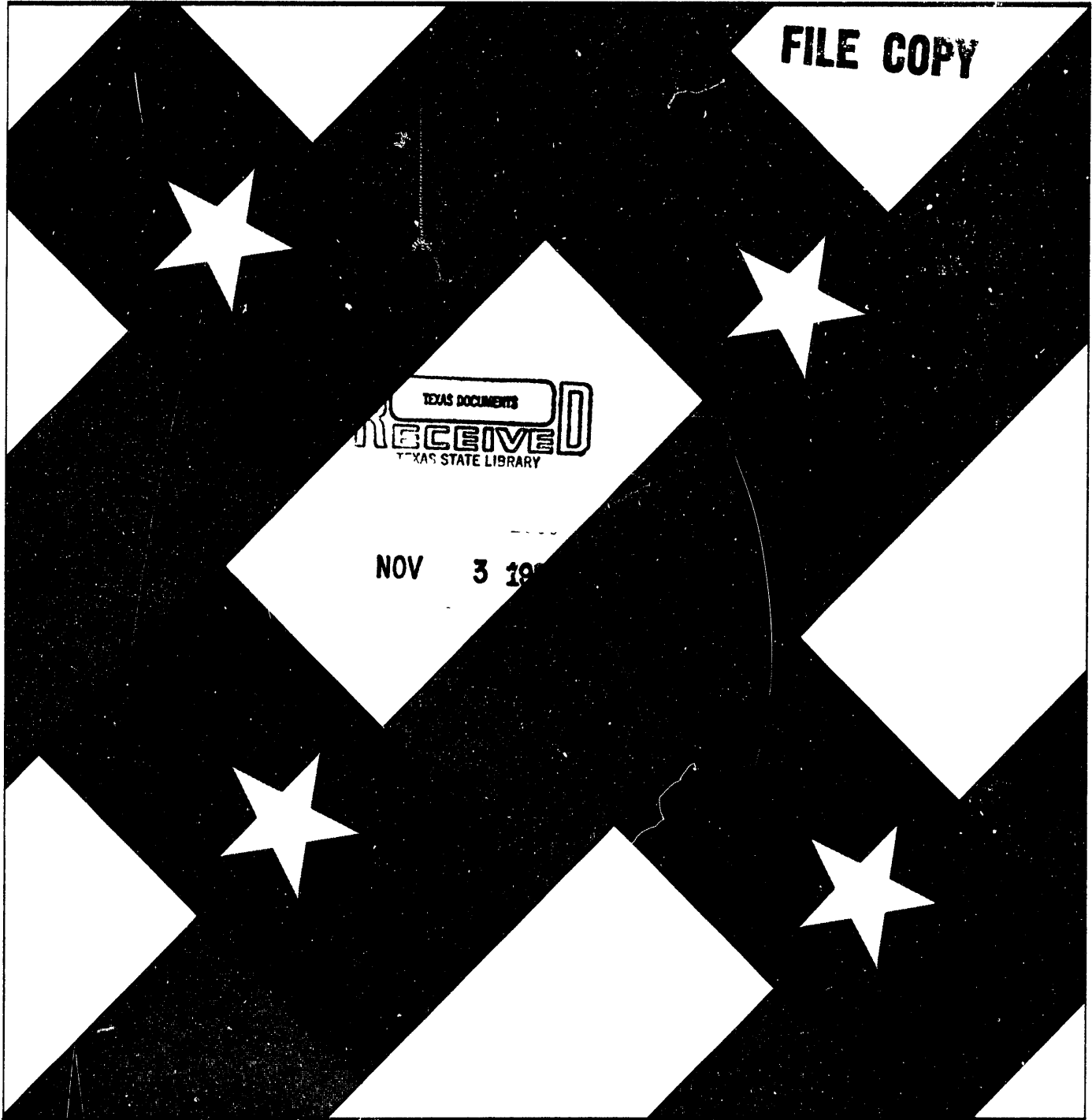


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# Texas Register

Volume 11, Number 83, November 4, 1986

Pages 4557-4604



## Highlights

The **Employees Retirement System of Texas** proposes an amendment concerning the Proportionate Retirement System and benefits. Earliest possible date of adoption - December 5 ..... **page 4564**

The **Texas Department of Human Services** proposes amendments concerning program requirements in determining the income

eligibility and Medicaid coverage for pregnant women. Proposed date of adoption - January 1 ..... **page 4566**

The **Employees Retirement System of Texas** adopts under federal mandate an amendment to §81.7 concerning enrollment and participation. Effective date - December 23 **page 4579**

**Office of  
the Secretary  
of State**

## Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1986 with the exception of June 24, September 2, December 2, and December 30 by the Office of the Secretary of State.

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**POSTMASTER** Please send Form 3579 changes to the Texas Register, PO Box 13824, Austin, Texas 78711-3824.

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- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- The Legislature—bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and enacted without his signature
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written "11 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 11 TexReg 3."

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

## Texas Administrative Code

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

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

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

**TAC** stands for the *Texas Administrative Code*;

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



## Texas Register Publications

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### Myra A. McDaniel Secretary of State

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TAC Editors

**W. Craig Howell**

**Beth Glasnapp**

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*Illustrations courtesy of Texas Parks and Wildlife Department.*

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# The Governor

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

## Appointment Made October 22

### Battleship Texas Advisory Board

For a term to expire February 1, 1989:

Mary Catherine Burke  
9933 Neuens Road  
Houston, Texas 77080

Ms Burke is replacing Mr. Frank E. Tritico of Houston, who resigned.

## Appointments Made October 23

### Texas National Research Laboratory Commission

For terms to expire February 1, 1989:

Johnnie Lou Avery  
4 Bennett Circle  
Big Spring, Texas 79720

David B. Lack  
6004 Country Club Drive  
Victoria, Texas 77904

Mr. Avery and Mr. Lack are being appointed pursuant to Senate Bill 1169, 69th Legislature, Regular Session.

For terms to expire February 1, 1989:

Frank Cotton, Ph.D.  
Department of Chemistry  
Texas A&M University  
College Station, Texas 77843

Charles R. Perry  
San Miguel Square, #9  
Odessa, Texas 79762

Dr. Herbert H. Woodson  
Ernest H. Cockrell Centennial Chair in Engineering  
The University of Texas  
P.O. Box T  
Austin, Texas 78713-7389

Dr. Cotton, Mr. Perry, and Dr. Woodson are being appointed pursuant to Senate Bill 1169, 69th Legislature, Regular Session.  
For terms to expire February 1, 1991:

Martin Goland  
Southwest Research Institute  
P.O. Drawer 28510  
San Antonio, Texas 78284

Gerald Griffin  
President  
Houston Chamber of Commerce  
1100 Milam Building  
25th Floor  
Houston, Texas 77002

Mr. Goland and Mr. Griffin are being appointed pursuant to Senate Bill 1169, 69th Legislature, Regular Session.

## Appointments Made October 24

### Texas World Trade Council

For a term to expire February 1, 1987:

Steven A. Beede  
1221 Pierce Street  
Houston, Texas 77002

Mr. Beede is being appointed pursuant to Senate Bill 1409, 69th Legislature, Regular Session.

## Texas National Research Laboratory Commission

For a term to expire February 1, 1987:

Neal Amundson, Ph.D.  
Cullen Professor of Chemical Engineering  
University of Houston  
Univeristy Park  
4800 Calhoun  
Houston, Texas 77004

Dr. Amundson is being appointed pursuant to Senate Bill 1169, 69th Legislature, Regular Session.

## Appointment Made October 27

### 4th District Court of Appeals

To be justice, until the next general election and until his successor shall be elected and duly qualified:

Alfonso Chapa  
466 Lively Street  
San Antonio, Texas 78213.

Issued in Austin, Texas, on October 28, 1986.

TRD-8610232

Mark White  
Governor of Texas



# Emergency Rules

An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

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

## TITLE 34. PUBLIC FINANCE

### Part IV. Employees Retirement System of Texas

#### Chapter 73. Benefits

★34 TAC §73.15

The Employees Retirement System of Texas (ERS) adopts on an emergency basis an amendment to §73.15, concerning the Proportionate Retirement Program. Subsection (d) refers to and adopts by reference a document entitled, "Computation of Proportional Retirement Benefits." That document has been revised by expanding it to cover the computation of proportionate retirement benefits for appointed officers and employees who retire between November 30, 1986, and May 31, 1987, inclusive, under the retirement incentive provisions of House Bill 40, Act, 69th Texas Legislature, 2nd Called Session, 1986. Subsection (d) is being amended on an emergency basis to reflect the fact that the document has been updated and expanded.

An emergency amendment to subsection (d) of §73.15 is necessary because the ERS must begin using the revised document immediately to process proportionate retirements under House Bill 40, Acts, 69th Texas Legislature, 2nd Called Session, 1986. Failure to so adopt the amendment would adversely affect the welfare of ERS retirees under the Proportionate Retirement Program.

The amendment is adopted on an emergency basis under Texas Civil Statutes, §13.401(a), which provide the Board of Trustees of the ERS with the authority to adopt rules it finds necessary to implement the Proportionate Retirement Program.

#### §73.15. Proportionate Retirement Program—Benefits.

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

(d) The procedures to implement these principles are prescribed in the document entitled "Computation of Proportional Retirement Benefits," dated **October 28, 1986** [March 18, 1986]. This document, which is to be considered a part of this section for all purposes, may be obtained from the executive director, Employees Retirement Sys-

tem; P.O. Box 13207; Austin, Texas 78711-3207. The formulas apply only to computation of benefits in programs or systems in which the member does not meet the length-of-service requirement for retirements.

Issued in Austin, Texas, on October 28, 1986

TRD-8610233 Clayton T Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: October 28, 1986  
Expiration date: February 25, 1987  
For further information, please call  
(512) 476-6431, ext 178.

★ ★ ★

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part III. Texas Commission on Alcohol and Drug Abuse

#### Chapter 143. Introduction

★40 TAC §143.36

The Texas Commission on Alcohol and Drug Abuse adopts on an emergency basis new §143.36, concerning record on appeal.

The section is adopted on an emergency basis simultaneously with its proposal for adoption. The emergency need is based upon pending appeals before the agency which may result in significant costs to the agency and to the public with respect to costs of preparing records for appeal. Imminent peril to the welfare of the public necessitates the emergency adoption.

The new section makes it possible to allocate the costs of preparation of a record on appeal to the court to the appellant instead of to the state and the general public.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 6252-13(a), §19(f), which provide that an agency by rule may require a party who appeals a final decision in a contested case to pay all or part of the cost of preparation of the original or a certified copy of the record of the agency proceeding that is required to be transmitted to the reviewing court. A charge imposed as

provided by this subsection is considered to a court cost and may be assessed by the court in accordance with the Texas Rules of Civil Procedure.

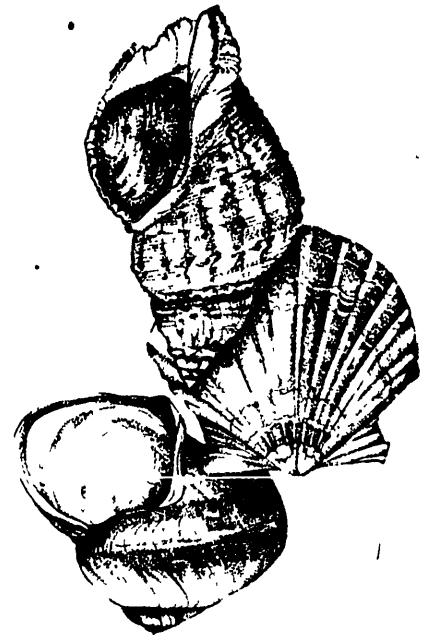
§143.36. *Record of Appeal.* A party who appeals a final decision in a contested case must pay the costs of preparation of the original record or transcription of the agency proceeding that is required to be transmitted to a reviewing court.

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

TRD-8610180 Ross Newby  
Executive Director  
Texas Commission on  
Alcohol and Drug  
Abuse

Effective date: October 27, 1986  
Expiration date: February 24, 1987  
For further information, please call  
(512) 463-5510.

★ ★ ★



# 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 28. INSURANCE

### Part I. State Board of

#### Insurance

#### Chapter 1. General

#### Administration

#### Subchapter C. Maintenance Taxes

#### ★28 TAC §1.404

The State Board of Insurance proposes new §1.404, concerning rates of assessment that the board adopted based on gross premium receipts for the 1985 calendar year to determine maintenance taxes to support certain functions of the State Board of Insurance. This new section applies to automobile insurance, casualty insurance and other lines regulated under the Insurance Code, Chapter 5, Subchapter B; fire and allied lines insurance, including inland marine; workers' compensation insurance; title insurance; and prepaid legal services contracts. The board is required to determine annually the rate of assessment for the types of insurance specified. Timely payment of the tax is necessary for adequate support of certain functions of the State Board of Insurance and for proper functioning of the regulatory process.

Carroll Fuchs, chief of staff services, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section. There is no anticipated cost to small businesses other than what is specified in this notice for all persons required to comply with the section. There is no difference between large and small businesses in the rate of assessment.

Mr. Fuchs also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the promulgation of a rate that will facilitate the proper collection of maintenance taxes to maintain the State Board of Insurance. The anticipated economic cost to individuals who are required to comply with the section as proposed will be payment of the tax at the rate specified. The amount of tax will depend on the type and amount of insurance written.

Public comment on the proposal is invited and may be submitted to Nicholas Murphy, Chief Clerk, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1988.

This new section is proposed under the Insurance Code, Articles 5.12, 5.24, 5.49, 5.68, 9.46, and 23.08, which provides the State Board of Insurance with the authority to assess maintenance taxes for the lines of insurance specified in these sections.

§1.404. *Assessment of Maintenance Tax, 1986.* The following rates for maintenance taxes are assessed on gross premiums for the calendar year 1985 for the lines of insurance specified.

(1) For automobile insurance, pursuant to the Insurance Code, Article 5.12, the rate is .028 of 1.0%.

(2) For casualty and fidelity insurance, guaranty and surety bonds, pursuant to the Insurance Code, Article 5.24, the rate is .068 of 1.0%.

(3) For fire insurance and allied lines, including inland marine, pursuant to the Insurance Code, Article 5.49, the rate is .463 of 1.0%.

(4) For workers' compensation insurance, pursuant to the Insurance Code, Article 5.68, the rate is .303 of 1.0%.

(5) For title insurance, pursuant to the Insurance Code, Article 9.46, the rate is .033 of 1.0%.

(6) For prepaid legal services, pursuant to the Insurance Code, Article 23.08, the rate is 1.000 of 1.0%.

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

Issued in Austin, Texas, on October 29, 1986

TRD-8610255

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Earliest possible date of adoption.

December 5, 1986

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



## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part IV. School Land Board

#### Chapter 153. Exploration and Development

#### Operations on Permanent School Fund Lands

#### ★31 TAC §153.24

The School Land Board proposes an amendment to §153.24, concerning lessee responsibilities. The amendment provides a means of enforcing cleaner oil and gas operations.

Dan Miller, deputy commissioner for legal services, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Miller also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be provision of a means of enforcing cleaner oil and gas operations. There is no anticipated economic cost to individuals who are required to comply with the proposed section

Comments on the proposal may be submitted to Dan Miller, Deputy Commissioner for Legal Services, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701

The amendment is proposed under the Natural Resources Code, §32.062, which provides the School Land Board with the authority to adopt rules which are not inconsistent with the law

§153.24. *Lessee Responsibility.*

(a) All wells shall be drilled, reworked, cleaned, tested, and produced in a manner to prevent pollution and in the event of pollution, lessee shall use all reasonable means to recapture all hydrocarbons or other pollutants which have escaped and shall be responsible for all damage to public and private property.

