agency (TEA) proposes new §129.61, concerning require-

ments for student attendance accounting for state funding purposes.

The proposed new subchapter consolidates material previously contained in §117.1, which is being proposed for repeal. The proposed new section includes specification of the four weeks for spring attendance accounting, to begin with April 8, 1985. Provisions which previously allowed students absent for 4-H or Texas Boys Choir activities to be counted present for attendance purposes are being proposed for repeal and have not been included in this proposed new section. The new section does permit students to be excused for medical and dental appointments; however, such students may not be counted present if they are absent at the time attendance is taken. The proposed language on medical and dental appointments is permissive, leaving the final decision concerning such absences to local district discretion.

Requirements concerning records, contact hour accounting, centralized attendance accounting, absences for religious holy days, and designations of a time when attendance is to be taken are incorporated from §117.1 without substantive change.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is greater clarity in the sections concerning student attendance accounting, designation of a period for spring attendance accounting which is as fair as possible to school districts across the state; and clarification that students may be excused for medical, dental, and psychological appointments, and for special education assessment and related services. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The new section is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program (Texas Education Code, Chapter 16); and the Texas Education Code, §16.006, which directs the State Board of Education to prescribe by rule the eight weeks for attendance accounting for Foundation School Program purposes.

§129.61. Requirements for Student Accounting for State Funding Purposes.

(a) All public schools in Texas shall maintain records to reflect the average daily attendance (ADA) for the allocation of Foundation School Program funds and other funds allocated by the Central Education Agency. Superintendents, principals, and teachers shall be responsible to their school boards and to the state to maintain accurate, current attendance records.

(b) Average daily attendance shall be determined based on the best four weeks of eight weeks of attendance.

(1) Attendance for the fall semester shall be counted for the four weeks beginning with the first Monday of October. Attendance for the spring semester shall be counted for the four weeks beginning with March 4, 1985.

(2) Any district in which fewer than four school days are scheduled or held during one of the designated weeks shall inform the commissioner of education, who may approve the next full week at the end of the reporting period for that district. Districts which count attendance in an alternate week shall report to the commissioner of education such information concerning transfers into and out of the district as the commissioner may require.

(3) Districts shall maintain records and make reports concerning average daily attendance in bilingual education and special language programs as required by the commissioner of education.

(4) Districts shall maintain contact hours registers to indicate the number of full-time equivalent students in average daily attendance in special education and vocational education programs and shall make such reports concerning full-time equivalent students as may be required by the commissioner of education.

(A) A student contact hour register shall be maintained by all vocational and special education professional personnel who render instruction or related services.

(B) Instructions for completing the student contact hour register are printed in the register furnished by the Central Education Agency. If a school chooses to use a locally developed record, it must contain the minimum information required on the student contact hour register.

(c) When classroom instruction is organized on a departmentalized basis, a cen-

tral attendance accounting system must be used.

(d) A student must be enrolled for at least two hours to be considered in membership for half-day, and for at least four hours to be considered in membership for one full day.

(e) Attendance for all grades shall be determined by the absences recorded in the second or fifth period of the day, unless permission has been obtained from the Central Education Agency for an alternate period to record absences.

(1) Students enrolled on a half-day basis may earn only half-day of attendance each school day. Attendance is determined for these pupils by recording absences in a period during the half-day that they are scheduled to be present.

(2) The established period in which absences are recorded may not be changed during the school year.

(3) Students absent at the time the attendance roll is taken, during the daily period selected, are counted absent for the entire day. Students present at the time the attendance roll is taken, during the daily period selected, are counted present for the entire day.

(f) A student who is not actually in school at the time attendance is taken shall not be counted in attendance for Foundation School Program funding purposes unless the student is participating in an activity which meets the conditions set out in subsection (g) of this section.

(g) A student not actually on campus at the time attendance is taken may be considered in attendance for Foundation School Program purposes under the following conditions:

(1) the student is participating in an activity which is approved by the local board of school trustees and is under the direction of a member of the professional staff of the school district;

(2) the student is a Medicaid-eligible child participating in the Early and Periodic Screening, Diagnosis, and Treatment Program (EPSDT) implemented by the Texas Department of Human Resources with contractual cooperation of the Texas Department of Health. Such students may be excused for up to one day at any time without loss of ADA;

(3) in accordance with the Texas Education Code, §21.035(f), students shall be excused from attending school for the purpose of observing religious holy days when it is a tenet of their faith that they must be absent from school during such time, provided a written request is sent in advance by the parent or guardian. Excused days for travel under this paragraph shall be limited to not more than one day for travel to and one day for travel from the site where the student will observe the holy

days. Such students shall be counted in attendance for Foundation School Program purposes. School districts shall be required to provide make-up work to students who have been excused under this paragraph. School districts shall be required to give students a reasonable amount of time to complete such make-up work and to grade such work if of satisfactory quality, the student's days of absence shall be considered as days of attendance for compulsory attendance purposes.

(h) In accordance with the Texas Education Code, §21.035, students may be excused for medical, dental, and psychological appointments; for special education assessment procedures; and for special education related services. However, if such students are absent when attendance is taken, they shall not be counted present for Foundation School Program purposes.

(i) The superintendent of schools is responsible for the safekeeping of all attendance records and reports. The superintendent of schools may determine whether the properly certified attendance records or reports for the school year are to be filed in the central office or properly stored on the respective school campuses of the district. Regardless of where such records are filed or stored, they must be readily available for audit by the Division of Audits of the Central Education Agency.

(j) Each teacher or other school employee who records student attendance shall certify in ink that all such records are true and correct to the best of the teacher's knowledge and that they have been prepared in accordance with laws and regulations pertaining to student attendance accounting.

(k) Late afternoon and evening schools. The requirements concerning pupil attendance accounting for late afternoon and evening school are as follows.

(1) The day-school regulations concerning pupil attendance accounting shall apply to the administration of such schools, with the exceptions of the following:

(A) where such schools are operated for less than seven hours, the minimum length of the "school day" shall be five hours; and

(B) a pupil may not be given attendance credit in both the regular day school and in the late afternoon and evening school.

(2) Basic attendance records for late afternoon and evening schools shall be identical with those maintained for the regular day school.

(3) A school calendar shall be adopted for the late afternoon and evening schools which shall provide a minimum of 175 days of instruction.

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 January 16, 1985.

TRD-850503

W. N. Kirby
Interim Commissioner of
Education

Proposed date of adoption:

March 9, 1985

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

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Chapter 149. Education Personnel Development Subchapter C. Appraisal of Certified Personnel

★ 19 TAC §149.41

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

The Texas Education Agency (TEA) proposes new §149.41, concerning the appraisal of certified personnel.

House Bill 72, 68th Legislature, 2nd Called Session, 1984, requires that all teachers and administrators in local school districts be appraised in the performance of their duties.

The law requires the State Board of Education to develop and adopt an appraisal process and criteria with which to appraise teachers for career ladder level assignment purposes. The proposed rules allow local districts to use locally adopted evaluation instruments until the development and adoption of the state standardized system is complete. The development, validation, field trials, and training will involve a large number of teachers and administrators before the state system can be implemented.

For the 1984-1985 school year, at least one appraisal of each teacher and administrator, conducted by two appraisers, is required. Beginning in the 1985-1986 school year, two appraisals are required, each conducted by two appraisers.

Subsection (d) requires at least one conference each year to be conducted by the appraiser(s) for each teacher or administrator appraised.

For the 1984-1985 school year, the Central Education Agency will make available suggested interim procedures and guidelines, and sample appraisal instruments.

However, since the sample instruments have not been validated, it will be the responsibility of each school district to select, in consultation with local teachers, the instruments most appropriate for the district.

It is the policy of the Texas Education Agency to establish and maintain an educational personnel development program to meet particular personnel needs of the state. Opportunities for professional growth targeted to identified needs will result in better qualified staff for all schools in the state. The implementation of the appraisal system has three main purposes: to improve the quality of instruction, to provide direction to staff for professional growth, and to provide information to serve as the basis for sound and defensible career ladder and employment decisions.

This proposed new section is being adopted on an emergency basis to enable school districts to conduct required appraisals for the 1984-1985 school year.

Richard Bennett, associate finance commissioner, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The effect on state government is an estimated additional cost of \$1.9 million in 1986 (material development cost approximates \$10 per person appraised (190,000 x \$10)); \$3.8 million in 1987 (development of training material and training implementation at 16 hours per appraiser at \$250 per appraiser with 15,200 appraisers (\$250 x 15,200)); and \$3.8 million each year in 1988 and 1989. The effect on local government is an estimated additional cost of \$0.00 in 1985 (may be extra cost if the district hires additional personnel or contracts out for appraisals); \$2.85 million in 1986 (six hours of appraisal time per professional \$10 per hour; 190,000 professionals = \$11.4 million, but only 25% will require additional staff, thus \$2.85 million (\$11.4 million x 25%)); and \$2.85 million each year from 1987-1989. There is no anticipated economic effect on small businesses.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is establishment of an appraisal process for teachers and administrators to improve the quality of instruction, provision of direction to staff for professional growth, and provision of information to serve as the basis for sound and defensible career ladder and employment decisions. There is no anticipated economic cost to indi-

viduals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The new section is proposed under the authority of the Texas Education Code, §13.302, which requires the State Board of Education to adopt an appraisal process and criteria on which to appraise the performance of teachers for career ladder level assignment purposes; and the Texas Education Code, §13.303, which requires each school district to use the appraisal process and performance criteria developed by the State Board of Education in appraising teachers for career ladder level assignment purposes.

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 January 17, 1985.

TRD-850600

W. N. Kirby
Interim Commissioner of
Education

Proposed date of adoption:

March 9, 1985

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

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part XVI. Texas Coastal and Marine Council

Chapter 501. Donations

★31 TAC §§501.1-501.4

The Texas Coastal and Marine Council proposes new §§501.1-501.4, concerning donations. The new sections set out rules governing the relationship between the agency, agency employees, and private donors, and are in response to Senate Bill 772, 68th Legislature, 1983.

Charles L. Branton, executive director, has determined that for the first five-year period the rules will be in effect there will

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

Mr. Branton also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is assurance that no conflict of interest will arise as a result of the agency receiving donations from private sources. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Charles L. Branton, Executive Director, Texas Coastal and Marine Council, P.O. Box 13407, Austin, Texas 78711, during the 30-day period following publication.

The new sections are proposed under Texas Civil Statutes, Article 6252(11f), §§1-3, which authorize state agencies who have authority to accept donations from private sources to adopt rules and regulations governing the relationship between donors and the agency and agency employees.

§501.1. Use and Place of Deposit. All funds received from donations to the council shall be deposited to the state treasury and used for the purpose specified by the donor, or for general council programs when purposes are not specified.

§501.2. Use of Employees and Properties. No employee or property of the council may be used by organizations or individuals making donations to the council.

§501.3. Serving as Officer or Director. No employee or property of the council may serve as an officer or director in any organization making donations to the council.

§501.4. Supplementation of Salary. Donations to the council will not be used for supplementation of salary of any employee of the council.

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 January 14, 1985.

TRD-850542

Charles L. Branton
Executive Director
Texas Coastal and
Marine Council

Earliest possible date of adoption:

February 25, 1985

For further information, please call
(512) 479-5041.

★ ★ ★

Withdrawn

Rules

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office and a notice of the withdrawal will appear in the *Register*.

TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 117. Pupil Attendance Accounting

★19 TAC §117.1

The Texas Education Agency has withdrawn from consideration for permanent adoption proposed amendments to §117.1, concerning pupil attendance accounting. The text of the amended section as proposed appeared in the December 21, 1984, issue of the *Texas Register* (9 TexReg 6415).

Issued in Austin, Texas, on January 16, 1985.

TRD-850504

Beverly J. Bardsley
Director for Policy
Development
Texas Education
Agency

Filed: January 16, 1985
For further information, please call
(512) 475-7077.

Chapter 149. Education Personnel Development Subchapter C. Appraisal of Certified Personnel

★19 TAC §149.41

The Texas Education Agency has withdrawn from consideration for permanent adoption proposed new §149.41, concerning appraisal of certified personnel. The text of the new section as proposed appeared in the November 30, 1984, issue of the *Texas Register* (9 TexReg 6050).

Issued in Austin, Texas, on January 17, 1985.

TRD-850599

Beverly J. Bardsley
Director for Policy
Development
Texas Education
Agency

Filed: January 16, 1985
For further information, please call
(512) 475-7077.



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 16. ECONOMIC REGULATION Part II. Public Utility Commission of Texas Chapter 23. Substantive Rules Rates

★ 16 TAC §23.23

The Public Utility Commission of Texas adopts amendments to §23.23, with changes to the proposed text published in the July 20, 1984, issue of the *Texas Register* (9 TexReg 3898).

The amendments provide for timely recovery of payments made to qualifying facilities for capacity and energy.

The amendments establish a mechanism for the current recovery by utilities of capacity payments made to qualifying facilities and a mechanism to account for over- or under-recovery in addition to requiring the maintenance of up-to-date cost accounting records.

Utilities indicated a need for establishing a mechanism by which payments made to qualifying facilities may be recovered. Remaining parties expressed concern with allowing the utility to pass cost through to ratepayers without a formal hearing in which those costs received commission approval. Others requested that the recovery mechanism provide for the allocation of these rates between demand and energy charges.

Those making comments for the amendments were Texas Utilities Electric Company; Fluor Engineers, Inc.; Texas-New Mexico Power Co.; Morrison-Knudsen Co., Inc.; Coastal Corporation; Representative Bill Patman; Celanese Chemical Co.; Power Systems Engineering, Inc.; Northern Natural Resources Co.; Mitchell Energy & Development Corp.; Phillips Petroleum Co.; Office of Public Utility Counsel; E. J. Du Pont de Nemours & Co.; Dow Chemical U.S.A.; El Paso Electric Co.; General Electric; West Texas Utilities; Medina Electric Cooperative; Texas Eastman Company; Southwestern Electric Power Company; Texas Electric Cooperatives; Southwestern Public Service Co.; Gulf States Utilities; Browning-Ferris In-

dustries; United States Steel Corp.; Union Carbide; City of Houston; Texas Industrial Energy Consumers; Center Power and Light Co.; Texas Cooperative Group; Applied Energy Services, Inc.; Energy Advancement, Inc.; Enserch Engineers & Constructors; Lower Colorado River Authority; City Public Service of San Antonio; Valley View; Texas Renewable Energy Industries Association; Carter Wind Systems, Inc.; and Texas Department of Health representatives Jeffrey Hart, Andy Frankland, and Jack Hart.

The commission agreed with parties advocating current recovery of capacity payments that would be allocated between demand and energy. Provisions for a hearing as to the reasonableness of such capacity payments have been included in revisions to §23.66.

The amendments are adopted under Texas Civil Statutes, Article 1443c, §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.

§23.23. Rate Design.

(a) (No change.)

(b) Electric.

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

(3) The provisions of this paragraph apply to all investor-owned electric distribution utilities, river authorities, and all cooperative-owned electric utilities. Beginning with the September 1983 billing period of each utility, respectively, an electric utility which purchases electricity at wholesale pursuant to rate schedules approved, promulgated, or accepted by a federal or state authority and/or purchases from qualifying facilities pursuant to a firm contract may be allowed to include within its tariff a purchased power cost recovery factor (PCRf) clause which authorizes the utility to charge or credit its customers for the cost of power and energy purchased to the extent that such cost varies from the amount of purchased power cost utilized to fix the base rates of the utility or to the extent that the purchase price is demonstrably less than or equal to the commission-approved price(s) for power and energy contained in the standard avoided cost calcu-

lations described in §23.66(h)(3)(A) of this title (relating to Arrangements between Qualifying Facilities and Electric Utilities). Upon approval by the commission, the PCRf may also include load management expenses incurred in order to reduce purchased power expenses. Purchased electricity cost includes all amounts chargeable for electricity under the wholesale tariffs pursuant to which the electricity is purchased. The terms and conditions of such clause shall be approved by an order of the commission.

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

(4) The provisions of this paragraph apply to all investor-owned electric utilities, river authorities, and all cooperative-owned electric utilities. Beginning with the November 1984 billing period of each utility, respectively, an electric utility which purchased electricity from qualifying facilities pursuant to a capacity contract may be allowed to include within its tariff a PCRf clause which authorizes the utility to charge or credit its customers for the payments for capacity purchased according to firm capacity contracts with qualifying cogenerators and small power producers. These costs shall be included in the PCRf only to the extent that such costs vary from the costs utilized to fix the base rates of the utility. In addition, these costs may be included in the PCRf only to the extent that the prices paid for capacity are demonstrably less than or equal to the commission-approved price(s) for capacity contained in the standard avoided cost calculations described in §23.66(h)(3)(A) of this title (relating to Arrangements between Qualifying Facilities and Electric Utilities). These costs shall be allocated among the various rate classes in the same manner as the embedded costs of the utility's generation facilities were allocated in the utility's last rate case, unless a different allocation methodology for these costs has been otherwise ordered by the commission. Once allocated, these costs shall be collected from customers within the classes according to either or both a KW (or KVA) and a KWH adjustment clause. The terms and conditions of all such clauses shall be approved by an order of the commission. To the extent such purchased power costs are recovered through the PCRf, they shall be excluded under paragraph (2)(B) of this subsection in calculating the fixed fuel cost factor.

(A) Any difference between the actual costs to be recovered through the PCRF and the PCRF revenues recovered shall be credited or charged to the customers in the second succeeding billing month.

(B) If PCRF revenue collections exceed PCRF costs by 10% in any given month and the total PCRF revenues have exceeded total PCRF costs by 5.0% or more for the most recent 12-month period, the electric utility shall report to the commission the justification for excess collection.

(C) The utility shall maintain up-to-date monthly records of the costs to be recovered through the PCRF. Such records shall show at each month's end the total estimated PCRF cost for that month, the actual PCRF cost on a cumulative basis, and the total dollar amount of revenues resulting from the PCRF portion of customer rates. These records and the calculation of the PCRF shall be reported to the commission on a most-current-month basis.

(c) (No change.)

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

Issued in Austin, Texas, on January 17, 1985.

TRD-850532

Rhonda Colbert Ryan
Secretary of the
Commission
Public Utility
Commission of Texas

Effective date: February 7, 1985.
Proposal publication date: July 20, 1984
For further information, please call
(512) 458-0100.



Certification

★ 16 TAC §23.31

The Public Utility Commission of Texas (PUC) adopts amendments to §23.31, with changes to the proposed text pub-

lished in the July 20, 1984, issue of the *Texas Register* (9 TexReg 3899).

The amendments establish a requirement that utilities sufficiently investigate alternative sources of capacity prior to committing funds for the construction of such capacity. In addition, the amendments permit certain qualifying facilities to make retail sales to end users.

The amendments require utilities to demonstrate that the alternative sources of capacity do not represent appropriate substitutes for the planned additions. The amendments stipulate the requisites for the qualifying facilities to engage in retail sales.

Many utilities expressed concern with the expected difficulties of proving the absence of sufficient capacity from alternative sources. The utilities also voiced opposition to the allowance of retail sales by qualifying facilities. The remaining parties agreed that the burden of proof rested with utilities with respect to the question of available alternative capacity sources, and supported the right of certain qualifying facilities to make retail sales.

Those making comments in favor of the amendments were Texas Utilities Electric Company; Fluor Engineers, Inc.; Texas-New Mexico Power Company; Morrison-Knudsen Company, Inc.; Coastal Corporation; Representative Bill Patman; Celanese Chemical Company; Power Systems Engineering, Inc.; Northern Natural Resources Company; Mitchell Energy and Development Corporation; Phillips Petroleum Company; the Office of Public Utility Counsel; E. I. Du Pont de Nemours and Company; Dow Chemical U.S.A.; El Paso Electric Company; General Electric; West Texas Utilities; Medina Electric Cooperative; Texas Eastman Company; Southwestern Electric Power Company; Texas Electric Cooperatives; Southwestern Public Service Company; Gulf States Utilities; Browning-Ferris Industries; United States Steel Corporation; Union Carbide; the City of Houston; Texas Industrial Energy Consumers; Center Power and Light Company; Texas Cooperative Group; Applied Energy Services, Inc.; Energy Advancement, Inc.; Eneerch Engineers and Constructors; Lower Colorado River Authority; City Public Service of San Antonio; Valley View; Texas Renewable Energy Industries Association; Carter Wind Systems, Inc.; Texas Department of Health; Jeffrey Hart; Andy Frankland; and Jack Hart.

The staff believes that the section permits qualifying facilities to compete with utilities on a restricted basis without effectively disrupting the operation or planning mechanism of the utility. The staff believes that this competition will foster efficiency on the part of utilities, while

encouraging the development of cogeneration and small power production with only the minimum of regulation required to assure that the ratepayers of utilities are not harmed by potential stranded investment.

The amendments are adopted under Texas Civil Statutes, Article 1446c, §16, which provide the PUC 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.

§23.31. Certification Criteria.

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

(c) Certificates for new service areas and facilities. Except for certificates granted under subsection (b) of this section, the commission may grant applications and issue certificates only after finding that the certificate is necessary for the service, accommodation, convenience, or safety of the public. For an electric utility generating unit, the commission may grant an application only when it finds that purchased power, conservation, and alternative capacity and associated energy sources available at a lower or equal cost to the ratepayers, together with capacity from qualifying facilities with which contracts have been executed, cannot be reasonably expected to be available in sufficient quantity and for sufficient duration to allow the utility to modify its capacity expansion plan so as to provide for deferral or cancellation of the generating unit for which certification is requested. The commission may issue the certificate as applied for, or refuse to issue it, or issue it for the construction of a portion only of the contemplated system or facility or extension thereof, or for the partial exercise only of the right or privilege. The commission may amend or revoke any certificate issued under this section upon a finding of fact that the public convenience and necessity requires such amendment or revocation. The cost of construction of a new electric utility generating unit found reasonable in granting a certificate may be taken into consideration in determining the amount of construction work in progress and the plant in service associated with that unit to be included in the rate base of the utility. In addition, the projected design electrical rating, capacity factor, and heat rate associated with the unit shall be taken into consideration in determining recoverable fuel expenses associated with the operation of the unit.

(1) A certificate, or certificate amendment, is required for the following.

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

(F) A qualifying facility which is making or plans to make retail sales of electricity to an end user, unless the end user is also the sole purchaser of the thermal output of the qualifying facility, or unless the qualifying facility generates less than 10 megawatts of electric power by renewable

resources, biomass, or solid waste. As a requisite to certification, the commission shall find that the ratepayers of the utility in whose service area the purchasing end user is located will not be substantially adversely impacted as a result of such retail sales.