(b) All operations shall be conducted

using the highest degree of care. No discharge of solid waste or garbage shall be allowed into state waters from any drilling or support vessels, production platform, crew or supply boat, barge, jack-up rig, or other equipment located on the leased area. Solid waste shall include, but shall not be limited to, containers, equipment, rubbish, plastic, glass, and any other man-made nonbiodegradable items. A sign must be displayed on all platforms and vessels in high traffic areas stating, "Discharge of any solid waste or garbage into state waters from vessels or platforms is strictly prohibited and may subject a State of Texas lease to forfeiture." Such statement shall be in lettering of at least one inch in size.

(c) Failure to comply with the requirements of this section may result in the maximum penalty allowed by law, including forfeiture of the lease. Lessee shall be liable for the damages caused by such failure and any costs and expenses incurred in cleaning areas affected by the discharged waste.

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

Issued in Austin, Texas, on October 27, 1986

TRD-8610224 Garry Mauro  
Chairman  
School Land Board

Earliest possible date of adoption  
December 5, 1986

For further information, please call  
(512) 463-5009

★ ★ ★

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 5. Funds Management (Fiscal Affairs)

##### Deferred Compensation—State Employee Participation

###### ★ 34 TAC §§5.121-5.127

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Comptroller of Public Accounts, 111 East 17th Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)*

The Comptroller of Public Accounts proposes the repeal of §§5.121-5.127, concerning deferred compensation—state employee participation. These sections are repealed because the rules and definitions governing employee participation can be found in the plan document incorporated in §5.112.

John Moore, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed repeals will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Mr. Moore also has determined that there will be no cost or public benefit anticipated as a result of enforcing or administering the repeals. There are no additional costs to individuals

Comments on the repeal may be submitted to Wade Anderson, Executive Counsel, P.O. Box 13528, Austin, Texas 78711.

These repeals are proposed under Texas Civil Statutes, Article 6252-3b, which provide that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the Deferred Compensation Program

§5.121. *Definitions.*

§5.122. *Deferred Compensation Agreement.*

§5.123. *Salary Reduction Authorization.*

§5.124. *Amendment of Salary Reduction Authorization.*

§5.125. *Cancellation of Salary Reduction Authorization.*

§5.126. *Disbursement of the Proceeds of the Product Contract Purchased by Salary Reduction Authorization.*

§5.127. *Product Contract for Participating State Employees.*

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

Issued in Austin, Texas, on October 28, 1986.

TRD-8610214 Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:  
December 5, 1986

For further information, please call  
(512) 483-4004

★ ★ ★

## Part IV. Employees Retirement System of Texas

### Chapter 73. Benefits

#### ★ 34 TAC §73.15

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

The Employees Retirement System of Texas (ERS) proposes an amendment to §73.15, concerning the Proportionate

Retirement Program Subsection (d), refers to and adopts by reference into the section an amended document entitled "Computation of Proportional Retirement Benefits." The Membership and Retirement Benefits Division of ERS has revised the document by expanding it to cover the computation of proportionate retirement benefits for appointed officers and employees who retire between November 30, 1986, and May 31, 1987, under the retirement incentive provisions of House Bill 40, Acts, 69th Legislature, 1986, Second Called Session

James T Herod, general counsel, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section

Mr. Herod also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be up-to-date information concerning how the ERS computes retirement benefits under the state's Proportionate Retirement Program. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to James T Herod, General Counsel, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207.

The amendment is proposed under Texas Civil Statutes, §13.401(a), Title 110B, which provide the Board of Trustees of the Employees Retirement System of Texas with the authority to adopt rules it finds necessary to implement the Proportionate Retirement Program

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

Issued in Austin, Texas, on October 28, 1986.

TRD-8610234 Clayton T Garrison  
Executive Director  
Employees Retirement  
System of Texas

Earliest possible date of adoption:  
December 5, 1986

For further information, please call  
(512) 476-6471, ext 178

★ ★ ★

## Chapter 81. Insurance

### ★ 34 TAC §81.5

The Employees Retirement System of Texas proposes an amendment to §81.5, concerning the right of a disability retiree whose life insurance premium has been waived to continue dependent term life insurance.



James T. Herod, general counsel, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Herod also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to allow disability retirees to continue dependent life insurance coverage, provided the premiums for such coverage are paid when due. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to James T. Herod, General Counsel, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207.

The amendment is proposed under the Insurance Code, Article 3.50-2, §4, which provides the Board of Trustees of the Employees Retirement System of Texas with the authority to promulgate all rules, regulations, plans, procedures, and orders reasonably necessary to implement and to carry out the purposes and provisions of the Texas Employees Uniform Group Insurance Benefits Act in all its particulars.

#### §81.5. Eligibility.

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

(d) Dependents of employees and retirees. The dependents of an employee or retiree are eligible for coverage on the same day that the employee or retiree becomes eligible. A newly acquired dependent is eligible for coverage on the date he or she becomes a dependent of a covered employee or retiree. The employee or retiree must be enrolled for a particular coverage before his or her dependents are eligible for that type of coverage. Newborn dependents are covered automatically on date of birth. A retiree's dependents are eligible for dependent life insurance coverage only if that coverage was in effect the day before the retiree became eligible for retiree life insurance; however, where the retiree was precluded from adding dependent life coverage because eligible dependents were either active state employees or covered as dependents of an active state employee, the retiree may add dependent life coverage upon an eligible dependent's termination of state employment other than by retirement. The request to add this coverage must be submitted within 30 days following the date the dependent terminates state employment other than by retirement. A dependent may not be simultaneously covered for basic term life and dependent term life. [A retiree whose life insurance coverage is continued for which the premium is waived under the provisions of an insurance contract that provides extended life insurance benefits as a result of disability may not purchase dependent life insurance coverage.] A

family member who is covered as an employee or retiree is not eligible to be covered as a dependent in the program. A dependent may not be covered by more than one employee or retiree. Double coverage is not permitted for any participant in the Uniform Group Insurance Program.

(e)-(i) (No change.)

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

Issued in Austin, Texas, on October 28, 1986.

TRD-8610235

Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

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For further information, please call  
(512) 476-6431, ext. 178.

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#### ★ 34 TAC §81.7

The Employees Retirement System of Texas proposes an amendment to §81.7, concerning the pre-existing condition clause applying to employees transferring to Blue Cross/Blue Shield due to a move out of an HMO service area, the effective date of disability coverage by Blue Cross/Blue Shield upon evidence of insurability, and the requirement that employees on disability leave status continue disability insurance coverages in force in order to have such coverages upon their return to active duty.

James T. Herod, general counsel, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Herod also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clearer, more consistent rules concerning eligibility, coverages, and requirements for participation in the Texas Employees Uniform Group Insurance Program. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to James T. Herod, General Counsel, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207.

The amendment is proposed under the Texas Insurance Code, Article 3.50-2, §4, which provides the Board of Trustees of the Employees Retirement System of Texas with the authority to promulgate all rules, regulations, plans, procedures, and orders reasonably necessary to implement and to carry out the purposes and provisions of the Texas Employees Uniform Group Insurance Benefits Act in all its particulars.

#### §81.7. Enrollment and Participation.

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

(f) Pre-existing condition limitation.

For initial health insurance coverage on or after September 1, 1985, or health insurance coverage changes effective on or after September 1, 1985, the pre-existing condition exclusion shall apply to employees, retirees, and eligible dependents (including newly acquired dependents, but excluding newborns) who are enrolled in the insured health benefits plan. The exclusion limits benefit payments to \$500 for a full 12 months from the effective date of coverage for a pre-existing condition, as defined in §81.1(q) of this title (relating to Definitions). The pre-existing condition exclusion will not apply to:

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

(3) an individual allowed to return to the insured health plan because he or she moves permanently out of an HMO service area except that, if the return to the insured plan occurs within 12 months of the initial date of coverage [eligibility] under the current term of employment, the exclusion will apply for the remainder of the 12-month period for any condition for which the participant was seen or treated by a physician during the 90-day period immediately prior to the initial date of coverage [eligibility] under the current term of employment; or

(4) (No change.)

(g) Reinstatement in the program. Unless specifically prohibited by these sections or contractual provisions, an employee who terminates employment and returns to active duty within the same contract year, may reinstate coverage for himself and his dependents no greater than those that were in effect when the employee terminated by submitting an application for the coverages. The application must be submitted on the first day the employee returns to active duty, and the coverage will be effective on the day the employee returns to active duty. The pre-existing condition clause will apply. A returning employee who has selected coverages less than those in effect when terminating employment may reinstate any waived coverages by submitting the appropriate application during the 30 days following the date the employee returns to active service. The change in coverage will become effective on the first day of the month following the date of application. An application to reinstate disability insurance coverage for a returning employee must contain evidence of insurability acceptable to the insurance carrier. Disability coverage will become effective on the first day of the month following the date approval is received by the Employees Retirement System of Texas, unless the employee is then in a leave without pay status, in which case, it will become effective on the date the employee returns to active duty [of the carrier's approval].

(h) Continuing coverage in special circumstances.

(1) (No change.)

(2) An employee in an approved ex-

tended sick leave without pay status due to a disabling condition or in an approved leave of absence without pay status while not disabled may continue the types and amounts of health and life coverage in effect on the date the employee entered that status for a maximum period of up to 12 months. During this [12-month] period, the employee may not change coverage except to add new dependents, including newborns, or reduce or cancel coverage. Disability income coverage for an employee in an approved extended sick leave without pay status due to a disabling condition will be suspended beginning on the first day of the month in which the employee enters the extended sick leave without pay status due to a disabling condition and continuing for those months in which the employee remains in that status. Suspended disability income coverage for an employee returning to active duty from an extended sick leave without pay status due to a disabling condition will be reactivated effective on the first day the employee returns to active duty if the entire period of unpaid leave was certified by the agency as approved extended sick leave without pay due to a disabling condition. Disability income coverage for an employee in an approved leave of absence without pay status will be canceled and no premiums collected beginning on the first day of the month in which the employee enters the leave of absence without pay status. To reinstate canceled disability coverage, an employee returning to active duty from a leave of absence without pay status must submit evidence of insurability acceptable to the insurance carrier. If approved, disability income coverage will become effective on the first day of the month following the date the approval is received by the employees retirement system, unless the employee is then in another leave of absence without pay status. In that case, the disability income coverage will become effective on the date the employee returns to active duty. [Coverage for disability insurance, however, will be canceled on the last day of the month in which an employee enters an approved leave of absence without pay status. If canceled, disability coverage may be reinstated when the employee returns to active duty if the employee submits satisfactory evidence of insurability. The premiums for the disability coverages will be waived for those months in which the employee receives a disability payment under that coverage provided the employee was disabled and was entitled to disability payments. At the end of 12 months, coverages for the employee and his dependents shall be terminated.]

(3)-(10) (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.

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(512) 476-6431, ext. 178.

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 2. Medically Needy Program

##### Program Requirements

##### ★ 40 TAC §2.1010, §2.1012

The Texas Department of Human Services (DHS) proposes amendments to §2.1010 and §2.1012, concerning determining income eligibility and Medicaid coverage termination for pregnant women. The amendment to §2.1010 adds an exception for including the needs of the unborn child when determining the income eligibility for pregnant women. The amendment to §2.1012 changes the termination of Medicaid coverage for pregnant women from the month following pregnancy termination to the second month following pregnancy termination. These amendments are the result of clarifications received from the Health Care Financing Administration of the U.S. Department of Health and Human Services.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government for the first five-year period the amendment to §2.1010 will be in effect will be an estimated additional cost of \$92,500 in fiscal year 1987; \$104,756 in fiscal year 1988; \$114,338 in fiscal year 1989; \$128,085 in fiscal year 1990; and \$134,833 in fiscal year 1991. The effect on state government for the first five-year period the amendment to §2.1012 will be in effect will be an estimated additional cost of \$33,796 in fiscal year 1987; \$51,745 in fiscal year 1988; \$54,032 in fiscal year 1989; \$55,307 in fiscal year 1990; and \$55,999 in fiscal year 1991. There is no anticipated effect on local government for the first five-year period the sections will be in effect. There will be no fiscal implications for local government or small businesses.

Mr. Packard has also determined that for each year of the first five years the sections are in effect the public benefit an-

anticipated as a result of enforcing the sections will be to extend Medicaid benefits to more needy women. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-717, Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

§2.1010. *Determining Income Eligibility.* Income eligibility is determined using the AFDC eligibility requirements outlined in the AFDC rules with the following exceptions:

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

(8) the needs of the unborn child are included when determining eligibility for pregnant women.

§2.1012. *Medicaid Eligibility.*

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

(g) Medicaid eligibility for pregnant women ends the second [on the last day of the] month following the month pregnancy terminates.

(h) (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.

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Commissioner  
Texas Department of  
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(512) 450-3766.

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## Chapter 3. Income Assistance Services

### Subchapter D. Expedited Services

#### ★ 40 TAC §3.403

The Texas Department of Human Services (DHS) proposes amendments to §§3.403, 3.501, and 3.902, concerning time limits for providing food stamp benefits, Aid to Families with Dependent Children (AFDC) Program household determination, and income countable in the AFDC Program. Section 3.403 is amended to include new outside limit time frames for issuing expedited benefits. DHS still intends to provide expedited benefits on the date of application, when possible. Section 3.501 is amended to incorporate federal policy regarding AFDC eligibility for an eligible

child and minor parent and to correct the federal regulation cited in subsection (d). Section 3.902 is amended to cite the federal regulation for counting loans as AFDC income.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implications for state government as a result of enforcing or administering amended §3.501 and §3.902. There will be no fiscal implications as a result of enforcing or administering amended §3.403. The effect on state government for the first five-year period the amendment to §3.501 will be in effect will be an estimated reduction in cost of \$94,545 in fiscal year 1987; \$143,834 in fiscal year 1988; \$151,057 in fiscal year 1989; \$150,368 in fiscal year 1990; and \$147,177 in fiscal year 1991. The effect on state government for the first five-year period the amendment to §3.902 will be in effect will be an estimated additional cost of \$257,804 in fiscal year 1987; \$395,658 in fiscal year 1988; \$415,177 in fiscal year 1989; \$424,573 in fiscal year 1990; and \$428,528 in fiscal year 1991. There will be no fiscal implications for local government or small businesses.

Mr. Packard has also determined that for each year of the first five years the sections will be in effect the public benefit anticipated as a result of enforcing the sections will be allocation of state funds to those individuals most in need of AFDC and food stamp benefits. There is no anticipated economic cost to individuals who are required to comply with the amendments as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-717, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 33, which authorizes the department to administer public assistance programs.

**§3.403. Time Limits.** The DHS must provide food stamp benefits for households eligible for expedited services according to the processing standards stipulated in 7 Code of Federal Regulations §273.2(i)(3). Exception: Rather than providing benefits within five days after the application date as stipulated in §273.2(i)(3)(i), DHS provides benefits for households referenced in §273.2(i)(3)(i) in immediate need of food by the close of business on the **first day after the date of application.**

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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(512) 450-3766.

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### Subchapter E. Household Determination

#### ★40 TAC §3.501

The amendment is proposed under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

**§3.501. AFDC and Food Stamp Household Determination.**

(a) Aid to families with dependent children. The following persons are included in an AFDC certified group:

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

(3) Eligible child. This is a [an unmarried] person under age 18. **These persons are [He is] also eligible if they are [he is] under age 19, regularly attend [attends] high school or high school level training on a full-time basis, and expect [expects] to graduate before or during the month of their [his] 19th birthday. The client cannot choose to exclude a child from the certified group because of the child's income or resources. If the client fails to provide verifications for a child who is a required member, the DHS [DHR] denies assistance for the entire certified group. The DHS [DHR] must include the following persons in the certified group with the eligible child:**

(A) (No change.)