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

(d)-(g) (No change.)

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

Issued in Austin, Texas, on January 17, 1985.

TRD-850533 Rhonda Colbert Ryan
Secretary of the
Commission
Public Utility
Commission of Texas

Effective date: February 7, 1985
Proposal publication date: July 20, 1984
For further information, please call
(512) 458-0100.

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TITLE 19. EDUCATION

Part I. Coordinating Board, Texas College and University System

Chapter 25. Administrative Council

Subchapter B. Administration of the Texas State College and University Employees Uniform Insurance Benefits Program

★ 19 TAC §25.34

The Coordinating Board, Texas College and University System adopts an amendment to §25.34, without changes to the proposed text published in the November 23, 1984, issue of the *Texas Register* (9 TexReg 5987).

The amendment ensures that institutions, some of which have elected not to participate in social security, may not penalize its employees for not being eligible for Medicare benefits.

This amendment stipulates that an institution may not require its employees or retirees to purchase Medicare-Part A before providing benefits under its group insurance program.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Insurance Code, Article 3.50-3, which provides the Administrative Council with the authority to adopt rules and regulations

consistent with the provisions of the Act to carry out its statutory responsibilities.

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 January 16, 1985.

TRD-850555 James McWhorter
Executive Secretary
Administrative Council
Coordinating Board,
Texas College and
University System

Effective date: February 8, 1985
Proposal publication date: November 23, 1984
For further information, please call
(512) 475-2033.

★ ★ ★

★ 19 TAC §25.50

The Coordinating Board, Texas College and University System adopts amendments to §25.50, without changes to the proposed text published in the October 12, 1984, issue of the *Texas Register* (9 TexReg 5264).

The amendments ensure that surviving spouses of career employees in higher education will have access to group insurance coverage, similar to insurance benefits provided to surviving spouses of career employees in state government, for an indefinite period of time.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Insurance Code, Article 3.50-3, which provides the Administrative Council with the authority to adopt rules and regulations consistent with the provisions of the Act to carry out its statutory responsibilities.

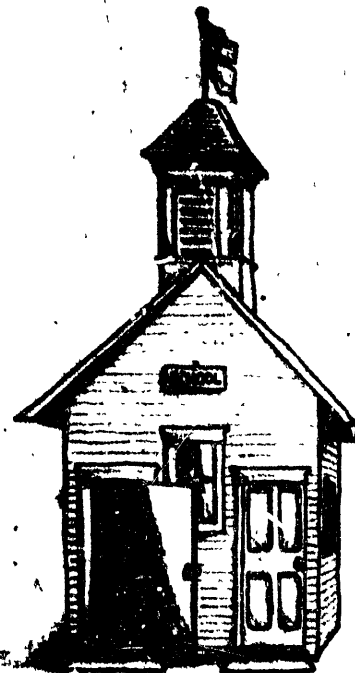
This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on January 16, 1985.

TRD-850556 James McWhorter
Executive Secretary
Administrative Council
Coordinating Board,
Texas College and
University System

Effective date: February 8, 1985
Proposal publication date: October 12, 1984
For further information, please call
(512) 475-2033.

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Subchapter C. Administration of Retirement Annuity Programs

★ 19 TAC §25.72

The Coordinating Board, Texas College and University System adopts amendments to §25.72, with changes to the proposed text published in the November 23, 1984, issue of the *Texas Register* (9 TexReg 5987).

The amendments provide greater uniformity and guidelines to assist the institutions in administering the Optional Retirement Program in accordance with applicable statutes and attorney general opinions. One change was made to the proposed text. The word "contact" was substituted for the word "carrier" in subsection (d), to clarify the intent of the section.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Insurance Code, Article 3.50-3, which provides the Administrative Council with the authority to develop policies, practices, and procedures as necessary in accordance with applicable statutes to provide for greater uniformity in the administration of retirement annuity insurance programs available under the Optional Retirement Program.

§25.72.. ORP Standards.

(a) A person is eligible for participation in the Optional Retirement Program (ORP) who is employed by an institution of higher education on a full-time basis as a member of the faculty or staff and whose duties include teaching, research, adminis-

tration, including professional librarians, or the performance of professional services, but does not mean a person employed in a position which is in the institution's classified personnel system or a person employed in a similar type of positions if the institution does not have a classified personnel system. Employment "on a full-time basis" may not be defined to mean "employment for one-half or more of the standard workload" for determining initial eligibility for participation in the ORP.

(b) A new employee who is eligible to participate in the ORP for the first time is automatically enrolled in the Teacher Retirement System of Texas (TRS) until an election to participate in the ORP is made.

(c) Election to participate in the ORP must be made before the 91st day after becoming eligible. Failure to elect the ORP during the 90-day period will require an individual to remain in the TRS for the remainder of his or her employment in Texas public higher education.

(d) An employee who elects to participate in the ORP may withdraw his or her accumulated contributions (plus interest) from the TRS. Contributions refunded by the TRS to ORP participants are not restricted as to their use by the employee. However, such refund may not be transferred to an ORP contract.

(e) After electing the ORP, an ORP participant is not thereafter eligible for membership in the TRS (except as provided in subsection (g) of this section) unless the individual terminates employment covered by the ORP and becomes employed in the Texas public school system. Such an individual, upon becoming reemployed in Texas public higher education, may not resume participation in the ORP.

(f) An ORP participant who, after at least one year of participation in the ORP, becomes employed in an institution of higher education in a position not eligible for the ORP shall, nevertheless, continue to participate in the ORP and shall not be eligible for TRS membership.

(g) An ORP participant who, after less than one year of participation in the ORP, becomes employed in an institution of higher education in a position not eligible for the ORP, shall be required to return to membership in the TRS.

(h) Benefits in the ORP vest after one year of participation in one or more optional retirement plans operating in one or more institutions of higher education.

(i) An individual terminates participation in the ORP and benefits become available only upon death, retirement, or termination of employment in all public institutions of higher education in Texas.

(j) No contract issued under the ORP may provide for loans, cash surrender, or contain any other provision which permits the availability of benefits prior to a participant's termination as an employee in the

public institutions of higher education in Texas.

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 January 16, 1985.

TRD-850557

James McWhorter
Executive Secretary
Administrative Council
Coordinating Board,
Texas
College and University
System

Effective date: February 8, 1985

Proposal publication date: November 23, 1984
For further information, please call
(512) 475-2033.



TITLE 22. EXAMINING BOARDS

Part X. State Board of Morticians

Chapter 203. Licensing and Enforcement—Specific Substantive Rules

★ 22 TAC §203.1

The State Board of Morticians adopts amendments to §203.1, without changes to the proposed text published in the July 20, 1984, issue of the *Texas Register* (9 TexReg 3906).

These amendments avoid duplication of matters which are covered under the statutes and clarify the intent of the statutes and rules relating to funeral service.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4582b, §5, which provide the State Board of Morticians with the authority to promulgate rules and regulations.

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 January 17, 1985.

TRD-850517

John W. Shocklee
Executive Secretary
State Board of
Morticians

Effective date: February 7, 1985

Proposal publication date: July 20, 1984
For further information, please call
(512) 442-6721.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

Chapter 89. Institutional Services for Children Committed for Delinquent Behavior.

Rehabilitation

★ 37 TAC §89.25

The Texas Youth Commission adopts the repeal of §89.25, without changes to the proposal published in the November 30, 1984, issue of the *Texas Register* (9 TexReg 6062).

The section is unnecessary because the information is available in §§81.21-81.23 of this title, concerning child care standards introduction, Skills-Based Treatment Program, and individualized program plans.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make policies and adopt all rules necessary to the proper accomplishment of its functions.

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, advocacy, and custody.

Issued in Austin, Texas, on January 10, 1985.

TRD-850505

Ron Jackson
Executive Director
Texas Youth
Commission

Effective date: February 7, 1985

Proposal publication date: November 30, 1984
For further information, please call
(512) 452-8111, ext. 390.

Daily Living

★37 TAC §89.43

The Texas Youth Commission adopts the repeal of §89.43, without changes to the proposal text published in the November 30, 1984, issue of the *Texas Register* (9 TexReg 6062).

The section is out of date, and the information is provided in the agency's standardized job descriptions and the *Institutions Manual*.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make policies and adopt all rules necessary to the proper accomplishment of its functions.

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 January 10, 1985.

TRD-850508

Ron Jackson
Executive Director
Texas Youth
Commission

Effective date: February 7, 1985

Proposal publication date: November 30, 1984

For further information, please call
(512) 452-8111, ext. 390.

★ ★ ★

Visitation

★37 TAC §89.111

The Texas Youth Commission adopts the repeal of §89.111, without changes to the proposal published in the November 11, 1984, issue of the *Texas Register* (9 TexReg 6064).

The section will be replaced with new §§89.425, 89.430, 89.440, and 89.445, as adopted in the January 22, 1985, issue of the *Texas Register*.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make policies and adopt all rules necessary to the proper accomplishment of its functions.

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 January 10, 1985.

TRD-850508

Ron Jackson
Executive Director
Texas Youth
Commission

Effective date: February 7, 1985

Proposal publication date: November 30, 1984

For further information, please call
(512) 452-8111, ext. 390.

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Mail Procedure

★37 TAC §89.101, §89.102

The Texas Youth Commission adopts the repeal of §89.101 and §89.102, without changes to the proposal published in the November 30, 1984, issue of the *Texas Register* (9 TexReg 6064).

The sections are unnecessary because the information may be found in §81.11 of this title, concerning student rights.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make policies and adopt all rules necessary to the proper accomplishment of its functions.

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 January 10, 1985.

TRD-850507

Ron Jackson
Executive Director
Texas Youth
Commission

Effective date: February 7, 1985

Proposal publication date: November 30, 1984

For further information, please call
(512) 452-8111, ext. 390.

★ ★ ★

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 approved a filing by Municipal Issuers Service Corporation of new forms and rate ranges for municipal bond insurance to be written on an "a" rate submission basis as approved by Board Order 27986, effective November 27, 1974.

Due to the increasing complexity of the municipal bond insurance business, both the procedural changes caused by the Internal Revenue Service requirement of registration and additional product lines, the following forms are filed.

(1) Municipal Bond Guaranty Insurance Policy 8A, which applies to registered municipal obligations;

(2) Municipal Bond Guaranty Insurance Policy 9A, which applies to registered or coupon municipal obligations, and has been prepared for the insurance of secondary municipal bond obligations;

(3) Surety Bond Form 10, which relates to the guarantee of municipal obligations, to be issued with respect to the insurance of a Hospital Pooled Loan Program; and

(4) Endorsement 11, which applies to payment of the premium that would be paid to a bondholder in the event that the interest on an industrial development bond were to be declared taxable.

The existing forms are replaced by new forms.

The rates to be used for the majority of issues, which include general obligation and revenue bonds and notes, will range between 0.10% and 4.0% of the amounts insured (principal and/or interest payments) over the life of the obligations. For certain other classes of obligations which include debt service reserves, cash flow guarantees, liquidity facilities, and other guarantees, the range of rates to be charged are as follows:

Years	Minimum	Maximum
1-5	.15%	\$1.00%
6-10	.30	\$1.75
11-15	.25	\$1.50
16-20	.30	\$1.20
21-25	.35	\$1.00
26-30	.45	\$1.00
31-35	.45	\$1.30
36-40	.50	\$1.00

Each obligation will be rated individually and the premium charged will be a function of the difference in value of the issue as originally rated (excluding the guarantee) and the value of the issue with the guarantee.

This filing becomes effective February 10, 1985.

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

Issued in Austin, Texas, on January 17, 1985.

TRD-850550 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: February 10, 1985
For further information, please call
(512) 475-2950.

★ ★ ★

The State Board of Insurance has approved a filing by Fidelity and Deposit Company of its Form F-4713 (10/84) change of officers rider for use with financial institution blanket bonds.

Newly established institutions often face serious turnover in management personnel within the first few years of their existence. Unless the underwriter is notified of these changes (there is currently no such requirement), he may be providing coverage on an entirely different risk than the one originally underwritten. This rider precludes coverage on new officers unless the underwriter is notified and given the opportunity to underwrite the new employee(s).

The Surety Association of America has stated it has no objection to this rider and at this time do not contemplate filing a similar one.

There is no premium consideration for this endorsement.

This filing is effective February 10, 1985.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Ad-

ministrative Procedure and Texas Register Act.

Issued in Austin, Texas, on January 17, 1985.

TRD-850551 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: February 10, 1985
For further information, please call
(512) 475-2950.

★ ★ ★

The State Board of Insurance has approved a filing by the Hartford Group of revised endorsement Form F-3917-1 for claim expense coverage on bankers bond standard Form 24 to replace the currently approved Form 3917-0.

The following changes have been made in the form.

(1) The word "its" has been substituted for "the" in the seventh line of paragraph 2.

(2) A new paragraph 2 has been added. The wording in this paragraph states that exclusion (v) of the conditions and limitations of the standard Form 24 is not applicable to claim expense coverage.

(3) A new paragraph 4 has been added under F-3917-1, containing the same wording as paragraph 3 of F-3917-0.

This filing is effective February 10, 1985.

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

Issued in Austin, Texas, on January 17, 1985.

TRD-850552 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: February 10, 1985
For further information, please call
(512) 475-2950.

★ ★ ★

The State Board of Insurance has approved a request by Midland Insurance Company to withdraw its filing of a tenant security deposit bond program which was approved by Board Order 35474 on December 12, 1979.

The company advises it no longer writes this type of coverage and therefore requests its filing be withdrawn as soon as possible.

This withdrawal is effective February 10, 1985.

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

Issued in Austin, Texas, on January 17, 1985.

TRD-850553 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: February 10, 1985
For further information, please call
(512) 475-2950.

★ ★ ★

The State Board of Insurance has approved a filing by the Surety Association of America of a revision of the United States customs bond structure, including forms, rules, and rates.

On October 19, 1984, the U.S. Customs Service published final rules to implement a new customs bond structure. The final rules, which become effective February 18, 1985, completely revise existing customs regulations concerning bonds, and abolish some 50 bond forms and 16 riders that are currently in use by replacing them with a single consolidated bond form—Custom Form 301. The existing customs bond section of the *Association Manual* is obsolete as of February 18, 1985.

The new bond form may be written either as a single transaction bond or as a continuous multitransaction bond. When written as a single transaction bond, the bond covers all transactions charged against the bond on a nationwide basis. Single transaction bonds are noncancellable. Continuous bonds, however, may be cancelled by the surety upon 30 days advanced written notice to customs and the principal. The bond conditions no longer appear in the bond form, but rather, will become a part of the customs regulations (Part 113, Subpart F). The bond has been sectioned into 10 activity codes which identify specific activities allowed to be conducted by the principal. The bond conditions which correspond to the activity code are incorporated by reference into the bond.

The bond secures the customs' transaction and is primarily a financial guarantee obligation. The bond not only guarantees that the principal will pay all customs' duties, taxes, and other charges assessed, but also guarantees that the principal will abide by and comply with the provisions of the customs laws and

regulations. While existing customs bonds may also provide similar coverage, the new bond structure represents a drastic departure from the current customs bond structure. Under existing regulations, each customs activity or transaction whether it be importing, warehousing, carting, etc., is controlled by the requirement of a separate bond and each bond is subject to its own set of conditions, its own bond penalty, and its own rate. Under the new regulations, a principal will be allowed, or afforded the opportunity to conduct a number of various activities (which currently would require the posting of separate bonds), under the one bond by checking off the appropriate activity code.

By consolidating a number of distinctive bond conditions (that were once separate

bonds) into a single bond form, the customs service has not only changed the nature of customs bonding, but it has also expanded a surety's liability under some activity codes. The new bond structure represents a new era for customs bonds with different rules. Hence new rates are being established for Activity Codes 1, 1a, 2, 3, and 3a. The rates for Activity Codes 4-1C are essentially the same as the existing rates for those bonds covering these codes.

In light of the changes under the new bond structure, new pages for customs bonds are filed to replace the existing manual pages effective February 18, 1985. The new pages have been revised, where applicable, to conform to the new bond structure format, and to reflect the

new coverages under the various activity codes of Form 301.

This filing is effective February 18, 1985.

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

Issued in Austin, Texas, on January 17, 1985.

TRD-850554

James W. Norman
Chief Clerk
State Board of
Insurance

Effective date: February 18, 1985
For further information, please call
(512) 475-2950.

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Open Meetings

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

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

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

Texas Animal Health Commission

Friday, February 1, 1985, 9 a.m. The Texas Animal Health Commission (TAHC) will meet in the first floor conference room, 210 Barton Springs Road, Austin. According to the agenda summary, the commission will approve actions of the executive director for the period of November 30, 1984-January 31, 1985; consider the adoption of a TAHC personnel handbook, reports of the TAHC Finance Committee and the Committee on Interstate Health Certificate Regulations, and a petition received from ranchers in Medina County to transfer the county from Class C status to Class B status; and conduct an administrative hearing.

Contact: Jo Anne Conner, 210 Barton Springs Road, Austin, Texas 78711, (512) 475-4111.

Filed: January 18, 1985, 4:52 p.m.
TRD-850598

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State Bar of Texas

Friday and Saturday, January 25 and 26, 1985, 9 a.m. daily. The Board of Directors of the State Bar of Texas will meet in the Maverick Club, Main and Exchange Streets, Fort Worth. According to the agenda summary, the board will consider reports of the Fact Finding Committee, the Texas Bar Foundation, the president, executive director, president-elect, immediate past president, board chairman, federal judiciary liaison, Supreme Court liaison, general counsel, TYLA president, Committee on Inmate Litigation, board committees, and sections; the announcement of appointments; a report on interest on lawyers trust accounts, a referendum on minimum continuing legal education, and budgetary matters; a report on the Judicial Section; reports on the 1985 Legislative Program and history and traditions of the bar; a report on the 1985 Bar Convention; a report on the Criminal Defense Lawyers Project; the meet-

ing of the stockholders of TexLex, Inc.; and the appointment of officers and directors.

Contact: Evelyn Avent, 1414 Colorado Street, Austin, Texas 78701, (512) 475-4746.

Filed: January 17, 1985, 2:50 p.m.
TRD-850537

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State Board of Barber Examiners

Tuesday, February 5, 1985, 8 a.m. The State Board of Barber Examiners will meet in C-275, 1300 East Anderson Lane, Austin. Items on the agenda include the previous meeting minutes, signing a teacher certificate, interviewing out-of-state applicants, and letters and reports to the board by the executive director. The board also will meet in executive session.

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

Filed: January 21, 1985, 10:43 a.m.
TRD-850613

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Texas Cosmetology Commission

Sunday, January 27, 1985, 1 p.m. The Texas Cosmetology Commission submitted a revised agenda for a meeting to be held at the Quality Inn South, 2200 IH 35 South, Austin. According to the revised agenda, the commission will hear Alton Laird speak on lost student hours for Tina Hudson; hear Rita Harris, Annette Potter, Patty Purcell, and Sandra Skief discuss lost student hours; Jack King speak on 22 TAC §89.8 and §89.27; Lou Ann Hiitt and Linda Corbin speak in regard to the examination; and the assistant executive director's report; and discuss proposed rule changes and the attorney general's opinion regarding contract high school students.

Contact: Herbert E. Cohen, 1111 Rio Grande Street, Austin, Texas 78701, (512) 475-5460.

Filed: January 18, 1985, 1:57 p.m.
TRD-850583

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Texas State Board of Examiners of Professional Counselors

Saturday, January 26, 1985, 9 a.m. The Texas State Board of Examiners of Professional Counselors will meet in Room A, Service Building, Texas Department of Health, 1100 West 49th Street, Austin. Items on the agenda summary include Approval of the October 27, 1984, minutes; consideration of licensure applications and procedures, including reviews of disapproved files (applicants with disapproved files may appear for review of their applications); matters relating to the administration, grading, and construction of the licensure examination; formal hearing findings relating to complaints and appeals; annual roster; implementation of rules relating to continuing education requirements; complaints against licensees; other matters relating to the licensure and regulation of professional counselors not involving board action; the annual report; discussion of public education and information materials; and setting the next meeting date.

Contact: Daniel L. Boone, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

Filed: January 18, 1985, 4:17 p.m.
TRD-850597

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Texas Education Agency

Friday, February 8, 1985, 8:30 a.m. The Committee for Finance and Programs of

the State Board of Education of the Texas Education Agency (TEA) will meet in the boardroom, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will hold public hearings on the proposed Texas state plan for adult education for fiscal years 1986-1988 and proposed five-year master plan for vocational education for fiscal years 1986-1988. Persons who desire information or to be heard should register with Paul W. Lindsey, Associate Commissioner for Occupational Education and Technology, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701, (512) 834-4298, prior to 5 p.m. on February 7, 1985. Copies of the plans will be available for examination at each regional education service center.

Contact: R. D. Bristow, 201 East 11th Street, Austin, Texas 78701, (512) 834-4165.

Filed: January 21, 1985, 4:10 p.m.
TRD-850655

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Texas Employment Commission

Friday, January 18, 1985, 2 p.m. The Texas Employment Commission (TEC) met in emergency session in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda, the commission met in executive session to consult with an attorney regarding the rendition of a decision in *United Farm Workers of America v. the TEC*, and in open session considered any actions resulting from the executive session. The emergency status was necessary because of the decision by the court in this case and the need for consideration of appeal and/or implementation at the earliest possible date.

Contact: C. Ed Davis, TEC Building, Room 660, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4400.

Filed: January 18, 1985, 9:20 a.m.
TRD-850545

Tuesday, January 29, 1985, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes and internal procedures of the Office of Commission Appeals, consider and act on higher appeals in unemployment compensation cases on Docket 5, and set the date of the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4415.

Filed: January 21, 1985, 2:10 p.m.
TRD-850639

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Joint Select Committee on Fiscal Policy

Monday, January 28, 1985, 9 a.m. The Joint Select Committee on Fiscal Policy rescheduled a meeting to be held in House Appropriations Committee Room 309, State Capitol, Austin. According to the agenda, the committee will hear staff reports on selected tax issues, including telecommunications, hazardous waste, and advertising services; review and discuss the biennial revenue estimate and the longer range outlook for Texas tax revenue; and conduct other business. The meeting originally was scheduled for January 16, 1985.