(B) sibiings, unless they:

(i)-(ii) (No change.)

(iii) **are ineligible for AFDC based on [do not meet legal requirements of] citizenship, age, relationship, domicile, or deprivation.**

(4) Minor parent. **DHS determines eligibility and benefits for minor parents according to the requirements stipulated in 45 Code of Federal Regulations §233.20(a)(3)(viii).** [This is a person under age 18 who has a dependent child and has never married, or has been married but the marriage has been annulled. The needs determination, budget requirements, and certification procedures are different than for a parent age 18 or older only if the minor parent lives with:

[(A) his parents; or

[(B) a sibling currently certified as an AFDC child.]

(5)-(6) (No change.)

(b)-(c) (No change.)

(d) Food stamps. **DHS [DHR] allows separate households according to the requirements stipulated in 7 Code of Federal Regulations §273.1(e)(2) [§273.1(a)(3)].**

(e) (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.

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### Subchapter I. Income

#### ★40 TAC §3.902

The amendment is proposed under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs.

**§3.902. Types.**

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

(1)-(13) (No change.)

(14) loans. **DHS [DHR] counts noneducational loans and grants as stipulated in 45 Code of Federal Regulations §233.20(a)(3)(iv)(B) [if there are not restrictions on the use of the money and the principal is available to meet monthly living expenses].**

(15)-(30) (No change.)

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

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

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(512) 450-3766



## Chapter 4. Medicaid Programs—Children and Pregnant Women Eligibility Requirements

### ★40 TAC §4.1010, §4.1012

The Texas Department of Human Services (DHS) proposes amendments to §4.1010 and §4.1012, concerning determining income eligibility and Medicaid pregnancy termination for pregnant women. The amendment to §4.1010 adds an exception for including the needs of the unborn child when determining the income eligibility for pregnant women. The amendment to §4.1012 changes the termination of Medicaid coverage for pregnant women from the month following pregnancy termination to the second month following pregnancy termination. These amendments are the result of clarifications received from the Health Care Financing Administration of the United States Department of Health and Human Services.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government for the first five-year period the amendment to §4.1010 will be in effect will be an estimated additional cost of \$92,500 in fiscal year 1987; \$104,756 in fiscal year 1988; \$114,338 in fiscal year 1989; \$128,085 in fiscal year 1990; and \$134,833 in fiscal year 1991. The effect on state government for the first five-year period the amendment to §4.1012 will be in effect will be an estimated additional cost of \$33,796 in fiscal year 1987; \$51,745 in fiscal year 1988; \$54,032 in fiscal year 1989; \$55,307 in fiscal year 1990; and \$55,999 in fiscal year 1991. There is no anticipated effect on local government or small businesses.

Mr. Packard has also determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections will be to extend Medicaid benefits to more needy women. There is no anticipated economic cost to individuals who are required to comply with the sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-717, Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

§4.1010. *Determining Income Eligibility.* Income eligibility is determined using

the AFDC eligibility requirements outlined in the AFDC rules with the following exceptions.

(1) Applicants and certified clients must meet recognizable needs criteria as follows.

(A) For single pregnant women, DHS uses the need standard for caretaker cases with family size of two persons [one person], which includes the needs of the unborn child.

(B) For pregnant women in two-parent families and children in two-parent families, DHS uses the need standard for a caretaker with second parent and appropriate family size, including the needs of the unborn child.

(2)-(5) (No change.)

#### §4.1012. *Medicaid Eligibility.*

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

(g) Medicaid eligibility for pregnant women ends the second [on the last day of the] month following the month the pregnancy terminates.

(h) (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.

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## Part VI. Texas Commission for the Deaf

### Chapter 181. General Rules of Practice and Procedure

#### Operations

### ★40 TAC §181.20

*(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Commission for the Deaf, 510 South Congress Avenue, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)*

The Texas Commission for the Deaf proposes the repeal of §181.20, concerning the operations of the Board for Evaluation of Interpreters. The repealed section is replaced by new Chapter 183, Subchapters

A-F, which are proposed elsewhere in this issue of the *Texas Register*. Also, the language of the existing section pertaining to the operations of the board and certificate procedures is transferred to new Subchapters A-D.

Larry D. Evans, executive director, has determined that for the first five-year period the proposed repeal will be in effect there will be fiscal implications for state government as a result of enforcing or administering the repeal. The effect will be an estimated additional cost of \$15,000 in 1986, \$10,000 in 1987, \$20,000 in 1988 and 1989, and \$30,000 in 1990. There is no effect on local government of small businesses.

Mr. Evans also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be that it will permit the adoption of new Chapter 183, Subchapters A-F. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to William F. Eckstein, P.O. Box 12904, Austin, Texas 78711.

The repeal is proposed under the Human Resources Code, §81.007, which provides the Texas Commission for the Deaf with the authority to establish a program for the certification of interpreters who have reached varying levels of proficiency in manual/oral communication skills.

#### §181.20. *Operations of the Board for Evaluation of Interpreters.*

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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TRD-8609978

Larry D. Evans  
Executive Director  
Texas Commission for  
the Deaf

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(512) 469-9891.

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## Chapter 183. Board for Evaluation of Interpreters and Interpreter Certification

The Texas Commission for the Deaf (TCD) proposes new §§183.1, 183.3, 183.5, 183.11, 183.13, 183.15, 183.17, 183.19, 183.21, 183.23, 183.25, 183.27, 183.29, 183.31, 183.33, 183.55, 183.57, 183.59, 183.65, 183.67, 183.75, 183.77, 183.85, 183.87, 183.89, 183.91, and 183.93, concerning operations of the TCD Board for Evaluation of Interpreters and procedures of interpreter certificates. The new Subchapters A, B, C, and D of Chapter 183 re-

place existing §181.20, which is proposed for repeal elsewhere in this issue of the *Texas Register*. The proposed sections are substantially similar to the existing sections in many respects, with the following exceptions. New §183.27 specifies special cases, proration, and refunds of fees for interpreter application and certification. New §183.29 specifies that out-of-state interpreter certificates or licenses may be reciprocated for TCD interpreter certificates. New §183.31 deals with a policy on handicapped applicants for evaluation. New §183.33 provides for changes of name or address of TCD-certified interpreters.

Chapter 183 would have two proposed subchapters as follows. The new Subchapter E provides for recertification procedures in which TCD-certified interpreters are required to validate and maintain their certificates after the conclusion of the five-year period. To make the commission's rules conform with current statute the Texas Human Resources Code, §81.007

(l), and amendments to the Human Resources Code, §81.0072, the new Subchapter F provides for grounds for denial, suspension, or revocation of an interpreter certificate or interpreter certification application.

Larry D. Evans, executive director, has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect will be an estimated additional cost of \$15,000 in 1986, \$10,000 in 1987, \$20,000 in 1988 and 1989, and \$30,000 in 1990. There will be no effect for local government or small businesses.

Mr. Evans also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be clarification of TCD Board for Evaluation of Interpreters operations and interpreter certification and greater assurances of continued quality of interpreters services provided by the commission through the certification program. The possible economic cost to individuals who are required to comply with the sections as proposed will be \$20 each year in 1986-1990 for a certification evaluation and a validation/maintenance fee.

Comments may be submitted to William P. Eckstein, Coordinator of Administrative Procedures/Services, Texas Commission for the Deaf, P.O. Box 12904, 510 South Congress Avenue, Suite 300, Austin, Texas 78711. The comments will be delivered to the TCD Board for Evaluation of Interpreters for its action at initial stage, and recommendations will be made to the commissioners at the next open meeting. 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 commission not more than 15 days after notice of a proposed change in rules has been published in the *Texas Register*.

#### Subchapter A. Board Operations

##### ★ 40 TAC §§183.1, 183.3, 183.5

The new sections are proposed under the Human Resources Code, §81.006(b)(3) and §81.007, which provides the Texas Commission for the Deaf with the authority to make rules concerning the establishment and operations of the Board for Evaluation of Interpreters and procedures of interpreter certificates.

**§183.1. Board Function.** The Board for Evaluation of Interpreters of the Texas Commission for the Deaf is responsible for developing a program for certification of interpreters for the deaf in the State of Texas. The board shall also:

(1) recommend to the commission any rules which are reasonably necessary for the performance of its duties and which are consistent with the laws of this state;

(2) establish levels of certification, determine skill levels of interpreters, train and evaluate evaluators, administer and supervise the evaluations conducted by teams of evaluators, and certify interpreters for the State of Texas;

(3) determine and establish method of application; method of evaluation; necessary evaluation materials; appropriate criteria for the evaluation teams; the term of the certification; procedures for grievance; procedures for revocation, suspension, or cancellation of certification; procedures for certification renewal; and any other pertinent activities relevant to the certification of interpreters;

(4) have the authority and responsibility to make recommendations to the commission for approval regarding the charging of fees for the evaluation and renewal of certification of interpreters for the deaf;

(5) recommend, for commission approval, committees, advisory groups, or task forces to assist in the consideration of pertinent matters. These groups shall make recommendations to the board for their consideration and vote

**§183.3. Board Organizations.** The board is organized as a unit under the Texas Commission for the Deaf, and operates according to policies approved by the commission. The board's decision-making process is independent of the administrative staff of the commission.

(1) Term of members. At the expiration the term of each member, the Texas Commission for the Deaf shall appoint a successor for a term of three years. A member of the board who is appointed for a full three-year term is ineligible for reappointment for a period of three years following the expiration of that term. The commission shall fill any declared vacancies for the length

of the unexpired term. Announcement of vacancies on the board will be published in the *Texas Register*, nominations or applications may be filed with the Texas Commission for the Deaf in response to the announcements.

#### (2) Qualifications of members.

Each member of the board shall be certified at either Level III, Level IV, or Level V of the certification program of the Texas Commission for the Deaf; be a resident of the State of Texas; and be an interpreter who has engaged in the profession of interpreting for deaf people of at least three years out of the immediate past five years. The commission shall appoint at least two members who are deaf and at least one member who is actively engaged in the profession of provision of interpreting services to deaf people at the time of appointment.

(3) Vacancies. A vacancy on the board will be created through expiration of term, resignation of board member, incapacity of board member to the extent that the member is unable to fulfill the obligations of the position, or absence of a member of the board for three consecutively scheduled and announced meetings.

(4) Compensation. Each member of the board shall receive reimbursement for actual and necessary expenses in performing the duties of his or her office, subject to current funding patterns of the commission.

(5) Meetings. The board shall hold regular meetings as is deemed necessary to fulfill the mandates and functions expected of it by the commission. The board shall annually select from its members a chairperson and vice-chairperson. *Robert's Rules of Order* (newly revised) shall govern the proceedings of the board unless those rules are in conflict with state law or commission rules. Notice of board meetings shall be posted in a form and format consistent with the Texas Open Meetings Act. Attendance of three of the five board members shall constitute a quorum.

(6) Reports. At each commission meeting, the chairperson of the board shall submit a written report of the activities of the board and of the evaluation teams.

(7) Location and maintenance of records. The board shall preserve a record of its proceedings and minutes to be maintained in the offices of the Texas Commission for the Deaf. The board shall also maintain, in the offices of the Texas Commission for the Deaf, a record of evaluations. The record shall show the name if the evaluatee, address, phone number, date and place evaluated, evaluation team, and any other information deemed pertinent and necessary by the board. The record shall indicate whether the applicant was rejected or the level of certification awarded. This record, along with other pertinent data, will be used by the Texas Commission for the Deaf to compile a directory of certified interpreters for the deaf which will be made available to courts, hospitals, agencies, organizations, individuals, or other groups

as deemed necessary by the Board for Evaluation of Interpreters or the Texas Commission for the Deaf.

(8) Nondiscrimination policy. The board shall make no decision in the discharge of its responsibilities with regard to any candidate's race, religion, color, handicap, sex, socio-economic level, or national origin.

**§183.5. Board Membership.** The board is composed of five persons appointed by the commission.

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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TRD-8609979 ; Larry D. Evans  
Executive Director  
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the Deaf

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## Subchapter B. Board Certification Procedures

★ **40 TAC §§183.11, 183.13, 183.15, 183.17, 183.19, 183.21, 183.23, 183.25, 183.27, 183.29, 183.31, 183.33**

The new sections are proposed under the Human Resources Code, §81.006(b)(c) and §81.007, which provides the Texas Commission for the Deaf with the authority to make rules concerning the establishment and operations of the Board for Evaluation of Interpreters and procedures of interpreter certificates.

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

**Agency**—A governmental agency or other public or private entity of any character having licensing authority.

**Board**—The Board for Evaluation of Interpreters.

**Certificate**—A complete document issued by the commission to an interpreter who is recognized as a qualified interpreter as a specified skills level according to the provisions of the license, the law, and the rules and regulations of the Texas Commission for the Deaf and Board for Evaluation of Interpreters.

**Certification**—The commission and board process respecting the granting, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a certificate.

**Commission**—The Texas Commission for the Deaf.

**Deaf person**—A person who has a hearing impairment, regardless of whether the person also has a speech impairment that inhibits the person's comprehension of the proceedings or communication with others.

**Evaluation**—The process by which the board or its designees evaluate the skills tests taken by interpreter certification at designated levels.

**Evaluation team**—A group of interpreters who have applied to be members of a team and have been interviewed, tested, evaluated, trained, and appointed by the board for the purpose of conducting evaluations of skills to determine the qualifications of interpreters for the deaf. The evaluation team functions under the supervision of the board.

**Intermediary interpreter**—A deaf person who functions as an interpreter providing assistance to another interpreter to ensure that accurate communication is facilitated between the deaf person and the hearing person being served by the interpreters.

**Interpreter**—A natural person representing himself/herself to be an interpreter or transliterator or who performs services for the public in the capacity of an interpreter and/or transliterator between one or more deaf persons and one or more hearing persons.

**Organization**—An association, existing body, or class of persons that is chartered or organized for representing the interpreters or having certifying/licensing authority of interpreters.

**Practitioner**—An interpreter or a natural person who professionally practices an interpreting process.

**Test and examination**—The actual skills test or written test taken by interpreters for interpreter certification at designated levels.

**Validation**—The process by which an interpreter's credentials are checked prior to certification at designated levels.

**§183.13. Certification Process.** The Board for Evaluation of Interpreters has established a certification process involving five levels of certification. The requirements for certification and the process for becoming certified are as follows.

(1) For Level I, the Board for Evaluation of Interpreters shall:

(A) receive application forms; and

(B) validate certifications held by the interpreter from the Texas Society of Interpreters from the Deaf at the level of general interpreting skills certification (GISC), or equivalent certification from appropriate organizations or agencies as determined by the board; and

(C) collect a fee for certification; and

(D) may grant certification at Level I, or

(E) receive application forms; and

(F) administer a test of proficiency in interpreting skills in the areas of expressive and receptive interpreting; and

(G) administer a written test; and

(H) evaluate tests; and

(I) collect a fee; and

(J) may grant certification at Level I, depending upon test performance results.

(2) For Level II, the Board for Evaluation of Interpreters shall:

(A) receive application forms; and

(B) validate certifications held by the interpreter from the Registry of Interpreters for the Deaf at the interpretation certification (IC) level, transliteration certification (TC) level, reverse skills certificate (RSC-hearing person) level, oral certificate: spoken/visible (OC:S/V) level, and/or oral certificate: visible/spoken (OC: V/S) level; and

(C) collect a fee; and

(D) may grant certification at Level II; or

(E) receive application forms; and

(F) validate certification held by the interpreter at Level I from the Texas Commission for the Deaf, certification held by the interpreter from Texas Society of Interpreters for the Deaf (TSID) at the GISC level, or equivalent certification from appropriate organizations or agencies as determined by the board; and

(G) administer a test of proficiency in interpreting skills in the areas of expressive and receptive interpreting; and

(H) administer a written test; and

(I) evaluate tests; and

(J) collect a fee; and

(K) may grant certification at Level II, depending upon test performance results.