Contact: Tom Scott, State Capitol, Room G-31, Austin, Texas 78711, (512) 475-3106.

Filed: January 18, 1985, 10:42 a.m.
TRD-850558

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State Department of Highways and Public Transportation

Monday and Tuesday, January 28 and 29, 1985, 9 a.m. daily. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet in Room 101-A, first floor, and Auditorium Room 101, first floor, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, on Monday the commission will meet in Room 101-A to execute contract awards and routine minute orders; consider decisions on presentations from public hearing dockets; and review staff reports relative to planning and construction programs and projects. On Tuesday the commission will meet in Auditorium Room 101 for presentations by the public for various highway, bridge, and FM road requests in Dallas, Galveston, McLennan, Hill, Navarro, Henderson, Smith, Gregg, Montgomery, Harris, Fannin, Grayson, Shelby, Parmer, Collin, and Denton Counties.

Contact: Lois Jean Turner, Dewitt C. Greer Building, Room 203, 11th and Brazos Streets, Austin, Texas, (512) 475-3525.

Filed: January 18, 1985, 1:58 p.m.
TRD-850584

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Texas Juvenile Probation Commission

Friday, February 8, 1985, 10 a.m. The Texas Juvenile Probation Commission will meet at 2015 IH 35 South, Austin. According to the agenda, the commission will approve the November 2, 1984, minutes; consider the director's report, a legislative report, a program update, the review of discretionary grants, and the assessment of a fee for *Texas Juvenile Law*; and discuss the Advisory Council on Juvenile Services.

Contact: Bill Anderson or Judy Culpepper, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: January 17, 1985, 10:23 a.m.
TRD-850519

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Texas Indian Commission

Wednesday, January 23, 1985, 2 p.m. The Advisory Board of Directors of the Texas Indian Commission met in emergency session in the tribal council room, Administration Building, Alabama-Coushatta Indian Reservation. According to the agenda summary, the board approved the August 7, 1984, minutes; heard reports; and considered a tribal enterprise operation. The emergency status was necessary to discuss tourist operations for the 1985 tourist season.

Contact: Dan Boursaw, 9434 Viscount, Suite 122, El Paso, Texas 79925, (915) 591-4461.

Filed: January 21, 1985, 10:42 a.m.
TRD-850614

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State Board of Insurance

Wednesday, January 23, 1985, 8:30 a.m. The State Board of Insurance met in emergency session in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board conducted staff and industry discussion of Senate Bill 114, the investment bill, in preparation for a legislative hearing. The emergency status was necessary for the board to be prepared for the legislative hearing.

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

Filed: January 21, 1985, 10:43 a.m.
TRD-850615

Tuesday, January 29, 1985, 10 a.m. The State Board of Insurance will meet in Room

414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider a joint motion for dismissal of the appeal of Edward G. Rink, M.D., from action of the Texas Catastrophe Property Insurance Association; a joint motion for dismissal of the appeal of the partnership between Mafrige Building Company, Ltd. (a partnership with Steve Mafrige, general partner), John Hill, Frank T. Abraham, and J. Curtis Brown, doing business as Crockett Apartments, from action of the Texas Catastrophe Property Insurance Association; the commissioner's report and the fire marshal's report (both including personnel matters); and board orders on several different matters.

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

Filed: January 21, 1985, 3:18 p.m.
TRD-850640

Tuesday, January 29, 1985, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin. Rooms and dockets follow.

In Room 353, the commission will consider Docket 7922—application of Continental Underwriters Financial Group, Inc., Georgetown, to acquire control of American Underwriters Life Insurance Company, Houston.

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: January 21, 1985, 3:35 p.m.
TRD-850646

In Room 342, the commission will consider Docket 7920—application of Alma E. Solis, Sugar Land, for a legal reserve life insurance agent's license.

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

Filed: January 21, 1985, 3:36 p.m.
TRD-850647

Tuesday, January 29, 1985, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider final action on new Rules 059.01.16.004, 059.18.01.001 and .002, and 059.53.10.005 and amendments to Rules 059.51.04.001, 059.05.03.001, and 059.21.21.107; proposed action on new Rules 059.21.49.001 and 059.21.49.011 and 059.05.15.201; and amendments to Rule 059.21.49.010.

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

Filed: January 21, 1985, 3:18 p.m.
TRD-850641

Wednesday, January 30, 1985, 9 a.m. The State Board of Insurance will meet in the

hearing room, DeWitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda, the board will conduct a public hearing to consider proposed Rules 059.05.26.103 and .104, published in the January 18, 1985, issue of the *Texas Register* (10 TexReg 200). The rules in large part deal with the situation of rate-regulated insurers under the Insurance Code, Chapter 5, Subchapter C, circumventing or avoiding the effect of mandatory rating laws through the use of, control of, or any sort of arrangement with nonrate-regulated insurers such as lloyds and reciprocal exchanges. The board also will consider cancellation of deviations heretofore approved for property and/or automobile insurance, setting a limit on the percentage deviation from manual rates that will be approved by the board in the future, and adopting or proposing guidelines on either an emergency or regular rule-making basis to be used in considering such deviations in the future.

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

Filed: January 21, 1985, 3:18 p.m.
TRD-850642

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin. Days, times, rooms, and dockets follow.

Thursday, January 31, 1985, 9 a.m. In Room 342, Docket 7919—approval of the articles of agreement of Columbia Lloyds Insurance Company, Houston.

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

Filed: January 21, 1985, 3:36 p.m.
TRD-850648

Monday, February 4, 1985, 1:30 p.m. In Room 353, Docket 7921—application for approval of amendments to and the restatement of articles of incorporation of Citizens Insurance Company of America, Austin.

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

Filed: January 21, 1985, 3:36 p.m.
TRD-850649

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Texas Department of Labor and Standards

Thursday, January 31, 1985, 9 a.m. The Manufactured Housing/Labor, Licensing, and Enforcement Division of the Texas Department of Labor and Standards will meet in Room 105, E. O. Thompson Building, 920 Colorado Street, Austin. Items on the agenda include license and registration revocations, suspensions, and alleged vio-

lations of various rules and regulations of the department.

Contact: John Steele, P.O. Box 12157, Austin, Texas.

Filed: January 17, 1985, 4:27 p.m.
TRD-850541

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Board of Pardons and Paroles

Monday-Friday, January 28-31 and February 1, 1985, 9 a.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/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: January 18, 1985, 10:31 a.m.
TRD-850546

Tuesday, January 29, 1985, 9:30 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will consider and act on the merit system; a review of the minutes; the policy for meetings and the role of the board chairman; reports by the staff; halfway houses; processing protests; the inmate interview policy; reporting arrests; and parole panel compositions.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2704.

Filed: January 21, 1985, 4:21 p.m.
TRD-850658

Tuesday, January 29, 1985, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than out-of-country conditional pardons), including full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2704.

Filed: January 18, 1985, 10:32 a.m.
TRD-850547

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State Property Tax Board

Monday, January 28, 1985, 9 a.m. The State Property Tax Board made an addition to the agenda of a meeting to be held in the agency conference room, 9501 IH 35 North, Austin. The addition concerns consideration of a request for a rehearing of its determination of a protest of school district property value for 1983.

Contact: Ron Patterson, 9501 IH 35 North, Austin, Texas 78761, (512) 834-4800.

Filed: January 18, 1985, 11:34 a.m.
TRD-850577

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Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

Monday, January 28, 1985, 10 a.m. A prehearing conference in Docket 5940—notice of intent by Texas-New Mexico Power Company for a certificate of convenience and necessity application for a generation unit.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 17, 1985, 2:37 p.m.
TRD-850535

Tuesday, January 29, 1985, 9 a.m. The commission will select an auditor for a management audit of El Paso Electric Company.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 17, 1985, 2:37 p.m.
TRD-850536

Tuesday, January 29, 1985, 1:30 p.m. A prehearing conference in Docket 5679—application of Southern Utilities Company to amend its certificate of convenience and necessity within Smith, Cherokee, and Rusk Counties.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 17, 1985, 1:45 p.m.
TRD-850522

Tuesday, January 29, 1985, 2 p.m. A prehearing conference in Docket 6067—application of Hunt-Collin Electric Cooperative, Inc., for a cease and desist order against Texas-New Mexico Power Company.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1985, 8:55 a.m.
TRD-850543

Wednesday, January 30, 1985, 10 a.m. A prehearing conference in Docket 5992—application of Bear Creek Water Supply Corporation for water and sewer certificates of convenience and necessity within Travis and Hays Counties.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1985, 1:57 p.m.
TRD-850585

Friday, February 1, 1985, 10 a.m. A rescheduled hearing on the merits in Docket 5888—application of the City of Forest Hill to purchase Hillcrest Water Company within Tarrant County. The hearing originally was scheduled for January 25, 1985, as published at 9 TexReg 5736.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1985, 10:41 a.m.
TRD-850559

Monday, February 4, 1985, 4 p.m. A prehearing conference in Dockets 6032 and 6072—petition of Central Power and Light Company for the fixing of a monthly interim fuel factor and petition of Central Power and Light Company for the fixing of refunds, with interest, of fuel cost over-recoveries.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 21, 1985, 3:32 p.m.
TRD-850650

Thursday, February 7, 1985, 10 a.m. A prehearing conference in Docket 6061—complaint of Ken Muller against the City of Boerne.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 21, 1985, 3:32 p.m.
TRD-850651

Tuesday, February 19, 1985, 10 a.m. A hearing on the merits in Docket 5961—application of Ingram Water Supply, Inc., for a rate/tariff change.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 17, 1985, 1:45 p.m.
TRD-850523

Monday, February 25, 1985, 10 a.m. A hearing in Docket 5967—customer protest

in the matter of a \$43(h) rate increase of the San Pedro Canyon Water Company within Val Verde County.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 17, 1985, 1:45 p.m.
TRD-850524

Monday, March 4, 1985, 9 a.m. A hearing on the merits in Dockets 6032 and 6072—petition of Central Power and Light Company for the fixing of a monthly interim fuel factor and petition of Central Power and Light Company for the fixing of refunds, with interest, of fuel cost over-recoveries.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 21, 1985, 3:32 p.m.
TRD-850652

Monday, March 11, 1985, 9 a.m. A hearing on the merits in Docket 6002—inquiry into the service rendered by Central Boque Water Supply Corporation.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1985, 10:41 a.m.
TRD-850560

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Railroad Commission of Texas

Monday, January 21, 1985, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency revision to the agenda of a meeting held in Room 309, 1124 IH 35 South, Austin. According to the revised agenda, the commissioners considered a motion for rehearing in Oil and Gas Docket 95,237—application of TXO Production Corporation for a Rule 37 permit for its Knight C-1 well, Greasewood (Siluro-Devonian) Field, Reeves County. The emergency status was necessary because the item was properly noticed for the meeting of January 14, 1985, and was passed.

Contact: Patrick Patterson, P.O. Box 12967, Austin, Texas 78711, (512) 445-1238.

Filed: January 18, 1985, 10:58 a.m.
TRD-850562

Monday, January 28, 1985, 9 a.m. The Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: January 18, 1985, 11 a.m.
TRD-850563

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: January 18, 1985, 11:01 a.m.
TRD-850564

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: January 18, 1985, 10:58 a.m.
TRD-850565

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: January 18, 1985, 11:01 a.m.
TRD-850566

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

Filed: January 18, 1985, 11 a.m.
TRD-850567

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters and the repeal of 16 TAC §9.28 of the LP-gas safety rules regarding a plumber's exemption.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711.