(3) For Level III, the Board for Evaluation of Interpreters shall:

(A) receive application forms; and

(B) validate certifications held by the Interpreter from the Registry of Interpreters for the Deaf at the comprehensive skills certificate (CSC) level, reverse skills certificate (RSC-deaf person) level, oral certificate: comprehensive (OIC:S) level, or equivalent certification from appropriate organizations or agencies as determined by the board; and

(C) collect a fee; and

(D) may grant certification at Level III; or

(E) receive application forms; and

(F) validate certification held by the interpreter from the Texas Society of Interpreters for the Deaf at the GISC level, certification held by the interpreter from the Texas Society of Interpreters for the Deaf at the GISC level, certification held by the interpreter from the Registry of Interpreters for the Deaf at the IC, TC, IC/TC, RSC,

OC:V/S, OIC:C, or any combination of these levels, or equivalent certificate from appropriate organizations or agencies as determined by the board; and

(G) administer a test of proficiency in interpreting skills in the areas of expressive and receptive interpreting; and

(H) administer a written test; and

(I) evaluate tests; and

(J) collect a fee; and

(K) may grant certification at Level II, depending upon test performance results.

(4) For Level IV, the Board for Evaluation of Interpreters shall:

(A) receive application forms; and

(B) validate certification held by the interpreter from the Registry of Interpreters for the Deaf at the comprehensive skills certificate (CSC) level, reverse skills certificate (RSC-deaf person) level, or certification held by the interpreter at Level III from the Texas Commission for the Deaf, or equivalent certification from appropriate organizations or agencies as determined by the board; and

(C) administer a test of proficiency in visible-to-voice interpreting; and

(D) administer a written test; and

(E) evaluate tests; and

(F) collect a fee; and

(G) may grant certification at Level IV or Level III, depending upon test performance results; or

(H) receive application forms; and

(I) validate certification held by the interpreter from the Registry of Interpreters for the Deaf at the specialist certificate; legal (SC:L) level or masters comprehensive skills certificate (MCSC) level; and

(J) collect a fee; and

(K) may grant certification at Level IV.

(5) For Level V, the Board for Evaluation of Interpreters shall:

(A) receive application forms; and

(B) validate certification held by the interpreter from the Registry of Interpreters for the Deaf comprehensive skills certificate (CSC) level, reverse skills certificate (RSC-deaf person) level, masters comprehensive skills certificate (MCSC) level, specialist certificate; legal (SC:L) level; or certification held by the interpreter at Level IV from the Texas Commission for the Deaf; or equivalent certification from appropriate organizations or agencies as determined by the board; and

(C) administer a test of proficiency in interpreting skills in the areas of expressive and receptive interpreting; and

(D) administer a written test; and

(E) evaluate tests; and

(F) collect a fee; and

(G) may grant certification at Level V, Level IV, or Level III, depending upon test performance results.

§183.15. *Examples for Interpreting Situations Recommended for Each Skill Level.* Examples of interpreting situations appropriate for each skills level may be obtained by contacting the Texas Commission for the Deaf at P.O. Box 12904, Austin, Texas 78711, or by telephoning (512) 469-9891.

§183.17. *Certificate Information.* The Board for Evaluation of Interpreters shall award certificates of skill level to interpreters based on validation of certification or testing and evaluation. The certificate shall state the level of certification acquired and the date of expiration. Certificates shall be granted by the Board of Evaluation of Interpreters and issued by the Texas Commission for the Deaf. Certificates shall be signed by the chairperson of the Board for Evaluation of Interpreters, the executive director of the Texas Commission for the Deaf, and the chairperson of the Texas Commission for the Deaf.

§183.19. *Certification Application Fees.* Payment of certification evaluation application fees and certification renewal application fees will be received by the Texas Commission for the Deaf.

(1) The application fees for each level of certification are as follows:

(A) Level I—\$10;

(B) Level II—\$10;

(C) Level III—\$10;

(D) Level IV—\$15;

(E) Level V—\$15.

(2) Certification application fees and certification validation/maintenance fee are to be paid at the time of filing of the certification application form certification validation/maintenance form, or recertification application form. The fees are nonrefundable.

(3) An interpreter is eligible to retake an interpreter certification test at the same level at a subsequent scheduled evaluation, but only twice in any 12-month period.

§183.21. *Validation/Maintenance Requirements.* The Texas Commission for the Deaf interpreter certification shall be valid for a five-year period, provided that the following requirements are met.

(1) Level I:

(A) maintenance of a valid TSID general interpreting skills certificate (GISC) or equivalent certification from appropriate organizations or agencies as determined by the board, if such certification was the basis for the Texas Commission for the Deaf Level I certification; and

(B) filing of TCD interpreting certificate validation/maintenance form yearly; and

(C) payment of validation/maintenance fee.

(2) Level II:

(A) maintenance of a valid Registry of Interpreters for the Deaf interpreta-

tion certificate (IC), transliteration certificate (TC), reverse skills certificate (RSC-hearing person), oral certificate spoken/visible (OC:S/V), oral certificate visible/spoken (OC:V/S), or any combination of the three; or equivalent certification from appropriate organizations or agencies as determined by the board, if such certification was the basis for the Texas Commission for the Deaf Level II certification; or apply in writing for a TCD corresponding Level II or III test within 30 days following the expiration of the validation date and testing at Level III within one year following the 30-day period; and

(B) filing of TCD interpreting certificate validation/maintenance form yearly; and

(C) payment of validation/maintenance fee.

(3) Level III:

(A) maintenance of a valid Registry of Interpreters for the Deaf comprehensive skills certificate (CSC), reverse skills certificate (RSC), oral certificate comprehensive (OIC:S), or equivalent certification from appropriate organizations or agencies as determined by the board, if such certification was the basis for the Texas Commission for the Deaf Level III certification; or apply in writing for a TCD corresponding Level III test within 30 days following the expiration of the validation date and testing within one year following the 30-day period; and

(B) filing of TCD interpreting certificate validation/maintenance form yearly; and

(C) payment of validation/maintenance fee.

(4) Level IV:

(A) filing of TCD interpreting certificate validation/maintenance form yearly; and

(B) payment of validation/maintenance fee.

(5) Level V:

(A) filing of TCD interpreting certificate validation/maintenance form yearly; and

(B) payment of validation/maintenance fee.

§183.23. *Yearly Interpreting Certification Validation/Maintenance Fees.*

(a) Level I—\$10.

(b) Level II—\$10.

(c) Level III—\$10.

(d) Level IV—\$10.

(e) Level V—\$10.

§183.25. *Validation/Maintenance of Certification.*

(a) All requirements for validation/maintenance of certification are to be satisfied on a yearly basis from the date the certificate was issued.

(b) Reminder notices of certification validation/maintenance will be sent to certified interpreters at least 30 days prior to the validation deadline.

(c) A certification card indicating level

of certification and validation expiration date will be issued with each certification; new certification cards indicating level of certification and the next validation expiration date will be issued yearly to each interpreter satisfying the validation/maintenance requirements. The certification card will be embossed with the Texas Commission for the Deaf seal.

(d) A grace period of 30 days will be allowed for an interpreter who satisfies the requirements and submits the validation/maintenance fee after the expiration date but within 30 days after the validation deadline.

(e) An interpreter who satisfies the requirements of certification validation/maintenance within 60 days after the 30-day grace period shall pay a late validation fee:

- (1) Level I—\$20;
- (2) Level II—\$20;
- (3) Level III—\$20;
- (4) Level IV—\$20;
- (5) Level V—\$20.

(f) The board shall revoke the certificate of any interpreter who has not satisfies the requirements of certification validation/maintenance within 90 days after the validation deadline.

(1) The board shall notify the interpreter of its intention to revoke the certificate and shall give the holder an opportunity to show compliance with certification validation/maintenance requirements.

(2) The board shall revoke an invalid certificate by a majority vote at a regular meeting.

(3) Upon revoking an interpreter's certification for failure to validate, the board shall notify the person by certified mail of the revocation; notification shall also be sent to service providers and consumers of interpreter services.

(4) When a certificate has been revoked, an interpreter, to be certified again, must reapply by submitting a new application, paying the required fee, and meeting requirements for certification at the appropriate level.

#### §183.27. *Special Cases, Proration, and Refunds of Fees.*

(a) Interpreter certification evaluation/application fees, recertification application fees, and certification validation/maintenance fees are not prorated.

(b) An interpreter certification applicant or certified interpreter who has had his or her certificate suspended or revoked is not entitled to a refund of fees.

#### §183.29. *Reciprocity.*

(a) Applicants who are certified or licensed interpreters outside the state may request reciprocity.

(b) To be granted reciprocity, applicants must submit documentation to the Board for Evaluation of Interpreters to establish that:

(1) requirements met in the other jurisdiction are substantially equivalent to or greater than those in Texas; and

(2) applicable fees have been paid.

#### §183.31. *Policy on Handicapped Applicants.*

(a) The board recognizes that handicapped applicants may encounter usual difficulties in applying for interpreter certification and will make effort to accommodate these applicants.

(b) The board, on a case-by-case basis, may consider written requests for special arrangements for handicapped applicants, including assistance in taking the evaluation, provided that such requests are reasonable, do not violate other rules, and are timely submitted.

#### §183.33. *Changes of Name or Address of Certified Interpreters.*

(a) A certified interpreter shall notify the board of changes in name or residential address within 90 days of such changes(s).

(b) Notification of address changes must be mailed to the chairperson of the board and include a complete mailing address, including zip code.

(c) Notification of name changes must be mailed to the chairperson of the board and shall include a notarized copy of a marriage certificate or court decree evidencing such change.

(d) A payment of \$5.00 must be received by TCD prior to a replacement certificate being issued with only the named changed (the renewal date remains unchanged).

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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Larry D. Evans  
Executive Director  
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For further information, please call

(512) 469-9891

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### Subchapter C. Standards of Ethical Behavior of the Texas Commission for the Deaf

#### ★40 TAC §§183.55, 183.57, 183.59

The new sections are proposed under the Human Resources Code, §81.006(b)(c) and §81.007, which provides the Texas Commission for the Deaf with the authority to make rules concerning the establishment and operations of the Board for Evaluation of Interpreters and procedures of interpreter certificates.

§183.55. *Code Source.* The code of ethics of the Registry of Interpreters for the Deaf shall be used as the basis for the Texas Commission for the Deaf standards of ethical behavior.

§183.57. *Code Application.* The standards of ethical behavior apply to interpreters certified by the Texas Commission for the Deaf.

§183.59. *Codes.* The basic standard is as follows.

(1) Interpreters/transliterators shall keep all assignment-related information strictly confidential.

(2) Interpreters/transliterators shall render the message faithfully, always conveying the content and spirit of the speaker, using language most readily understood by the person(s) whom they serve.

(3) Interpreters/transliterators shall accept assignments using discretion with regard to skills, setting, and the consumer involved.

(4) Interpreters/transliterators shall not counsel, advise, or interject personal opinions.

(5) Interpreters/transliterators shall request compensation for services in a professional and judicious manner.

(6) Interpreters/transliterators shall function in a manner appropriate to the situation.

(7) Interpreters/transliterators shall strive to further knowledge and skills through participation in workshops, professional meetings, interaction with professional colleagues, and reading of current literature in the field.

(8) Interpreters/transliterators shall strive to maintain high professional standards in compliance with the standards of ethical behavior.

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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(512) 469-9891.

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### Subchapter D. Appeals Procedure for Interpreters

#### ★40 TAC §183.65, §183.67

The new sections are proposed under the Human Resources Code, §81.006(b)(c) and §81.007, which provides the Texas Commission for the Deaf with the authority to make rules concerning the establishment and operations of the Board for Evaluation of Interpreters and procedures of interpreter certificates.

§183.65. *Procedure for Filing A Complaint with the Board.* The appeals procedure for interpreters shall serve as a means of recourse



for interpreters to express dissatisfaction, objection, complaint, or grievance resulting from Board for Evaluation of Interpreters testing results.

(1) The complainant may file a written complaint with the Board for Evaluation of Interpreters within 30 days from receipt of test results, stating why the decision of the board is not reasonable. The written, signed complaint shall be filed with the chairperson of the board.

(2) Upon receipt of the written complaint, the board must, within 30 days, review all tapes and test materials relevant to issues filed by the complainant.

(3) After reviewing all pertinent facts and materials, the board shall render a decision regarding the complaint. Such decision shall be provided in written form to the complainant within 60 days following receipt of the original complaint.

**§183.67. Procedure for Filing an Appeal with the Commission.**

(a) If the complainant is dissatisfied with the decision rendered by the board, an appeal can be filed by the dissatisfied person with the chairperson of the Texas Commission for the Deaf within 30 days of receipt of the board decision. Such appeal should be fully explained in writing, clearly postmarked, and mailed to Chairperson, Texas Commission for the Deaf, P.O. Box 12904, Austin, Texas 78711.

(b) The commission shall consider the appeal, review the previous decision, and determine whether all facts involved in the case have received appropriate attention and have been dealt with fairly.

(c) The commission shall hold a hearing to review all pertinent facts and receive additional comments or evidence from the board and/or the complainant. The commission shall notify in writing the chairperson of the board and the complainant 30 days in advance of such scheduled hearing that a hearing will be held. The hearing will be scheduled no later than the next regularly scheduled commission meeting.

(d) The complainant may, if he so chooses and at the expense of the complainant, have legal representation at the hearing.

(e) Within 30 days of the hearing by the commission, the chairperson of the commission shall prepare a decision which will be made available to the chairperson of the board and the complainant.

(f) The decision of the Texas Commission for the Deaf is final.

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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(512) 469-6691.

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**Subchapter E. Recertification Procedures**

**★ 40 TAC §183.75, §183.77**

The new sections are proposed under the Human Resources Code, §81.006(b)(c) and §81.007, which provides the Texas Commission for the Deaf with the authority to make rules concerning the establishment and operations of the Board for Evaluation of Interpreters and procedures of interpreter certificates.

**§183.75. Recertification Process.** The Texas Commission for the Deaf interpreter certification shall be valid for a five-year period provided maintenance requirements are met. At least 90 days prior to the conclusion of the five-year period, the interpreter shall be notified by mail of termination date of certificate. Within 30 days after the termination date of certificate, the interpreter must meet the requirements for recertification. The TCD interpreter recertification shall be valid for a 10-year period, provided maintenance requirements are met. The Board for Evaluation of Interpreters has established the following requirements and process for recertification.

(1) For Level I, the interpreter shall:  
(A) submit application forms and payment of Level I fee; and

(B) be evaluated within the next two scheduled evaluation dates; and

(C) may receive certification at Level I, depending upon test performance; or

(D) submit application forms and payment of Level III fee; and

(E) be evaluated within the next two scheduled dates; and

(F) may receive certification at Level I, Level II, or Level III, depending upon test performance results.

(2) For Level II, the interpreter shall:

(A) submit application and payment for evaluation at Level III; and

(B) be evaluated within the next two scheduled evaluation dates; and

(C) may receive certification at Level I, Level II, or Level III, depending upon test performance results.

(3) For Level III, the interpreter shall:

(A) submit application forms and payment of Level III fee; and

(B) be evaluated within the two scheduled evaluation dates; and

(C) may receive certification at Level I, Level II, or Level III, depending upon test performance results; or

(D) submit application forms and payment of Level IV or Level V fee; and

(E) be evaluated within the next two scheduled evaluation dates; and

(F) may receive certification at Level III, Level IV, or Level V, depending upon test performance results; or

(G) submit recertification application forms and payment of Level III fee; and

(H) submit form letters from three hearing and three deaf consumers for whom interpreting services have been provided on different dates; and

(I) submit copy of transcript showing a minimum of nine credit hours in interpreting training program courses or proof instruction of nine hours in interpreter training program courses or a combination of the two for review and approval; and

(J) may receive certification at Level III, depending upon approval by the board; or

(K) submit recertification application forms and payment of Level III fee; and

(L) submit form letter stating attendance in a total of 10 hours of workshop training or workshops conducted or any combination of the two within the last five-year certification period for review and approval. The form letter shall include date, location, type of workshop, presenter, and workshop sponsor; and

(M) may receive certification at Level III, depending upon approval by the board.

(4) For Level IV, the interpreter shall:

(A) submit application forms and payment of Level IV fee; and

(B) be evaluated within the next scheduled evaluation dates; and

(C) may receive certification at Level III or Level IV, depending upon test performance results; or

(D) submit application forms and payment of Level V fee; and

(E) be evaluated within the next two scheduled evaluation dates; and

(F) may receive certification at Level III, Level IV, or Level V, depending upon test performance results; or

(G) submit recertification application forms and payment of Level IV fee; and

(H) submit form letters from three hearing and three deaf consumers for whom interpreting services have been provided on different dates; and

(I) submit copy of transcript showing a minimum of six credit hours in interpreter training program courses or proof of instruction of six hours in interpreter training program courses or any combination of the two for review and approval; and

(J) may receive certification at Level IV, depending upon approval by the board; or

(K) submit recertification application forms and payment of Level IV fee; and

(L) submit form letter stating attendance in a total of 10 hours of workshop training or workshops conducted or any combination of the two within the last five-year certification period for review and approval. The form letter shall include date, location, type of workshop, presenter, and sponsor; and

(M) may receive certification at Level IV, depending upon approval by the board.

(5) For Level V, the interpreter shall:

(A) submit application forms and payment of Level V fee; and

(B) be evaluated within the next two scheduled evaluation dates; and

(C) may receive certification at Level III, Level IV, or Level V, depending upon test performance results; or

(D) submit recertification application forms and payment of Level V fee; and

(E) submit form letters from three hearing and three deaf consumers for whom interpreting services have been provided on different dates; and

(F) submit copy of transcript showing a minimum of six credit hours in interpreter training program courses or proof of instruction of six hours in interpreter training program courses or any combination of the two for review and approval; and

(G) may receive certification at Level V, depending upon approval by the board; or

(H) submit recertification application forms and payment of Level V fee; and

(I) submit form letter stating attendance in a total of 10 hours of workshop training or workshops conducted or any combination of the two within the last five-year certification period for review and approval. The form letter shall include date, location, type of workshop, presenter, and workshop sponsor; and

(J) receive certification at Level V, depending upon approval by the board.

**§183.77. Extension for Certificate Pending Recertification.** After an interpreter completes the validation/maintenance requirements for a five-year period for one of the five levels of Texas Commission for the Deaf Interpreter certificates and submits application forms and payment of fee.

(1) an extension for the certificate which terminated will be granted through the next two scheduled evaluations.

(2) the extension shall be terminated if the interpreter has not been evaluated by the end of the second scheduled evaluation after the certificate termination date.

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

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### Subchapter F. Denial, Suspension, or Revocation of a Certificate

★40 TAC §§183.85, 183.87, 183.89,  
183.91, 183.93

The new sections are proposed under the Human Resources Code, §81.006(b)(c) and §81.007, which provides the Texas Commission for the Deaf with the authority to make rules concerning the establishment and operations of the Board for Evaluation of Interpreters and procedures for interpreter certificates.

**§183.85. Grounds for Denial, Suspension, or Revocation of an Interpreter Certificate or Interpreter Certification Application.** The board may deny, suspend, or revoke a certificate or otherwise discipline a certified interpreter or applicant for any of the following causes on the part of the interpreter or applicant:

(1) conviction of a felony or any offense involving moral turpitude in any court if the acts for which the interpreter or applicant was convicted are found by the board to have a direct bearing on whether the interpreter or applicant should be entrusted to serve the public in the capacity of an interpreter occupation. The board finds that the crimes having such a direct bearing include criminal conduct of homicide, rape, sexual abuse, indecency with a child, injury to a child, aggravated assault, robbery, burglary, theft, forgery, bribery, perjury, and those relating to controlled substances. In determining if the criminal conviction has a direct bearing on whether the interpreter or applicant should be entrusted to serve the public, the board considers the particular facts and circumstances of each case to include evidence of those matters required by Texas Civil Statutes, Article 6252-13a, §4(c);

(2) use of drugs or intoxicating liquors to an extent that affect his or her professional competence to include the use of a drug or intoxicating liquor, whether or not controlled, to an extent or in a manner that is dangerous to the interpreter or applicant, any other person, or the public, or to any extent that such use impairs the interpreter's or applicant's ability to perform the work of interpreting in a safe and responsible manner to the public;

(3) impersonating another person holding an interpreter certification;

(4) allowing another person to use his or her certificate;

(5) using fraud, deception, or misrepresentation in the application for certification in an effort or attempt to complete evaluation requirements for certification, validation/maintenance requirements, or reciprocity requirements;

(6) willfully violating or aiding in the violation of any of these standards of ethical behavior under §183.09 of this title (relating to Codes);

(7) being grossly incompetent or grossly negligent in his or her duties as an interpreter; or having demonstrated repeated and/or continuous negligence or irresponsibility in the performance of his or her duties;

(8) being adjudicated mentally incompetent by a court of competent jurisdiction;

(9) intentionally harassing, abusing, or intimidating a board member, evaluatee, or any supportive staff either physically or verbally;

(10) intentionally divulging any aspect of confidential information relating to the certification evaluation, including content, format, topic, vocabulary, identity of individuals involved in the tests, skills, written tests, and any other testing materials; or

(11) failure of certification validation/maintenance under §181.31 of this title (relating to Policy on Handicapped Applicants).

#### **§183.87. Notice of Hearings.**

(a) If the board proposes to deny, suspend, or revoke a certificate of an applicant or certificate holder, or take other disciplinary action, the board shall notify the applicant or certificate holder in writing by certified mail:

(1) of the reason for the proposed suspension, revocation, denial, probation, or disqualification;

(2) that he or she may request a hearing conducted in accordance with the Administrative Procedure and Texas Register Act, or, on submission of documentary evidence, appeal and request that the board reconsider its decision without a hearing; and

(3) that the appeal for dissatisfaction of the board's decision must be received by the commission chairperson not later than 30 days from the date of the notice of board's decision rendered. If the appeal is not so received, the applicant or certificate holder will be considered as waiving a hearing and not contesting the proposed action.

(b) If the applicant or certificate holder does not request a hearing, the board will determine the matter and take appropriate action.

**§183.89. Department of Public Safety Information.** The commission will obtain from the Texas Department of Public Safety or from a local law enforcement agency the record of felony or misdemeanor conviction(s) for a certified interpreter or any

person applying for or holding a license from this commission as authorized by Texas Civil Statutes, Article 6252-13c, concerning occupations, professions, and licenses—persons with criminal backgrounds.

**§183.91. Certification of Felons.** The board may suspend or revoke a certificate, refuse to issue a certificate, or deny to an applicant the opportunity to take the evaluation if an interpreter or an applicant has been convicted of a felony or misdemeanor which directly relates to the duties and responsibilities of interpreting.

(1) In determining whether a criminal conviction directly relates to an interpreting occupation, the board shall consider:

(A) the nature and seriousness of the crime;

(B) the relationship of the crime to the practice of interpreting;

(C) the extent to which an interpreter certificate might offer an opportunity to engage in further criminal activity of the same types as that for which the interpreter was convicted; and

(D) the relationship of the crime to the ability, capability, or fitness required to perform the duties and responsibilities of interpreting.

(2) In addition to the factors that may be considered under the board or commission authority in determining the present fitness of an interpreter who has been convicted of a crime, the following evidence shall be considered:

(A) the extent and nature of the interpreter's or applicant's past criminal activity;

(B) the age of the interpreter or applicants at the time of the commission of the crime;

(C) the amount of time that has elapsed since the interpreter's applicant's last criminal activity;

(D) the conduct and work activity of the interpreter or applicant prior to and following the criminal activity;

(E) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release; and

(F) other evidence of the interpreter's or applicant's present fitness, including letters of recommendation from: prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the interpreter or applicant; the sheriff and chief of police in the community where the inter-

preter or applicant resides; and any other persons in contact with the convicted interpreter or applicant.

**§183.93. Special Fees for Expert Witness.** Usual and customary fees for required expert witness subpoenaed in disciplinary hearings is authorized over and above the amount specified in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §14, when fees are quoted in writing and approved by the commission prior to the hearing.

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

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

TRD-8609984

Larry D Evans  
Executive Director  
Texas Commission for  
the Deaf

Earliest possible date of adoption.  
December 5, 1986  
For further information, please call  
(512) 469-9891.

★ ★ ★

# 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 34. PUBLIC FINANCE

### Part IV. Employees Retirement System of Texas

#### Chapter 81. Insurance

★ 34 TAC §81.7

The Employees Retirement System of Texas (ERS) adopts under federal mandate an amendment to §81.7, concerning enrollment and participation.

Subsection (d), entitled "Surviving Dependents," was erroneously omitted upon the original filing of adopted federally mandated amendments to this section pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), Public Law 99-272, §10002, which requires state group health plans, such as the Texas Employees Uniform Group Insurance Program administered by the ERS to provide continuation coverage for certain eligible individuals. The adopted text was published in the September 5, 1986, issue of the *Texas Register* (11 TexReg 3884).

The inclusion of subsection (d) to this section will now provide for surviving spouses and dependents of deceased employees, who meet certain age and service requirements, and surviving spouses and dependents of retirees to continue coverage as provided in §81.5(e) and to pay premiums as provided in §81.3(d)(2)(A)-(B).

The amendment is adopted under the Insurance Code, Article 3.50-2, §4 and §4A, which provides the Employees Retirement System of Texas with the authority to promulgate all rules, regulations, plans, procedures, and orders reasonably necessary to implement and carry out the purposes and provisions of the Texas Employees Uniform Group Insurance Benefits Act in all its particulars; and under federal mandate found in the Consolidated Omnibus Budget Reconciliation Act of 1986, Public Law 99-272, §10002, which mandates the Texas Employees Uniform Group Insurance Program, administered by the Employees Retirement System of Texas to provide continuation coverage for certain eligible individuals.

#### §81.7. Enrollment and Participation.

(a) Full-time employees and their dependents.

(1) (No change.)  
(2) Applications for coverages to be effective on the day the employee begins active duty must be submitted to the agency insurance coordinator on or before that day. Coverages for which the application is submitted after the first day of active duty and within 30 days after that day will be effective on the first day of the month following the date of application; however, applications completed by the employee and postmarked or received by the employing agency on the first day of the month will become effective on the first day of the month. Applications submitted after the first 31 days will be governed by subsection (f) of this section.

(3) Coverages for dependents of an employee will be effective on the same day the employee's coverage becomes effective if an application is submitted on or before the effective date of the employee's coverage. If the application is submitted within 30 days after the employee's effective date, the dependent's coverage will be effective on the first day of the month following the date of application; however, applications completed by the employee and postmarked or received by the employing agency on the first day of the month will become effective on the first day of the month. New dependents' coverage will be effective on the date the person becomes a dependent if an application is submitted on or within 30 days after the date the dependent first becomes eligible. If the application is submitted more than 30 days after the employee's effective date or the date the dependent is first eligible, as the case may be, the application will be governed by the rules in subsection (f) of this section.

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

(b) (No change.)

(c) Retirees and their dependents.

(1) (No change.)

(2) If a retiree was not covered as an active employee immediately prior to becoming an annuitant, the retiree will be automatically enrolled in the basic retiree plan. Coverage for an eligible dependent of a retiree will be effective on the same day the retiree's coverage becomes effective if an application is received on or before the retiree's effective date of coverage. Applications received after the first 31 days will be governed by subsection (f) of this section. Retiree coverage for a terminated employee who becomes eligible for disability retirement will

be made effective as provided in subsection (i)(3) of this section.

(3) An application to delete optional life coverages or to change health coverage will be effective on the day the retiree becomes an annuitant if the application is postmarked or received by the Employees Retirement System on or before the effective date of retirement, but subject to the provisions of subsection (i)(3) of this section. If the application is received after the date the retiree becomes an annuitant, but within 30 days after the date the retiree becomes an annuitant, the deletion or change of coverage will become effective the first day of the month following the date the application for deletion or change is received. All other enrollment rules stated in subsections (a), (e)-(g), and (i) of this section apply to retirees.

(d) Surviving dependents. A surviving spouse and dependents of a deceased employee who met the age and service requirements to qualify for a retirement benefit or survivor's annuity at the time of death and a surviving spouse and dependents of a retiree may continue coverage as provided in §81.5(e) of this title (relating to Eligibility). A surviving spouse, who is receiving an annuity, shall make premium payments by deductions from the annuity as provided in §81.3(d)(2)(A) of this title (relating to Administration). A surviving spouse, who is not receiving an annuity, may make quarterly payments as provided in §81.3(d)(2)(B) of this title (relating to Administration). The surviving spouse must apply to continue coverage for himself or herself and dependents within 30 days after notification in writing of eligibility to make application.

(e) Special rules for additional or alternative coverages.

(1) An employee/retiree must be insured in a health insurance plan provided by the program or enrolled in an approved HMO before the employee/retiree is eligible to apply for any of the optional coverages provided by the program. Only an employee or retiree or a former officer or employee specifically authorized to join the program may apply for optional coverages.

(2) An employee/retiree may participate in an approved HMO if he or she resides in the approved service area of the HMO and is otherwise eligible under the terms of the letter of agreement with the HMO.

(3) A participant electing optional additional coverage and/or HMO coverage in lieu of the basic plan of insurance is obligated for the full payment of premiums. If the premiums are not paid, all coverages will be canceled.

(f) Changes in coverages beyond the first 31 days of eligibility.

(1) An employee or retiree who wishes to add or increase coverage, add eligible dependents to the insured plan, or change coverage from an HMO to the insured plan more than 30 days after the initial date of eligibility may submit an application at any time to the Employees Retirement System. The application shall consist of the general purpose form provided by the Employees Retirement System and the insurance carrier's application. Upon review of the application, the carrier may require additional information or medical examination provided at the employee's or retiree's expense. Approval of the application is contingent upon the employee or retiree providing evidence of insurability acceptable to the Employees Retirement System and the carrier. When the application has been approved by the carrier, a notice shall be sent to the Employees Retirement System. Coverage will become effective on the first day of the month following the date approval is received by the Employees Retirement System, unless the applicant is an employee then in a leave without pay status, in which case, it will become effective on the date the employee returns to active duty. An employee or retiree may withdraw the application at any time prior to the effective date of coverage by submitting a notice of withdrawal in writing to the Employees Retirement System.

(2) The evidence of insurability provision applies only to those employees, retirees, or eligible dependents who:

(A) did not elect all available coverages on or within 30 days after the initial date of eligibility;

(B) declined or failed to enroll in the health insurance plan on or within 30 days after the initial date of eligibility; or

(C) enrolled in any coverage under the insured plan and later dropped or were canceled from such coverage.

(3) An employee or retiree who wishes to add eligible dependents to his or her HMO coverage may do so only during the annual enrollment period, except as provided in paragraph (8) of this subsection.