Filed: January 18, 1985, 11 a.m.
TRD-850568

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: January 18, 1985, 10:59 a.m.
TRD-850569

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1209.

Filed: January 18, 1985, 10:59 a.m.
TRD-850571

Consideration of Oil and Gas Docket 8-84,267—application of TXO Production Corporation to amend the field rules for the Toyah (Devonian) field, Reeves County; and consideration of Oil and Gas Docket 1-83,218—commission District 1 administrative penalty agreed order in the consideration of whether to enter a commission order assessing administrative penalties or requiring compliance with commission regulations on the Overly Operating Company, Vaughn-Jackson (01316) Lease, Pearlall (Austin Chalk) field, Frio County.

Contact: Donna Chandler or Dorr Scherz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1289 or 445-1229, respectively.

Filed: January 18, 1985, 10:59 a.m.
TRD-850570

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: January 18, 1985, 11:01 a.m.
TRD-850572

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711.

Filed: January 18, 1985, 10:59 a.m.
TRD-850573

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters and a contract between the commission and the comptroller's office for services of Chase Econometrics.

Contact: Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: January 18, 1985, 11 a.m.
TRD-850574

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters, approval of the self-bonding of Texas Utilities Mining Company at its Monticello mine operating under Permit 5 in Titus County, and a revision to the surface coal mining operations of the Sabine Mining Company under Permit 13 at its South Hallsville Mine.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: January 18, 1985, 11 a.m.
TRD-850575

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: January 18, 1985, 10:58 a.m.
TRD-850576

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Texas Savings and Loan Department

The Texas Savings and Loan Department will meet at 1004 Lavaca Street, Austin. Days, times, and agendas follow.

Monday, February 4, 1985, 10 a.m. The department will call all applications on the agenda, and, unless a protest is registered and existing when called, thereby causing the hearings to be continued to a later date, further hearing will be dispensed with.

Monday, February 4, 1985, 10:30 a.m. The department will accumulate a record of evidence regarding the application of Lone Star Savings Association, 4400 West Loop 363, Temple, for a savings and loan association charter, from which the commissioner shall determine whether to grant or deny the application.

Tuesday, February 5, 1985, 9 a.m. The department will accumulate a record of evidence regarding the application of Nowlin Savings Association (Fort Worth) for a branch office to be located at 807 South Bowen, Arlington, from which the commissioner shall determine whether to grant or deny the application.

Wednesday, February 6, 1985, 9 a.m. The department will accumulate a record of evidence regarding the application of Benjamin Franklin Savings Association (Houston) for a loan office to be located at 8301 MoPac Expressway North, Suite 309, Austin, from which the commissioner shall determine whether to grant or deny the application.

Thursday, February 7, 1985, 9 a.m. The department will accumulate a record of evidence regarding the application of New Village Savings Association, 3920 Bellaire Boulevard, Houston, for a savings and loan association charter, from which the commissioner shall determine whether to grant or deny the application.

Contact: Russell R. Oliver, 1004 Lavaca, Austin, Texas 78701, (512) 475-7991.

Filed: January 18, 1985, 3:10 p.m.
TRD-850589-850593

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State Securities Board

Friday, February 1, 1985, 9:30 a.m. The State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the board will discuss the previous meeting minutes; previously-published proposals to create new 7 TAC §109.13, concerning private offering exemptions to provide for the addition of a Texas version of the NASAA's uniform limited offering exemption; the repeal of current 7 TAC §109.4, concerning private offerings; the creation of new 7 TAC §109.14 to allow the use of proposed new 7 TAC §109.13(k) for the types of offerings addressed by the Act, §5.0; the repeal of current 7 TAC §109.9, concerning private offerings of oil and gas interests; the repeal of 7 TAC §133.29, which is the form titled "Form 133.29-Sales under Regulation 109.4(11); the amendment of 7 TAC §107.2 to eliminate the unnecessary definition of business days; a petition for a new rule to exempt from securities registration under limited conditions as to minimum purchase amount and quality of the security; sales of securities to entities who are not natural persons having characteristics which tend to place them in a class generally regarded as accredited investors; the staff's second draft of a brochure intended to comply with the Act, §2.L; and general agency operations, with reports from division directors and the securities commissioner.

Contact: Richard D. Latham, P.O. Box 13167, Austin, Texas 78711, (512) 474-2233.

Filed: January 21, 1985, 4:43 p.m.
TRD-850659

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Texas A&M University System

Committees of the Board of Regents of the Texas A&M University System (TAMUS) met at the MSC Annex, Texas A&M University (TAMU), College Station. Days, times, committees, and agendas follow.

Wednesday, January 23, 1985, 4 p.m. The Corps of Cadets Enhancement Committee developed and considered policies relating to the enhancement of the Corps of Cadets at Texas A&M University.

Thursday, January 24, 1985, 9 a.m. The Planning and Building Committee considered the cancellation of unexpended balances of appropriations, reports of contract actions and construction project appropriations/authorizations by the chancellor, and a report of contract actions by the deputy chancellor or presidents, TAMUS; action on bids, TAMU, Prairie View A&M University (PVAMU), and the Texas Agricultural Experiment Station (TAES); an appropriation for design, TAMU, Tarleton

State University (TSU), and TAES; an appropriation for minor renovation and authorization to negotiate an easement, TAMU; an appropriation for detailed design, TSU and Texas A&M University at Galveston (TAMUG); and an appropriation for the 1985 Dormitory Summer Renovation Program, TAMUG.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: January 17, 1985, 1:45 p.m.
TRD-850525, 850526

Thursday, January 24, 1985, 10 a.m. The Committee for Service Units considered the purchase of land, the Texas A&M University Agricultural Research Station at Pecos, the Texas Agricultural Experiment Station, the establishment of the Space Research Center and the Texas Engineering Experiment Station, and the appointment of Professor Charles J. Keese as Director Emeritus, Texas Transportation Institute.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: January 16, 1985, 2:01 p.m.
TRD-850586

Thursday, January 24, 1985, 10:10 a.m. The Committee for Academic Campuses considered the granting of titles of professor emeritus, the establishment of the principals' center and the center for international business studies, and the sale of land in Hale County, TAMU; an increase in charges for room and board, PVAMU; and authorization to establish a Department of Maritime Administration and offer bachelor of science degrees in marine chemistry and computer science for marine studies, TAMUG.

Thursday, January 24, 1985, 10:25 a.m. The Cash Oversight Committee received and considered reports from the administration relating to the management of cash and investments.

Thursday, January 24, 1985, 10:40 a.m. The Executive Committee received reports from various ad hoc committees and considered an amendment of an oil, gas, and sulphur lease, the appointment of system counselors for the Texas A&M Research Foundation, authorization to seek actions by the 69th Legislature, 1985, confirmation of budget and fiscal changes and personnel actions, recommendations for academic tenure, confirmation of appointments and promotions and terminations of employment, the acceptance of gifts, grants, loans, and bequests, land matters, the naming of facilities, litigation, personnel matters, and a gift of land, TAMUS; a request for funds for 1984-1985 from the Available University Fund (AUF), TAMU, PVAMU; authorization for appointment to a nonelective position outside the TAMUS, TAMU; the appointment of an interim director, Texas

Engineering Experiment Station (TEES); and appointments to the Board of Visitors, TAMUG.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: January 17, 1985, 1:45 p.m.
TRD-850527-850529

Friday, January 25, 1985, 8:30 a.m. The Board of Regents of the TAMUS will meet at the MSC Annex, Texas A&M University, College Station. According to the agenda summary, the board will consider construction, amendment of an oil, gas, and sulphur lease, the appointment of system counselors, authorization to seek actions by the 69th Legislature, 1985, budget and fiscal changes and personnel actions, recommendations for academic tenure, appointments and promotions, terminations of employment, gifts, grants, loans, and bequests, the naming of facilities and roads, litigation, personnel matters, and a gift of land, TAMUS; land matters, TAES, TAMU, TAMUS; establishment of a space research center, a principals' center, and a center for international business studies, TEES, TAMU; the appointment of a director emeritus and professor emeritus, Texas Transportation Institute (TTI), TAMU; an increase in charges for room and board, PVAMU; establishment of a Department of Maritime Administration, authorization to offer bachelor of science degrees in marine chemistry and computer science for marine studies, and an appointment to the Board of Visitors, TAMUG; the appointment of an interim director, TEES; a request for funds from the AUF, TAMU, PVAMU; and authorization for an appointment to a nonelective position outside the TAMUS, TAMU.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: January 17, 1985, 1:45 p.m.
TRD-850530

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Advisory Council for Technical-Vocational Education

Friday, February 8, 1985, 9:30 a.m. The Advisory Council for Technical-Vocational Education will conduct a symposium on economic development and vocational education in the Grand Ballroom, Holiday Inn Northwest Plaza, 8901 Business Park Drive, Austin. According to the agenda summary, the symposium of speakers will present ideas and discuss ways to update and improve vocational education to meet the current economic development needs of Texas.

Contact: Val Blaschke, P.O. Box 1886, Austin, Texas 78767, (512) 475-2046.

Filed: January 21, 1985, 3:32 p.m.
TRD-850653

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Transportation Audit Committee

Friday, January 25, 1985, 8:30 a.m. The Transportation Audit Committee will meet in Room 101-A, first floor, DeWitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda, the committee will hear a presentation by Price Waterhouse of the complete, final management audit report of the State Department of Highways and Public Transportation.

Contact: Bob Neely, 4200 Westheimer Road, Suite 251, Houston, Texas, (713) 960-1922.

Filed: January 17, 1985, 2:25 p.m.
TRD-850531

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Veterans Land Board

Tuesday, January 29, 1985, 2:30 p.m. The Veterans Land Board of the General Land Office will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the December 19, 1984, minutes; consideration of approval of the administration agreement for the Veterans Housing Assistance Program, a double submission fee for lender by Lomas & Nettleton, the veterans improvement guidelines, and the interest rate for the Veterans Land Program; a review of Pruco Insurance Company's Group Credit Life Insurance Program; forfeiture action on board accounts; and general business of the board.

Contact: Richard Keahey, Stephen F. Austin Building, Room 738, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-3766.

Filed: January 18, 1985, 3:40 p.m.
TRD-850596

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Texas Water Commission

Tuesday, January 29, 1985, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Ac-

cording to the agenda summary, the commission will consider water district bond issues, the use of surplus funds, water quality proposed permits, amendments and renewals, the examiner's proposals for decisions on water use applications, applications for amendments, and the filing and setting of hearing dates.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: January 18, 1985, 11:13 a.m.
TRD-850582

Thursday, February 14, 1985, 10 a.m. The Texas Water Commission rescheduled a meeting to be held in Room 152, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing on Application 4510 of Midway Development Company seeking a permit to authorize the construction of, and impoundment of water in, 12 proposed dams and reservoirs to be located on two unnamed tributaries of Salado Creek tributary of the San Antonio River, San Antonio River Basin, for recreational (aesthetic) purposes in Bexar County. The applicant proposes to initially fill and maintain the reservoirs with city water from the City of San Antonio and to circulate the water throughout the reservoir system with a pumping procedure to lift the water back to the upstream reservoirs. The hearing was originally scheduled for January 15, 1985, as published at 9 TexReg 5942.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: January 17, 1985, 10:23 a.m.
TRD-850521

Wednesday, February 27, 1985, 9:30 a.m. The Texas Water Commission will meet in the commissioners courtroom, fifth floor, Tarrant County Administration Building, 100 East Weatherford, Fort Worth. According to the agenda summary, the commission will consider an application of B. C. Production Company, Inc., Bruce McKee, and Ron Helfenstine, doing business as Eagle Mountain Development Company, 2830 Selma, Fort Worth, Texas 76111, to the Texas Department of Water Resources for proposed Permit 13005-01 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 44,000 gallons per day from the Seville Wastewater Treatment Plant, which is to serve a proposed 46-acre housing development.

Addition to the previous agenda:

The commission will consider an application of Five Star Properties, Inc., 8495 Hawn Freeway, Dallas, Texas 75217, to the Texas Department of Water Resources for proposed Permit 13043-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average

flow of 115,000 gallons per day from the proposed Creekside Sewage Treatment Plant, which is to serve a proposed housing development.

Contact: Douglas P. Roberts, P.O. Box 13087, Austin, Texas 787101, (512) 475-1468.

Filed: January 18, 1985, 11:13 a.m.
TRD-850578, 850579

Wednesday, February 27, 1985, 10 a.m.

The Texas Water Commission will meet in the council chambers, fifth floor, Odessa City Hall, 411 West Eighth Street, Odessa. According to the agenda summary, the commission will consider an application of Permian Brine Sales, Inc., Route 3, Box 3033, Odessa, Texas 79763, to the Texas Department of Water Resources for proposed Permit BR50028 (Class III brine permit) at the North Pecos Brine Station, which is currently operating under authorization by 31 TAC §353.15. The proposed permit will authorize production of 10 pounds per gallon of brine from a brine well located on a 4.44-acre permit area and two freshwater wells drilled on the site to supply fresh water and to detect any migration of brine solutions into overlying aquifers.

Addition to the previous agenda:

The commission will consider an application of Permian Brine Sales, Inc., Route 3, Box 3033, Odessa, Texas 79763, to the Texas Department of Water Resources for proposed Permit BR50061 (Class III brine permit) at the Big Spring Brine Station, which is currently operating under authorization by 31 TAC §353.15. The proposed permit will authorize the production of 10 pounds per gallon of brine from two brine wells located on a 43.5-acre permit area, where four freshwater wells are drilled on the site to supply fresh process water with two wells serving as monitor wells to detect any migration of brine solutions into overlying aquifers.

Contact: Robert A. Caine, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: January 18, 1985, 11:13 a.m.
TRD-850580, 850581

Thursday, March 7, 1985, 9 a.m. The Texas Water Commission will meet in rescheduled session in the classroom, Rolling Hills Water Treatment Plant, 2500 Southeast Loop 820, Fort Worth. According to the agenda summary, the commission will consider an application of Kendrick, Moss, & Associates, Inc., P.O. Box 545, Colleyville, Texas 76034, to the Texas Department of Water Resources for proposed Permit 12993-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 250,000 gallons per day from the proposed Avondale Sewage Treatment Plant, which is to serve a new mobile home park. The meeting was origi-

nally scheduled for January 5, 1985, as published at 9 TexReg 5770.

Contact: Joseph W. O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 475-2711.

Filed: January 18, 1985, 2:01 p.m.
TRD-850587

Thursday, March 7, 1985, 10 a.m. The Texas Water Commission will meet in rescheduled session at the Emergency Medical Services Training Building, 7411 Park Place, Houston. According to the agenda summary, the commission will consider an application of Brookwood Community, 12207 Whittington, Houston, Texas 77077, to the Texas Department of Water Resources for proposed Permit 12974-01 to authorize the disposal of treated domestic wastewater effluent by irrigation at a volume not to exceed an average flow of 10,000 gallons per day from a planned community for the handicapped, which includes a work center. The treatment system will consist of a facultative lagoon, 1.76 million gallons of effluent storage, and 4.7 acres of land available for irrigation. Application rates for the irrigated land shall not exceed 2.4 acre-feet per acre per year. The meeting was originally scheduled for December 18, 1984, as published at 9 TexReg 5771.

Contact: Gwendolyn H. Webb, P.O. Box 13087, Austin, Texas 78711, (512) 475-1317.

Filed: January 18, 1985, 2:56 p.m.
TRD-850588

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Texas Wheat Producers Board

Tuesday and Wednesday, February 5 and 6, 1985, 1 p.m. and 3 a.m. respectively. The Texas Wheat Producers Board of the Texas Department of Agriculture (TDA) will meet in the Executive Conference Room, Hilton Inn, IH 40 at Lakeside, Amarillo. Items on the agenda include reviews of the new TDA pesticide regulations and the third quarter budget and finances and reports from the U.S. Wheat Associates board meeting, the National Association of Wheat Growers annual convention, and the TDA commissioner regarding the adding of territory.

Contact: Bill Nelson, Texas Commerce Bank, Suite 625, Amarillo, Texas 79109, (806) 352-2191.

Filed: January 18, 1985, 10:43 a.m.
TRD-850561

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Regional Agencies Meetings Filed January 17

The Central Texas Council of Governments, Regional Health Planning Committee, will meet at 302 East Central, Belton, on February 7, 1985, at 2 p.m. Information may be obtained from Lindell R. Bishop, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

The Dallas Area Rapid Transit Authority, Service Plan/Work Program, met in emergency session at 601 Pacific Avenue, Dallas, on January 18, 1985, at 3:30 p.m. The Personnel Committee met at the same location on January 22, 1985, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202.

The Heart of Texas Region Mental Health and Mental Retardation Center, Board of Trustees, will meet at 312 South Fourth Street, Waco, on January 30, 1985, at 11:30 a.m. Information may be obtained from Jan Baty, P.O. Box 830, Waco, Texas 76703, (817) 752-3451.

The Lower Colorado River Authority, Board of Directors, met in emergency session at 3700 Lake Austin Boulevard, Austin, on January 22, 1985, at 10 a.m. The following committees met at the same location on January 23, 1985, at the following times:

Audit and Budget—8 a.m.
Energy Operations—9 a.m.
Finance and Administration—11 a.m.
Natural Resources—1 p.m.
Planning and Public Policy—2:30 p.m.

The Board of Directors also met at the same location on January 24, 1985, at 9 a.m. Information may be obtained from Eloy H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

The Panhandle Regional Planning Commission, Board of Directors, met in the conference room, first floor, Briercroft Building, Eighth and Jackson Streets, Amarillo, on January 24, 1985, at 1:30 p.m. Information may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, met at the Ware Home Facility, 2006 West Grand, Marshall, on January 24, 1985, at 7 p.m. Information may be obtained from Ronald Cookston, Ed.D., P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

TRD-850520

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Meetings Filed January 18

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees, met in the boardroom, 1430 Collier Street, Austin, on January 24, 1985, at 7 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on January 31 and February 1, 1985, at 8:30 a.m. and 9 a.m. respectively. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Coastal Bend Council of Governments will meet in the central jury room, Nueces County Courthouse, 901 Leopard, Corpus Christi, on January 25, 1985, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

The Dallas Area Rapid Transit Authority, Service Plan/Work Program, submitted an emergency revised agenda for a meeting held at 601 Pacific Avenue, Dallas, on January 18, 1985, at 3:30 p.m. The Budget and Finance Committee met at the same location on January 22, 1985, at 5:30 p.m. The Board met at the same location on January 22, 1985, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Deep East Texas 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 January 28, 1985, at 5:30 p.m. Information may be obtained from Jim McDermott, Ph.D., 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141.

The Region XVII Education Service Center, Board of Directors, will meet at 4000 22nd Place, Lubbock, on February 5, 1985, at 10 a.m. Information may be obtained from Ray Lanier, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000.

The Edwards County Appraisal District, Board of Directors, will meet in the new county office building, Rocksprings, on January 28, 1985, at 9 a.m. Information may be obtained from Jack Weldon, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-2337.

The Golden Crescent Service Delivery Area, Private Industry Council, met at the Texas Zoo, Riverside Park, Victoria, on January 23, 1985, at 6:30 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

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The Gulf Bend Mental Health and Mental Retardation Center, Board of Trustees, met at 1404 Village Drive, Victoria, on January 24, 1985, at noon. Information may be obtained from T. G. Kelliher, Jr., 1404 Village Drive, Victoria, Texas 77901, (512) 578-5262.

The Hale County Appraisal District, Board of Directors, met at K-Bob's Steakhouse, 3400-C Olton Road, Plainview, on January 24, 1985, at noon. The Appraisal Review Board will meet at the same location on January 30, 1985, at noon. Information may be obtained from Linda Jaynes, P.O. Box 29, Plainview, Texas 79072.

The Liberty County Central Appraisal District, Board of Directors, met at 1820 Sam Houston, Liberty, on January 23, 1985, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 712, Liberty, Texas 77575, (409) 336-6771.

The Lone Star Municipal Power Agency met in the conference room, City Hall, 1212 Avenue M, Huntsville, on January 21, 1985, at 5:30 p.m. Information may be obtained from Cathy Locke, 1101 Texas Avenue, College Station, Texas 77840-2499, (409) 764-3515.

The Lower Rio Grande Valley Development Council, Board of Directors, met in the Town Hall Room, City Hall, Harlingen, on January 24, 1985, at 1:30 p.m. Information may be obtained from Robert A. Chandler, Texas Commerce Bank Building, Suite 707, 1701 West Highway 83, McAllen, Texas 78501, (512) 682-3481.

The Middle Rio Grande Development Council, Private Industry Council, met at the Don Crawford Farms, FM Road 1433, Carrizo Springs, on January 23, 1985, at 10 a.m. The Board of Directors met at the same location on the same day at 1 p.m. Information may be obtained from Juan Pablo Velez or Mike Patterson, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The Rio Grande Valley Municipal Water Authority, Board, rescheduled a meeting to be held at the Holiday Inn on the Expressway, Brownsville, on February 11, 1985, at noon. Information may be obtained from Ernel G. Lantz, 308 Scott Street, Brownsville, Texas 78521, (512) 542-8764.

The Central Appraisal District of Rockwall County, Board of Directors, met in the small courtroom, first floor, Rockwall County Courthouse, Rockwall, on January 22, 1985, at 7 p.m. Information may be ob-

tained from Eugene "Bo" Daffin, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

The Tarrant Appraisal District, Board of Directors, met in Suite 300, 1701 River Run, Fort Worth, on January 24, 1985, at 10 a.m. Information may be obtained from Cecil Mae Perrin, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (214) 332-8151.

The West Central Texas Council of Governments, Executive Committee, met at 1025 East North 10th Street, Abilene, on January 23, 1985, at 12:45 p.m. Information may be obtained from Brad Helbert, Two Civic Center Plaza, Fifth Floor, El Paso, Texas 79999, (913) 541-4689.

TRD-850544

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Meetings Filed January 21

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on January 25, 1985, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Capital Area Rural Transportation System (CARTS), Board of Directors, met in the conference room, Suite 100, 2520 IH 35 South, Austin, on January 24, 1985, at 9:30 a.m. Information may be obtained from Nancy Kowieski, 2520 IH 35 South, Suite 100, Austin, Texas 78704, (512) 443-0904.