(4) An employee or retiree who moves his or her place of residence into an HMO service area is eligible to apply for coverage on or within the first 30 days after the date of residence in the HMO service area. Coverage will become effective on the first of the month following the date of application; however, applications completed by the employee or the retiree and postmarked or received by the employing agency (Employees Retirement System for the retirees) on the first day of the month will

become effective on the first day of the month.

(5) An employee or retiree (and his or her covered dependents), who is enrolled in an approved HMO and who permanently moves his or her place of residence out of an approved HMO service area, will be allowed to enroll in the health insurance plan and other optional coverages held immediately prior to the date of change in residence. Coverage in the HMO will be canceled on the last day of the month in which the employee or retiree moved from the service area, and the coverages in the insured health benefits plan will become effective on the day following the day HMO coverage is canceled. The evidence of insurability rule shall not apply in these cases.

(6) Persons wishing to change from one HMO to another HMO in the same service area or change from the insured plan to an HMO will be allowed an annual opportunity to do so. Such opportunity will be scheduled prior to September 1 of each year at times announced by the Employees Retirement System. The preexisting conditions clause and evidence of insurability provision will not apply in these cases. Coverages in the new HMO will be effective September 1. Persons in a declined or canceled status may apply for coverages in an HMO for which they are eligible during the annual limited enrollment period. Coverage in the HMO will be effective September 1. An employee in a leave without pay status or extended sick leave without pay status on the first of September may continue the types and amounts of coverage for which the employee was eligible and enrolled on the preceding day. When such employee returns to active duty, the employee may apply for coverages for which the employee would have been eligible during the annual limited enrollment period. An application must be completed by the employee and postmarked or received by the employing agency on or before the first day of the month following the employee's return to active duty for a 30-day period. Coverages applied for under this provision become effective on the first day of the month following the date of application if the employee is on active duty on that date.

(7) An employee or retiree who wishes to decrease or cancel coverage may do so at any time. An application completed by the employee or the retiree and postmarked or received by the employing agency (Employees Retirement System for the retiree) on the first day of the month will become effective on the first day of the month. An application submitted after the first day of the month will be effective on the first day of the month following the date of application.

(8) An eligible dependent spouse or child who is insured as an employee for health coverage under the Uniform Group Insurance Program becomes eligible for coverage as a dependent on the day following termination of State employment. Eligible

dependent children who are insured as dependents for health coverage under the Uniform Group Insurance Program by an employee who terminates state employment also become eligible for coverage on the day following termination of employment. In order to be eligible for coverage, dependents must meet the definition of dependent contained in §81.1 of this title (relating to Definitions) and be enrolled for coverage by the state employee of whom they are the eligible dependent and who is enrolled for health coverage under the program. The effective date of coverage will be the first day of the month following termination of employment if an application is submitted on or within 30 days following the date the dependent(s) become eligible under this rule.

(g) Pre-existing condition limitation. For initial health insurance coverage on or after September 1, 1985, or health insurance coverage changes effective on or after September 1, 1985, the pre-existing condition exclusion shall apply to employees, retirees, and eligible dependents (including newly acquired dependents, but excluding newborns) who are enrolled in the insured health benefits plan. The exclusion limits benefit payments to \$500 for a full 12 months from the effective date of coverage for a pre-existing condition, as defined in §81.1(q) of this title (relating to Definitions). The pre-existing condition exclusion will not apply to:

(1) an eligible newborn;

(2) a medical condition resulting from congenital or birth defects;

(3) an individual allowed to return to the insured health plan because he or she moves permanently out of an HMO service area except that, if the return to the insured plan occurs within 12 months of the initial date of eligibility under the current term of employment, the exclusion will apply for the remainder of the 12-month period for any condition for which the participant was seen or treated by a physician during the 90-day period immediately prior to the initial date of eligibility under the current term of employment; or

(4) an individual who enrolls in an HMO.

(h) Reinstatement in the program. Unless specifically prohibited by these sections or contractual provisions, an employee who terminates employment and returns to active duty within the same contract year, may reinstate coverage for himself and his dependents no greater than those that were in effect when the employee terminated by submitting an application for the coverages. The application must be submitted on the first day the employee returns to active duty, and the coverage will be effective on the day the employee returns to active duty. The pre-existing condition clause will apply. A returning employee who has selected coverages less than those in effect when terminating employment may reinstate any waived coverages by submitting the appropriate application during the 30 days following the date

the employee returns to active service. The change in coverage will become effective on the first day of the month following the date of application. An application to reinstate disability insurance coverage for a returning employee must contain evidence of insurability acceptable to the insurance carrier. Disability coverage will become effective on the first of the month following the date of the carrier's approval.

(i) Continuing coverage in special circumstances.

(1) A terminating employee is eligible to continue coverage through the last day of the month in which employment is terminated.

(2) An employee in an approved extended sick leave without pay status or in an approved leave of absence without pay status may continue the types and amounts of coverage in effect on the date the employee entered that status for a maximum period of 12 months. During this 12-month period, the employee may not change coverage except to add new dependents, including newborns, or reduce or cancel coverage. Coverage for disability insurance, however, will be canceled on the last day of the month in which an employee enters an approved leave of absence without pay status. If canceled, disability coverage may be reinstated when the employee returns to active duty if the employee submits satisfactory evidence of insurability. The premiums for the disability coverages will be waived for those months in which the employee receives a disability payment under that coverage provided the employee was disabled and was entitled to disability payments. At the end of 12 months, coverages for the employee and his dependents shall be terminated.

(3) An employee whose employment is terminated after an application for disability retirement has been filed with the Employees Retirement System, but is pending disposition, may continue only the health, term life, and dependent term life insurance coverages that were in effect as an employee while the application is pending, except as provided in §81.5(d) of this title (relating to Eligibility) with regard to extended life insurance benefits. An applicant who is eligible to continue these coverages will be required to pay the premiums as provided in §81.3(d)(2)(B) of this title (relating to Administration). An applicant for disability retirement whose coverages lapsed prior to filing an application for disability retirement with the Employees Retirement System will not be eligible for any coverages until the disability retirement application is approved. Such an applicant who is approved for disability retirement is eligible to apply for insurance coverages as a retiree by submitting an application within 30 days from the date of the notice of approval for disability retirement benefits. Retiree coverages will be effective the first day of the month following the date the disability retirement became effective, unless other Uniform Group Insur-

ance Program coverages are in effect at that time. If other coverages are in effect at that time, the retiree coverages will become effective on the first day of the month following the date of approval of the disability retirement by the Employees Retirement System or the first day of the month following the date the other coverages were canceled if cancellation preceded the date of approval of the disability retirement. If the application for disability retirement is denied, the coverages of the applicant and dependents will be canceled on the last day of the month following the month in which notification is mailed.

(4) A former member or employee of the legislature, who is eligible to continue to participate in the program must notify the Employees Retirement System within 30 days after leaving office or employment of his or her intent to continue the coverage in effect. Coverage will be canceled if a premium is not received within 10 days of the due date. A former member or employee of the legislature is not eligible to continue disability insurance coverage.

(5) Continuation of health coverage benefits for a surviving spouse and/or dependent child of a deceased employee or retiree. The surviving spouse and/or dependent child of a deceased employee/retiree who, in accordance with §81.5(j)(1) of this title (relating to Eligibility), elect to continue health coverage may do so by submitting the required election notification and enrollment forms to the Employees Retirement System. The enrollment form, including all premiums due for the election/enrollment period, must be postmarked or received by the Employees Retirement System on or before the date indicated on the continuation of coverage enrollment form. Continuing health coverage will begin on the first day of the month following the month in which the employee/retiree dies, provided all group insurance premiums due for the month in which the employee/retiree died and for the election/enrollment period have been paid in full.

(6) Continuation of health coverage benefits for a covered employee whose employment has been terminated, voluntarily or involuntarily. A terminated employee who, in accordance with §81.5(j)(2) of this title (relating to Eligibility), elects to continue health coverage may do so by submitting the required election notification and enrollment forms to the Employees Retirement System. The enrollment form, including all premiums due for the election/enrollment period, must be postmarked or received by the Employees Retirement System on or before the date indicated on the continuation of coverage enrollment form. Continuing health coverage will begin on the first day of the month following the month in which the covered employee terminates employment, provided all group insurance premiums due for the month in which the employee terminates and for the election/enrollment period have been paid in full.

(7) Continuation of health coverage benefits for a spouse who is divorced from an employee/retiree and the spouse's dependent child. The divorced spouse, including dependent child (not provided for by §81.5(a) of this title (relating to Eligibility)) of an employee/retiree who, in accordance with §81.5(j)(3) of this title (relating to Eligibility), elects to continue health coverage may do so by submitting the required election notification and enrollment forms to the Employees Retirement System. The enrollment form, including all premiums due for the election/enrollment period, must be postmarked or received by the Employees Retirement System on or before the date indicated on the continuation of coverage enrollment form. Continuing health coverage will begin on the first day of the month following the month in which the divorce decree is signed, provided all group insurance premiums due for the month in which the divorce decree is signed and for the election/enrollment period have been paid in full.

(8) Continuation of health coverage benefits for a dependent child under 25 years of age who marries. A dependent child under 25 years of age who marries and who, in accordance with §81.5(j)(4) of this title (relating to Eligibility), elects to continue health coverage may do so by submitting the required election notification and enrollment forms to the Employees Retirement System. The enrollment form, including all premiums due for the election/enrollment period, must be postmarked or received by the Employees Retirement System on or before the date indicated on the continuation of coverage enrollment form. Continuing health coverage will begin on the first day of the month following the month in which the marriage occurred, provided all group insurance premiums due for the month in which the dependent child's marriage occurred and for the election/enrollment period have been paid in full.

(9) Continuation of health coverage benefits for a dependent child who has attained 25 years of age. A 25-year-old dependent child (not provided for by §81.5(d) of this title (relating to Eligibility)) of an employee/retiree who, in accordance with §81.5(j)(5) of this title (relating to Eligibility), elects to continue health coverage may do so by submitting the required election notification and enrollment forms to the Employees Retirement System. The enrollment form, including all premiums due for the election/enrollment period, must be postmarked or received by the Employees Retirement System on or before the date indicated on the continuation of coverage enrollment form. Continuing health coverage will begin on the first day of the month following the month in which the dependent child of the employee/retiree attains 25 years of age, provided all group insurance premiums due for the month in which the dependent child attained age 25 and for the election/enrollment period have been paid in full.

(10) Continuation coverage as provided for in paragraphs (5)-(9) of this subsection means the continuation of only health coverage benefits which meets the following requirements:

(A) Type of benefit coverage. The coverage shall consist of only the health coverage, which, as of the time the coverage is being provided, is identical to the health coverage provided for a similarly situated person for whom a cessation of coverage event has not occurred.

(B) Period of coverage. The coverage shall extend for at least the period beginning on the first day of the month following the date of the cessation of coverage event and ending not earlier than the earliest of the following:

(i) in the case of termination of an employee's employment, the last day of the 18th calendar month of the continuation period;

(ii) in any case other than termination of an employee's employment, the last day of the 36th calendar month of the continuation period;

(iii) the date on which the employer ceases to provide any group health plan to any employee/retiree;

(iv) the date on which coverage ceases under the plan due to failure to make timely payment of any premium required as provided in §81.3(d)(2)(B)(ii) of this title (relating to Administration);

(v) the date on which the participant, after the date of election, becomes covered under any other group health plan;

(vi) the date on which the participant, after the date of election, becomes entitled to benefits under the Social Security Act, Title XVIII;

(vii) in the case of a participant who is continuing by reason of being a spouse of a covered employee/retiree, the date on which the participant remarries and becomes covered under any other group health plan.

(C) Premium requirements. The premium for a participant during the continuation of health coverage period will be 102% of the employee's/retiree's health coverage only rate and is payable as provided in §81.3(d)(2)(B)(ii) of this title (relating to Administration).

(D) No requirement of insurability. No evidence of insurability is required for a participant who elects to continue health coverage under the provisions of §81.5(j)(1)-(5) of this title (relating to Eligibility).

(E) Conversion option. An option to enroll under the conversion plan available to employees/retirees is also available to a participant who continues health coverage for the maximum period as provided in subsection (i)(10)(B)(i) of this section and subsection (i)(10)(B)(ii) of this section. The conversion notice will be provided to a participant during the 180-day period immediately preceding the end of the continuation period.

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

Issued in Austin, Texas, on October 28, 1986.

TRD-8610237

Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: October 28, 1986  
For further information, please call  
(512) 478-6431, ext. 178.

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**TITLE 40. SOCIAL  
SERVICES AND  
ASSISTANCE**

**Part I. Texas Department of  
Human Services**

**Chapter 3. Income Assistance  
Services**

**Subchapter AA. Special  
Households**

★ 40 TAC §3.2713

The Texas Department of Human Services (DHS) adopts under federal mandate new §3.2713 concerning households that are categorically eligible for the Food Stamp Program.

The justification for new §3.2713, is to comply with federal regulations entitled "Food Stamp Program: Categorical Eligibility for Certain Public Assistance and Supplemental Security Income (SSI) Recipients." The regulations mandate that DHS implement a categorical eligibility policy. This policy exempts certain food stamp households from the resource and gross and net income limits and some verification requirements.

The section will function as DHS' rule governing determination of food stamp eligibility and benefits for categorically eligible households. DHS is implementing the section retroactive to December 23, 1985, according to federal regulations.

The section is adopted under the Human Resources Code, Title 2, Chapter 31 and Chapter 33, which authorizes the department to administer public assistance programs. The section is adopted according to federal mandate effective December 23, 1985.

§3.2713. *Categorical Eligibility.* DHS determines food stamp eligibility and benefits for categorically eligible households according to the requirements stipulated in 7 Code of Federal Regulations §§272.1(g), 273.2(j) and (k), 273.8(a), 273.9(a), and 273.10(d) and (g).

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

Issued in Austin, Texas, on October 29, 1986.

TRD-8610240

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: December 23, 1986  
For further information, please call  
(512) 450-3768.

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**Subchapter KK. Support  
Documents**

★ 40 TAC §3.3702

The Texas Department of Human Services (DHS) adopts under federal mandate an amendment to §3.3702, concerning the food stamp basis of issuance tables. This section adopts by reference the federal regulations that establish the basis of issuance tables for the Food Stamp Program. Changes to these regulations, issued by the United States Department of Agriculture (USDA), appear in *Federal Register* Document Number 86-22799, with a federally mandated effective date of October 1, 1986. These regulations incorporate into the food stamp issuance tables increases in the amount of food stamps that households can receive, and increase the standard and excess shelter deductions available to certain households. By making these adjustments, USDA takes into account changes in the cost of living.

The justification for the section is to comply with federal regulations.

The section will function as DHS' rule governing the food stamp basis of issuance tables.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs. This amendment is adopted under federal requirements effective October 1, 1986.

§3.3702. *Food Stamp Basis of Issuance Tables.* The Department of Human Services adopts by reference the food stamp rules and tables contained in Federal Register Document 86-22799, Volume 51, Number 195, Page 36043, which amends 7 Code of Federal Regulations Part 272 and Part 273.

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

Issued in Austin, Texas, on October 29, 1986.

TRD-8610238

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: October 1, 1986  
For further information, please call  
(512) 450-3768.

**Chapter 15. Medicaid  
Eligibility  
Subchapter FF. SSI Basic  
Program Requirements**

**★ 40 TAC §15.3107**

The Texas Department of Human Services adopts an amendment to §15.3107, concerning residence and citizenship, in its Medicaid Eligibility chapter.

The amendment is necessary to comply with federal requirements, effective July 3, 1986, implementing a court decision that expands the concept of residence in the United States under color of law. Federal regulations require that, effective July 3, 1986, this expanded definition must be considered applicable to Supplemental Security Income (SSI)-related Medicaid eligibility determinations. The amendment deletes references to the former, more restrictive definition and specifies circumstances under which the new, federally mandated definition applies.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs. The amendment is adopted effective July 3, 1986, to comply with federal requirements.

**§15.3107. Residence and Citizenship.**

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

(d) Permanent residents under color of law include individuals who entered the United States before July 1948, and who may be eligible for permanent residence at the discretion of the attorney general. Permanent residents under color of law also include aliens who are living in the United States indefinitely with the knowledge and permission of the Immigration and Naturalization Service (INS). This includes aliens who have any of the following documents:

(1) INS Form I-94 bearing the stamped legend "Refugee—Conditional Entry;"

(2) INS Form I-94 indicating that the bearer has been paroled into the United States;

(3) INS Form I-220B;

(4) a letter from INS deferring deportation indefinitely because of humanitarian reasons;

(5) a letter from INS granting voluntary departure for an indefinite period;

(6) an order from an immigration judge showing that deportation has been withheld; or

(7) any other document showing that INS is allowing the individual to remain in the U.S. indefinitely.

(e) Continuous residence in the U.S. from June 30, 1948, serves as satisfactory proof that an individual is a resident under color of law unless available information negates this presumption.

(f) The color-of-law provision does not include:

(1) undocumented or illegal aliens whose departure INS would enforce; and

(2) legal aliens who are neither immigrants nor permanent residents of the U.S. These include, but are not limited to, tourists, students, temporary employees, officials of foreign governments or international organizations, and the families or servants of these officials.

(g) The Immigration and Nationality Act of 1952 provides that a child of unknown parentage found in the U.S. while under the age of five years is a citizen of the U.S. unless it is shown, before the child attains the age of 21, that he was not born in the U.S.

(h) Recipients who are outside the U.S. for an entire calendar month lose their eligibility for all these months. Any individual who has been outside the United States for 30 consecutive days or more must again live in the U.S. for at least 30 consecutive days to re-establish eligibility for medical assistance.

(i) In addition, to be eligible for Texas' Title XIX Medical Assistance Program, the individual must be a resident of the State of Texas; that is, he must have established a place of residence in Texas and have no present intentions of moving to another state.

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

Issued in Austin, Texas, on October 29, 1986.

TRD-8610239

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: July 3, 1986  
For further information, please call  
(512) 450-3766.

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**Subchapter CCC. Vendor  
Payments in Title XIX Long-  
Term Care Facilities**

**★ 40 TAC §15.5402**

The Texas Department of Human Services (TDHS) adopts the repeal of §15.5402, without changes to the proposed text published in the August 29, 1986, issue of the *Texas Register* (11 TexReg 3826).

The repeal of §15.5402 is justified because the section covers an assessment function that is no longer performed by Medicaid eligibility staff. The repeal will function by deleting rule material that is no longer applicable.

No comments were received regarding adoption of the repeal.

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

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

Issued in Austin, Texas, on October 28, 1986.

TRD-8610218

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: November 20, 1986  
Proposal publication date: August 29, 1986  
For further information, please call  
(512) 450-3766.

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**Subchapter GGG. Special  
Procedures**

**★ 40 TAC §15.5802**

The Texas Department of Human Services adopts the repeal of §15.5802 and new §15.5802, without changes to the proposed text published in the August 8, 1986, issue of the *Texas Register* (11 TexReg 3531).

The repeal and new section are justified because they result in clearer and more concise department rules.

The new section will function by specifying that trust-fund account records are monitored at least once a year and by clarifying that the monitoring function is not an audit function.

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

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

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

Issued in Austin, Texas, on October 28, 1986.

TRD-8610217

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: November 20, 1986  
Proposal publication date: August 8, 1986  
For further information, please call  
(512) 450-3766.

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★40 TAC §15.5802

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

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

Issued in Austin, Texas, on October 28, 1986.

TRD-8610218

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: November 20, 1986  
Proposal publication date: August 8, 1986  
For further information, please call  
(512) 450-3766.

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Chapter 48. CCAD  
Eligibility

★40 TAC §48.2911

The Texas Department of Human Services (DHS) adopts an amendment to §48.2911, concerning client eligibility for family care services, adopted without changes to the proposed text published in the August 29, 1986, issue of the *Texas Register* (11 Tex-Reg 3827).

The amendment allows family care services to be provided to eligible clients in any residence other than a hospital, skilled nursing facility, intermediate care facility, personal care home (institution), foster care setting, or any other setting where sources outside the Family Care Program are available to provide care.

The amendment ensures that family services are available to clients living in alternate residences, without special authorization.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on October 28, 1986.

TRD-8610219

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: December 1, 1986  
Proposal publication date: August 29, 1986  
For further information, please call  
(512) 450-3766.

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# Open Meetings

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

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

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

## State Bar of Texas

**Thursday, November 6, 1986, 9 a.m.** The Executive Committee of the State Bar of Texas will meet in the Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee will hear the reports of the board chairman, president, executive director, general counsel, immediate past president, president-elect, TYLA president, supreme court liaison, and immediate past chairman; and considerations as listed under each report item.

**Contact:** Paula Welch, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1451.

**Filed:** October 29, 1986, 3:23 p.m.  
TRD-8610266

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## Texas Education Agency

**Thursday, October 30, 1986, 8:30 a.m.** The Committee for Finance and Programs of the State Board of Education of the Texas Education Agency made an emergency addition to the agenda for a meeting held in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. The addition concerned the request for authorization to enter into a contract with the Texas Department of Community Affairs. The emergency status was necessary to allow the board committee to review the proposal to contract before the contract starting date of November 1, 1986.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** October 29, 1986, 4:02 p.m.  
TRD-8610269

Committees of the State Board of Education of the Texas Education Agency will meet in the William B. Travis Building, 1701 North Congress Avenue, Austin. Days, times, rooms, committees, and agendas follow.

**Thursday, November 6, 1986, 9 a.m.** In Room 1-104, the Committee of the Whole will conduct a hearing on textbooks; hear the report of the commissioner of education on alleged irregularities in the textbook adoption process; hear the report of the State Textbook Committee and report of the commissioner of education concerning recommended changes and corrections; and consider the price differential index for 1987-1988 and 1988-1989. The committee also will meet in executive session to discuss pending litigation and personnel matters pursuant to Texas Civil Statutes, Article 6252-17, §2(e) and (g).

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** October 29, 1986, 4:02 p.m.  
TRD-8610270

**Thursday, November 6, 1986, 5 p.m.** In Room 2-115, the Ad Hoc Committee on Awards and Recognition will discuss awards and recognition for achievement in education.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** October 29, 1986, 4:02 p.m.  
TRD-8610271

**Friday, November 7, 1986.** Committees of the State Board of Education of the Texas Education Agency will meet in the William B. Travis Building, 1701 North Congress Avenue, Austin. Times, rooms, committees, and agendas follow.

**8:30 a.m.** In Room 1-104, the Committee of the Whole will consider legislative proposals, the Texas Education Agency biennial budget request (program budget) for state fiscal year 1988-1989, the referral of concerns about the 1984 standards for teacher education to the Commission on Standards for the Teaching Profession.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** October 29, 1986, 4:03 p.m.  
TRD-8610273

**11 a.m.** In Room 1-104, the Committee for Finance and Programs will consider the investment of the permanent school fund, the master plan for vocational education, and the biennial report.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** October 29, 1986, 4:04 p.m.  
TRD-8610274

**11 a.m.** In Room 1-109, the Committee for Personnel will consider paperwork reduction, the requirements for issuance of teacher certificate based on certificates and college credentials from other states, requirements for alternative teacher certification, the Texas Teacher Appraisal System, the revision of fee schedule for examination for the certification of educators in Texas, the management training requirements and administrator appraisal, the timeline for development of the master teacher appraisal components; and review the 1984 standards for teacher education, and the report on West Berlin, Germany, Texas teacher exchange program.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** October 29, 1986, 4:03 p.m.  
TRD-8610275

**11 a.m.** In Room 1-111, the Committee for Students will consider special education and professional support personnel, advanced placement examinations and credit by examination, discipline management, the commissioner of education's referral of students for placement at Texas School for the Blind or Texas School for the Deaf, the amendment to schedule for Proclamation 63 of the State

Board of Education advertising for bids on textbooks, recommendation concerning participation in 1987 student testing project of the Southern Regional Education Board, plan to increase graduation rates from Texas high schools, education for self-responsibility, dyslexia, the University Interscholastic League Constitution and contest rules, and summer programs for gifted and talented students.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** October 29, 1986, 4:05 p.m.  
TRD-8610276

**4 p.m.** In Room 1-110, the Committee for Long-Range Planning will consider regional education service centers, and the adoption of the long-range plan for Texas public school education.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** October 29, 1986, 4:05 p.m.  
TRD-8610277

**Friday, November 7, 1986, 6:30 p.m.** The State Board of Education of the Texas Education Agency will meet in the Palmwood Room, Embassy Suites Hotel, 300 South Congress Avenue, Austin. According to the agenda, the board will have a dinner meeting to receive reports from the chairmen of the State Board of Education committee, including the Committee for Finance and Programs, Committee for Students, Committee for Personnel, Committee for Long-Range Planning, and Committee of the Whole, concerning items discussed in the committee meetings on Thursday and Friday, November 6 and 7, 1986.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** October 29, 1986, 4:03 p.m.  
TRD-8610272

**Saturday, November 8, 1986, 8:30 a.m.** The State Board of Education of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the board will consider textbook adoption process, the price differential index, legislative proposals, the TEA biennial budget, the permanent school fund, special education, the State Textbook Program, textbooks for visually handicapped, textbook depository status, Central Education Agency audit functions, school transportation, grants for math/science teacher excellence, certification testing, driver education, migrant education, the master plan for vocational education, advanced placement examinations, credit by examination, discipline management, paperwork reduction, teacher certification, alternative teacher

certification, Teacher Appraisal System, examination for certification of educators in Texas, management training, regional education service centers, long-range plan for Texas public school education, the University Interscholastic League; amend the schedule for adoption of textbooks under Proclamation 63; consider the referral of concerns about 1984 standards for teacher education to the commission on standards for the teaching profession.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** October 29, 1986, 4:05 p.m.  
TRD-8610278

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### Finance Commission of Texas

**Monday, November 3, 1986, 12:15 p.m.** The Consumer Credit Section of the Finance Commission of Texas met in emergency session at 250 John W. Carpenter Freeway, Irving. Items on the agenda included the study of zoning requirements concerning pawn shops, the study of SCR 4, the possible proposals of legislation, and possible adoption of rules. The emergency status was necessary to discuss the zoning requirements of pawn shops in advance of the zoning hearing set for November 4, 1986.

**Contact:** Al Enddsley, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1280.

**Filed:** October 29, 1986, 3:32 p.m.  
TRD-8610267

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### State Department of Highways and Public Transportation

**Wednesday, October 29, 1986, noon.** The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation met in emergency session in Room 101-A, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda, the commission discussed and acted on the State Department of Highways and Public Transportation's support and assistance to the City of Galveston for the Navy Homeport. The emergency status was necessary in order to meet the critical schedule imposed by the U.S. Department of the navy.

**Contact:** Lois Jean Turner, Room 203, 11th and Brazos Streets, Austin, Texas 78711, (512) 463-8616.

**Filed:** October 29, 1986, 8:15 a.m.  
TRD-8610246

**Wednesday and Thursday, October 29 and 30, 1986, 10 a.m.** The State Highway and Public Transportation Commission of the

State Department of Highways and Public Transportation met for an emergency revised agenda in Room 101-A, Dewitt C. Greer Highway Building, 11th and Brazos Streets, Austin. According to the agenda, the commission met to discuss Nueces County, SH 286, tender minute order for right of way acquisition. The emergency revision was necessary as action was needed this month.

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

**Filed:** October 28, 1986, 1:35 p.m.  
TRD-8610221

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### Texas Commission on Human Rights

**Friday, November 7, 1986, 10:30 a.m.** The Texas Commission on Human Rights will meet in the Senate Reception Room 214, State Capitol, Austin. According to the agenda, the commission will approve minutes, hear administrative reports, post 1988 IAOHRA conference, designate EEOC to conduct substantial weight review of TCHR cases, consider EEOC compliance training, discuss the policy issue of attorneys preparing TCHR complaints, hear the report of LBB hearing on the commission's biennium budget for 1988-89, consider development of EEO training academy, prepare the annual budget, hear committee reports, commissioners' issues, and consider unfinished business.

**Contact:** William M. Hale, 7215 Cameron Road, Suite B, Austin, Texas 78752, (512) 459-0944.

**Filed:** October 28, 1986, 1:44 p.m.  
TRD-8610223

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### Texas Department of Human Services

**Thursday and Friday, November 6 and 7, 1986, 10 a.m. daily.** The Advisory Committee on Child Care Facilities of the Texas Department of Human Services will meet in Room 3-W, West Tower, 701 West 51st Street, Austin. According to the agenda summary, the committee will adopt by-laws; hear the assistant commissioner's report; and review consolidated standards for 24-hour facilities.

**Contact:** Doug Sanders, P.O. Box 2960, Austin, Texas 78769, (512) 450-3253.

**Filed:** October 28, 1986, 4:09 p.m.  
TRD-8610231



## Lamar University System

**Friday, November 7, 1986, 2:30 p.m.** Committees of the Board of Regents of Lamar University System (LU) will meet in the Lamar Room, John and Mary Gray Library, Lamar University, Beaumont. Committees and agendas follow.

The Academic Affairs Committee will consider the request to merge industrial supervision and mid-management programs of Lamar-Orange.

**Contact:** George McLaughlin, P.O. Box 10014, Lamar University, Beaumont, Texas 77710, (409) 880-2304.

**Filed:** October 29, 1986, 8:56 a.m.  
TRD-8610249

The Buildings and Grounds Committee will consider LU-Beaumont items concerning bids for the repair and renovation of Plummer Administration Building, bids for the removal of asbestos in Plummer Hall and Brooks Shivers mechanical rooms, the contract for the repair and/or replacement of mechanical systems in Plummer Hall, preliminary plans and solicitation of bids for construction of covered walkways and utility connections of Plummer Administration Building and other buildings with the Central Plant at the Chemistry Building, the plans for renovation of the Liberal Arts Building, the architect to design the renovation of two labs in the Chemistry Building to support the Gulf Coast Center for Hazardous Waste Research, and the architect to design the renovation of the front section of Engineer II Building as an Administrative Services Building. LU-Port Arthur will consider items concerning the request to purchase house and garage apartment, the request to install lighted sign, the request to accept gift of former Southern Union Gas District Office, and the bids for radio tower renovations. The committee also will meet in executive session to further discuss architects for renovation of Engineering II Building and two labs in the Chemistry Building.

**Contact:** George McLaughlin, P.O. Box 10014, Lamar University, Beaumont, Texas 77710, (409) 880-2304.

**Filed:** October 29, 1986, 8:52 a.m.  
TRD-8610250

The Finance and Audit Committee of Lamar System will consider the approval of revised investment policy, the approval of the July 1986 monthly financial operations report for John Gray Institute, approval of the August 1986 monthly financial operations report for LU-Beaumont, LU-Orange, LU-Port Arthur, chancellor's office, and John Gray Institute; approval of the revised 1986-1987 budgets for LU-Beaumont, LU-Orange, LU-Port Arthur, and the chancellor's office; and LU-Beaumont approval of revised contract with Coca Cola.