The Region VIII Education Service Center, Board of Directors, met at 100 North Riddle Street, Mount Pleasant, on January 24, 1985, at 7 p.m. Information may be obtained from Scott Ferguson, 100 North Riddle Street, Mount Pleasant, Texas 75455, (214) 572-8552.

The Fannin County Appraisal District, Board of Review, rescheduled a meeting to be held at the Peeler Building, 401 North Main, Bonham, on January 28, 1985, at 5:30 p.m. The meeting was originally scheduled for January 14, 1985. Information may be obtained from Joe Hart, Peeler Building, 401 North Main, Bonham, Texas 75418, (214) 583-9546.

The Gillespie County Appraisal District, Board of Directors, will meet at 928 Saint Paul Street, Gonzales, on January 29, 1985, at 5 p.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Hays County Central Appraisal District, Board of Directors, will meet in the Red Room, Courthouse Annex, San Marcos, on January 26, 1985, at 9 a.m. Information may be obtained from Linnell Sedlar, 102 LBJ Drive, San Marcos, Texas 78666, (512) 396-4777.

The Liberty County Central Appraisal District, Appraisal Review Board, will meet at 1820 Sam Houston, Liberty, on January 25, 1985, at 9 a.m. Information may be obtained from Sherry Greak, P.O. Box 712, Liberty, Texas, (409) 336-6771.

The North Central Texas Council of Governments, Executive Board, will meet on the second floor, Centerpoint Two, 616 Six Flags Drive, Arlington, on January 24, 1985, at 12:45 p.m. Information may be obtained from Edwina J. Hicks, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

The Northeast Texas Municipal Water District, Board of Directors, will meet at 1003 Linda Drive, Daingerfield, on January 28, 1985, at 7 p.m. Information may be obtained from Homer Tanner, P.O. Box 680, Daingerfield, Texas 75638, (214) 645-2241.

The South Texas Private Industry Council met at the Zapata Community Center, U.S. Highway 83, Zapata, on January 24, 1985, at 5 p.m. Information may be obtained from Ruben M. Garcia, P.O. Box 1969, Laredo, Texas 78041, (512) 722-4656.

The Upshar County Appraisal District, Appraisal Review Board, will meet at Warren and Trinity Streets, Gilmer, on January 28, 1985, at 9 a.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3041.

The West Central Texas Council of Governments, Law Enforcement Training Committee, will meet at 1025 East North 10th Street, Abilene, on January 31, 1985, at 1 p.m. Information may be obtained from Les Wilkerson, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-850601

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In Addition

The *Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

State Banking Board Public Hearings

The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on Wednesday, April 3, 1985, at the Banking Department of Texas, 2601 North Lamar Boulevard, Austin, on the charter application for Lorena State Bank, Lorena, McLennan County.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on January 18, 1985.

TRD-850594 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: January 18, 1985

For further information, please call (512) 475-4451.

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The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on Thursday, April 11, 1985, at the Banking Department of Texas, 2601 North Lamar Boulevard, Austin, on the charter application for Riverway Bank, Houston.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on January 18, 1985.

TRD-850595 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: January 18, 1985

For further information, please call (512) 475-4451.

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The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on Tuesday, March 26, 1985, at the Banking Department of Texas, 2601 North Lamar Boulevard, Austin, on the charter application for Pacific American Bank, Houston, Harris County.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking

Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on January 16, 1985.

TRD-850516 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: January 17, 1985

For further information, please call (512) 475-4451.

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Texas Health Facilities Commission

Applications Accepted for Amendment, Declaratory Ruling, Notices of Intent, and Petition for Reissuance of Certificate of Need

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIERI indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party or interested person to any of the previously stated applications, that person must file a proper request to become a party or interested person to the application within 10 days after the date of this publication of notice. If the 10th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party or interested person should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party or interested person.

The contents and form of a request to become a party or interested person to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a

party or interested person to supply the necessary information in the correct form may result in a defective request to become a party or interested person.

First Texas Medical, Inc., Lewisville
AN84-1203-769

NIEH—Request for a declaratory ruling that a certificate of need is not required for First Texas Medical, Inc., to acquire by purchase Edmond Oaks Center, an existing 125-bed ICF-MR-V facility located in Lewisville, from J & J Medical, Inc.

Bryan-Edmond Oak, Inc., Alexandria, Louisiana
AN84-1203-770

NIEH—Request for a declaratory ruling that a certificate of need is not required for Bryan-Edmond Oak, Inc., to acquire by purchase Edmond Oaks Center, an existing 125-bed ICF-MR-V facility located in Lewisville, from First Texas Medical, Inc.

First Texas Medical, Inc., Lewisville
AN84-1203-767

NIEH—Request for a declaratory ruling that a certificate of need is not required for First Texas Medical Inc., to acquire by purchase Bryan Oaks Center, an existing 106-bed ICF-MR-VI facility located in Denton, from MedCare Associates, Inc.

Bryan-Edmond Oak, Inc., Alexandria, Louisiana
AN84-1203-768

NIEH—Request for a declaratory ruling that a certificate of need is not required for Bryan-Edmond Oak, Inc., to acquire by purchase Bryan Oaks Center, an existing 106-bed ICF-MR-VI facility located in Denton, from First Texas Medical, Inc.

Foard County Hospital District, Crowell
AH84-1227-822

NIEH—Request for a declaratory ruling that a certificate of need is not required for Foard County Hospital District to acquire by transfer Foard County Hospital, an existing 24-bed general acute care hospital located in Crowell, from Foard County.

Jewell Enterprises, Inc., Arlington
AN84-1227-823

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jewell Enterprises, Inc., to acquire by purchase Devonshire Manor, an existing 120-bed ICF nursing facility located in Dallas, from Firstcare Living Centers, Inc.

Jewell Enterprises, Inc., Arlington
AN84-1227-827

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jewell Enterprises, Inc., to acquire by purchase Nottingham Manor, an existing 120-bed ICF nursing facility located in Dallas, from Firstcare Living Centers, Inc.

Jewell Enterprises, Inc., Arlington
AN84-1227-832

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jewell Enterprises, Inc., to acquire by purchase Kensington Manor, an existing 120-bed ICF nursing facility located in Dallas, from Firstcare Living Centers, Inc.

Jewell Enterprises, Inc., Arlington
AN84-1227-833

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jewell Enterprises, Inc., to acquire by purchase Westminster Manor, an existing 96-bed personal care nursing

facility located in Dallas, from Firstcare Living Centers, Inc.

Humana, Inc., doing business as Doctor's Hospital of Corpus Christi, Corpus Christi
AH82-0630-014A(122784)

CN/AMD—Request for an extension of the completion deadline from November 25, 1984, to March 1, 1985, in Certificate of Need AH82-0630-014, which authorized the certificate holder to add 113 licensed beds through the new construction of 81,000 square feet and the renovation of 14,000 square feet.

Texhoma Christian Care Center, Inc., Wichita Falls
AN84-0301-143A(123184)

CN/AMD—Request for an amendment of Certificate of Need AN84-0301-143, which authorized the certificate holder to conduct an expansion project consisting of 12,302 square feet of construction for the addition of 36 semiprivate rooms. The certificate holder requests an increase in square footage from 12,302 square feet to 13,064 square feet, and a decrease in the total project cost from \$636,225 to \$633,225.

Four Seasons Nursing Centers, Inc., Silver Spring, Maryland
AN85-0103-003

NIEH—Request for a declaratory ruling that a certificate of need is not required for Four Seasons Nursing Centers, Inc., to acquire by purchase Temple Care Center, an existing 150-bed ICF nursing facility located in Temple, from Challenge Homes, Inc. (lessee's leasehold interest), and October Associates (fee interest).

Four Seasons Nursing Centers, Inc., Silver Spring, Maryland
AN85-0103-004

NIEH—Request for a declaratory ruling that a certificate of need is not required for Four Seasons Nursing Centers, Inc., to acquire by purchase Ponderosa Care Center, an existing 152-bed ICF nursing facility located in Mesquite, from Challenge Homes, Inc. (lessee's leasehold interest), and October Associates (fee interest). Upon acquisition, the name of the facility will be changed to Four Seasons Nursing Center—Mesquite.

Four Seasons Nursing Centers, Inc., Silver Spring, Maryland
AN85-0103-005

NIEH—Request for a declaratory ruling that a certificate of need is not required for Four Seasons Nursing Centers, Inc., to acquire by purchase Clear Lake Care Center, an existing 120-bed nursing facility with 64 ICF and 56 skilled beds located in Webster, from Challenge Homes, Inc. (lessee's leasehold interest), and O. L. Pitts (fee interest). Upon acquisition, the name of the facility will be changed to Manor Care of Webster.

American Medical International, Inc., for Brownsville Medical Center, Brownsville
AH82-0823-093A(010485)

CN/AMD—Request for an extension of the completion deadline from May 31, 1985, to August 31, 1985, in Certificate of Need AH82-0823-093, which authorized the certificate holder to conduct a major construction and renovation project involving the construction of a 50,740 square-foot, three-story

patient and ancillary wing; the renovation of 18,200 square feet; and the demolition of 25,600 square feet.

BSB Investments, Inc., Dallas
AN85-0110-015

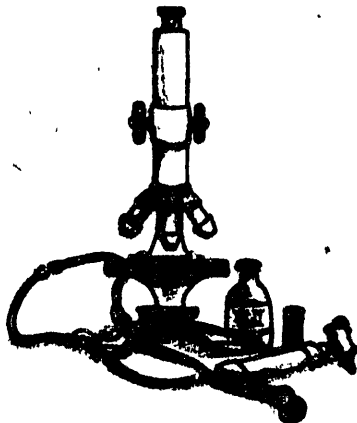
NIEH—Request for a declaratory ruling that a certificate of need is not required for BSB Investments, Inc., to acquire Brazos Valley Care Home, an existing 70-bed ICF nursing facility located in Knox City, from Truco Properties, Inc., and Cotru, Inc.

Issued in Austin, Texas, on January 21, 1985.

TRD-850602 **John R. Neel**
General Counsel
Texas Health Facilities
Commission

Filed: January 21, 1985
For further information, please call (512) 475-8940.

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State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration.

(1) Application for a name change by USLIFE Title Insurance Company of Dallas, a domestic title insurance company. The home office is in Dallas. The proposed new name is US Land Title Insurance Company of Dallas.

(2) Application for a name change by USLIFE Title Insurance Company of Dallas, a domestic title insurance company. The home office is in Dallas. The proposed new name is US Title Insurance Company of Dallas.

(3) Application for incorporation of Coastal Bend Health Plan, Inc., to be a domestic health maintenance organization. The home office is in Corpus Christi.

(4) Application for admission to do business in Texas of United Agents Life Insurance Company of America, a foreign life insurance company. The home office is in Shreveport, Louisiana.

(5) Application for incorporation of Harris Health Plan, Inc., to be a health maintenance organization. The home office is in Fort Worth.

(6) Application for admission to do business in Texas of Interamerica Life Insurance Company, a foreign life insurance company. The home office is in New York, New York.

(7) Application for incorporation of American Mortgage Insurance Company to be a domestic mortgage guaranty insurance company. The home office is in Houston.

Issued in Austin, Texas, on January 16, 1985.

TRD-850538 **James W. Norman**
Chief Clerk
State Board of Insurance

Filed: January 17, 1985
For further information, please call (512) 475-2950.

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