**Contact:** George McLaughlin, P.O. Box 10014, Lamar University, Beaumont, Texas 77710, (409) 880-2304.

**Filed:** October 29, 1986, 8:52 a.m.  
TRD-8610251

The Academic Affairs Committee and Personnel Committee will jointly consider the adoption of the "Operations Master Plan: 1986-1992," LU-Beaumont.

**Contact:** George McLaughlin, P.O. Box 10014, Lamar University, Beaumont, Texas 77710, (409) 880-2304.

**Filed:** October 29, 1986, 8:52 a.m.  
TRD-8610252

The Student Relations and Service Committee will consider the approval of the student handbook for LU-Port Arthur.

**Contact:** George McLaughlin, P.O. Box 10014, Lamar University, Beaumont, Texas 77710, (409) 880-2304.

**Filed:** October 29, 1986, 8:56 a.m.  
TRD-8610253

**Saturday, November 8, 1986, 9:30 a.m.** The Board of Regents of Lamar University System will meet in the Spindletop Room, John and Mary Gray Library, Lamar University, Beaumont. According to the agenda, the board will consider approval of June 12, 1986, and July 9, 1986, minutes; the chairman's comments; chancellor's report; consider approval of committee recommendations by the Finance and Audit Committee, Building and Grounds Committee, Personnel Committee, Academic Affairs Committee, Student Relations and Services Committee; and hear regents comments and suggestions. The board also will meet in executive session to discuss legal matters and personnel.

**Contact:** George McLaughlin, P.O. Box 10014, Lamar University, Beaumont, Texas 77710, (409) 880-2304.

**Filed:** October 29, 1986, 8:50 a.m.  
TRD-8610254

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## Legislative Budget Board

**Wednesday, November 5, 1986, 9:30 a.m.** The Legislative Budget Board made an emergency revision to the agenda for a meeting to be held in Room 309, State Capitol, Austin. The revision concerns the consideration of appropriation requirements for the 1988-1989 biennium and any other business that might come before the board; solicit testimony regarding the limit on growth of appropriations for the 1988-1989 biennium, in accordance with the Texas Constitution, Article VIII, §22, and the Government Code, §316.004. The emergency status is necessary because everyone has been scheduled.

**Contact:** Jim Oliver, Room 207-A, State Capitol, Austin, Texas 78711, (512) 463-1166.

**Filed:** October 29, 1986, 8:44 a.m.  
TRD-8610247

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## Texas Music Commission

**Thursday, November 6, 1986, 10 a.m.** The Texas Music Commission will meet in the Speaker's Committee Room, State Capitol, Austin. According to the agenda summary, the commission will approve the minutes of the previous meeting; consider old and new business; and hear committee reports and public comment.

**Contact:** Bekki Lammert, P.O. Box 2910, Austin, Texas 78769, (512) 463-1100.

**Filed:** October 28, 1986, 10:06 a.m.  
TRD-8610211

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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, November 17, 1986, 1:30 p.m.** A prehearing conference in Docket 7143—compliant by the Office of Public Utility Counsel concerning refunds by Houston Lighting and Power Company.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** October 28, 1986, 2:36 p.m.  
TRD-8610225

**Wednesday, November 19, 1986, 10 a.m.** A prehearing conference in Docket 7146—application of Central Telephone Company of Texas for approval of equal access tariff.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** October 28, 1986, 2:36 p.m.  
TRD-8610226

**Thursday, November 20, 1986, 1:30 p.m.** A prehearing conference in Docket 7127—petition of Joe Bryan *et al.* for service area exception within Rusk County. The meeting is rescheduled from October 28, 1986.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** October 28, 1986, 2:37 p.m.  
TRD-8610227

**Tuesday, March 3, 1986, 9 a.m.** A hearing on the merits in Docket 6568—request of the City of Allen for extended area service to the Dallas Metro Calling Area.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** October 29, 1986, 2:48 p.m.  
TRD-8610263

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### **Railroad Commission of Texas**

**Monday, November 3, 1986, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas made an emergency revision to the agenda for a meeting held in the 12th Floor Conference Room, 1701 North Congress Avenue, Austin. The revision concerned consideration of Docket 5878—statement of intent filed by East Texas Industrial Gas Company to change rates to Entex, Inc. The emergency status was necessary because this docket was properly noticed for the conference on October 27, 1986, and was passed.

**Contact:** Lucia Strudevart, P.O. Box 12967, Austin, Texas 78711, (512) 463-7003.

**Filed:** October 30, 1986, 9:05 a.m.  
TRD-8610289

**Monday, November 10, 1986, 9 a.m.** The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

**Filed:** October 30, 1986, 9:04 a.m.  
TRD-8610280

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

**Contact:** Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

**Filed:** October 30, 1986, 9:02 a.m.  
TRD-8610281

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6787.

**Filed:** October 30, 1986, 9:04 a.m.  
TRD-8610282

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

**Contact:** Lucia Sturdevart, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

**Filed:** October 30, 1986, 8:59 a.m.  
TRD-8610283

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6710.

**Filed:** October 30, 1986, 9:01 a.m.  
TRD-8610284

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6931.

**Filed:** October 30, 1986, 8:59 a.m.  
TRD-8610285

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

**Contact:** Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6713.

**Filed:** October 30, 1986, 9 a.m.  
TRD-8610286

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

**Contact:** Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

**Filed:** October 30, 1986, 9 a.m.  
TRD-8610287

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

**Filed:** October 30, 1986, 9 a.m.  
TRD-8610288

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6976.

**Filed:** October 30, 1986, 9:01 a.m.  
TRD-8610289

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

**Contact:** Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 463-7149.

**Filed:** October 30, 1986, 9:01 a.m.  
TRD-8610290

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, (512) 463-7149.

**Filed:** October 30, 1986, 9 a.m.  
TRD-8610291

Various matters falling within the Transportation Division's regulatory jurisdiction.

**Contact:** Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

**Filed:** October 30, 1986, 8:59 a.m.  
TRD-8610292

**Wednesday, November 12, 1986, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in Room 1-111, William B. Travis Building, Austin. According to the agenda summary, the division will conduct a statewide oil and gas hearing, including the portion concerning the application of H. S. Bennett and William Burrow to reduce by a percentage of 10%, the allowable of all oil and gas wells in the state other than stripper wells and wells with tertiary production.

**Contact:** Paula Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6729.

**Filed:** October 30, 1986, 9:05 a.m.  
TRD-8610293

**Monday, November 17, 1986, 1:30 p.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the division will conduct a statewide oil and gas hearing, including the portion concerning the application of H. S. Bennett and William Burrow to reduce by a percentage of 10%, the allowable of all oil and gas wells in the state other than stripper wells and wells with tertiary production.

**Contact:** Paula Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6729.

**Filed:** October 30, 1986, 9:05 a.m.  
TRD-8610294

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### **Sunset Advisory Commission**

**Friday and Saturday, November 7 and 8, 1986, 10 a.m. and 9 a.m., respectively.** The Sunset Advisory Commission will meet in the Senate Chamber, State Capitol, Austin. On November 7, 1986, the commission will approve the minutes; and make decisions on the Texas Department of Mental Health and Mental Retardation and Texas Department of Corrections. On November 8, 1986, the commission will present staff reports and public testimony on the Texas Board of Private Investigators and Private Security Agencies, Texas Diabetes Council, and Medical Care Advisory Committee; consider other business, and next meeting date of November 23, 1986.

**Contact:** Jeri Kramer, Room 105, John H. Reagan Building, 105 West 15th Street, Austin, Texas 78711, (512) 463-1300.

Filed: October 29, 1986, 2:59 p.m.  
TRD-8610284

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### Teacher Retirement System of Texas

Wednesday, October 29, 1986, 4 p.m. The Board of Trustees of the Teacher Retirement System of Texas met in emergency session in Room 2701, Hyatt Regency DFW, DFW Airport. According to the agenda, the board considered authorization of necessary actions for formation of Texas nonprofit corporations to hold title to property acquired through foreclosure. The emergency status was necessary to protect Teacher Retirement System investment in a mortgage secured by real property in Houston.

Contact: Janis W. Hydak, 1001 Trinity, Austin, Texas 78701, (512) 397-6478.

Filed: October 28, 1986, 1:13 p.m.  
TRD-8610222

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### Texas State Technical Institute

Sunday and Monday, November 16 and 17, 1986, 11 a.m. and 8 a.m., respectively. The Board of Regents of Texas State Technical Institute (TSTI) will meet in the System Administration Building, TSTI Campus, Waco. According to the agenda, the board will approve the minutes; consider the requests for budget change, the agreement with Pete Martelli, doing business as Texas Amusement for the operation and maintenance of the bowling alley at TSTI-Waco, the sale of excess property at TSTI-Waco, the sale of excess property at TSTI-Harlingen, the lease purchase agreement between TSTI-Sweetwater and the Rolling Plains Technical Foundation for the Avenger Village Housing; adopt the official comprehensive energy management plan for TSTI-Waco; accept the Short Course Center at TSTI-Harlingen; consider classes meeting with less than ten students, the delegation of authority to submit new program applications, the expression of sympathy to the family of Betty June Barkley, the salary assignments for instructional divisions, the authorization to request zoning of the air space adjacent to the TSTI-Waco airport, and other business.

Contact: Theodore A. Talbot, TSTI, Waco, Texas 76705, (817) 799-3611, ext. 3909.

Filed: October 28, 1986, 11:24 a.m.  
TRD-8610215

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### Texas State Treasury

Wednesday, November 5, 1986, 11:30 a.m. The Cash Management Committee of the

Texas State Treasury will meet in Room 214, Senate Reception Room, State Capitol, Austin. According to the agenda, the committee will consider the general revenue cash flow shortfall forecast required by Senate Bill 5, 69th Legislature, Third Called Session; and consider the issuance of tax and revenue anticipation notes pursuant to Senate Bill 5, 69th Legislature, Third Called Session.

Contact: J. Stephen Ravel, 111 East 17th Street, Austin, Texas 78711, (512) 463-6000.

Filed: October 28, 1986, 3:13 p.m.  
TRD-8610228

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### Texas Water Commission

Wednesday, October 29, 1986, 2 p.m. The Texas Water Commission made an emergency addition to the agenda for a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerned emergency adoption of 31 TAC §§305.105, 305.145, and 335.61 (Consolidated Permits, Subchapter E—Actions, Notice, and Hearing; Industrial Solid Waste and Municipal Hazardous Waste-Release of Discharge of Solid Waste; and Industrial Solid Waste and Municipal Hazardous Waste, Subchapter C—Standards Applicable to Generators of Hazardous Waste). The emergency status was necessary in order to maintain a state hazardous waste program which is equivalent to the federal program under 42 United State Code, §§6901, *et seq.* Resource Conservation Recovery act of 1976, §3006(c).

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: October 29, 1986, 11:38 a.m.  
TRD-8610260

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### Regional Agencies

#### Meetings Filed October 28

The Dallas Area Rapid Transit, Board, met for an emergency revised agenda at 601 Pacific Avenue, Dallas, on October 28, 1986, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The West Central Texas Municipal Water District, met in emergency session in the conference room, Suite 300, First National Bank Building, 401 Cypress Street, Abilene, on October 30, 1986, at 9:30 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254.

TRD-8610220

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### Meetings Filed October 29

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees, met in emergency session at 2001 Wheless, Austin, on October 30, 1986, at 7 a.m. Information may be obtained from Sharon Taylor, 1700 South Lamar Boulevard, Suite 203, Austin, Texas 78704, (512) 447-4141.

The Central Appraisal District of Johnson County, Appraisal Review Board, will meet at 109 North Main, Cleburne, on November 5, 1986, at 9 a.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3986.

The Coastal Bend Council of Governments, Executive Board, met in emergency session in the Captain's Boardroom, Sheraton Marina Hotel, 300 North Shoreline, Corpus Christi, on October 30, 1986, at 11:45 a.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

The Education Service Center Region XIII, Board of Directors, will meet on the first floor, Suite 101, 5701 Springdale Road, Austin, on November 3, 1986, at noon. Information may be obtained from Dr. Joe Parks, 7703 North Lamar, Austin, Texas 78752, (512) 458-9131.

The Gonzales County Appraisal District, Appraisal Review Board, will meet at 928 St. Paul Street, Gonzales, on November 12, 1986, at 6 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The San Patricio County Appraisal District, Appraisal Review Board, will meet in Room 226, Courthouse Annex, Sinton, on November 18, 1986, at 9:30 a.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

The Scurry County Appraisal District, Board of Directors, will meet at 2612 College Avenue, Snyder, on November 4, 1986, at 8 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79949, (915) 573-8549.

The Tyler County Tax Appraisal District, Board of Directors, will meet at 103 Pecan, Woodville, on October 4, 1986, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.  
TRD-8610248

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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.

## Court Reporters Certification Board Certification of Court Reporters

Following examination of applicants on October 3, 1986, the Court Reporters Certification Board has certified to the Supreme Court that the following persons are qualified in the method indicated to practice reporting pursuant to the Government Code, Texas Civil Statutes, Subchapter C, §52.024(a).

**Oral Stenography.** Jo Anna Johnson—San Augustine; Deena L. Whitfield—Nacogdoches; Judith Ann Wilson—Brownsville.

**Machine Shorthand.** Jill Allen—Arlington; Jami Wyatt Anderson—Bridge City; Katharene Averitt—Arlington; Polly Ann Bachler—Georgetown; Suzan J. Binzegger—Amarillo; Amberly Ann Brookins—Burlison; Shelly C. Burnett—Dumas; Melody Renee Campbell—Austin; Annette Marie Chapman—Alvin; Paula Jane Christian—Austin; Jennifer A. Cooper—Plano; Colleen Kelly D'Aloisio—Dallas; Jacquelynn Renae Daniel—Conroe; Lydia B. Diaz—Mesilla Park, New Mexico; Lori Renee Dry—Tyler; Phyllis Anna Faykus—Bastrop; Leonor Garcia—San Antonio; Teresa B. Hall—Alto; Jacalyn Renee Hasty—Grand Prairie; Bruce Kevin Hawkins—DeSoto; Kimberly JaNan Julian—Richardson; Paula Marie Kelley—San Marcos; Elizabeth Kennedy—Corpus Christi; Orlene A. Kitchens—Dallas; Delena Michelle Kuykendall—Mesquite; Phyllis Jean Loy—Houston; Deborah Ann Lozano—Arlington; Kathy A. Marcum—Howe; Marilee McNary-Brisco—Victoria; Sharon Kay Mims—Norman, Oklahoma; Shannon Lynn Montooth—Trinidad; Janis Cooper Newman—Dallas; Terry Leigh Owens—Covington, Louisiana; Shantel Carol Patrick—Houston; Sharon Arnetta Perkins—Dallas; Tanya Annette Pierce—Tyler; Lyenda R. Pollard—Mesquite; Jenine Maria Redden—Humble; Diana R. Rice—Fort Worth; Kimberly Jean Rice—San Antonio; Linda L. Rich—Houston; Vanessa J. Russell—Lubbock; Glenda Eloyce Russell—Dallas; Karen L. D. Schoeve—Lafayette, Colorado; Debra L. Sherman—League City; Melissa D. Shnaper—Fort Worth; Karla Renee Spiller—Paris; Bridget Stallcup—Dallas; Laura Ellen Sternberg—Dallas; Tina Ann Terrell—Coppell; Jeffrey Max Thomas—Austin; Jerri Ann Trousdale—Houston; Joseph L. Welch—Bartlesville, Oklahoma; Charla Ann Wheatley—Dallas; Joan V. Wilson—Manor; Kary Ann Winto—Lewisville; Tonda Joy Wood—Amarillo; Barbara Jo Younger—Amarillo.

Issued in Austin, Texas, on October 27, 1986.

TRD-8610208 Peggy Liedtke  
Executive Secretary  
Court Reporters Certification Board

Filed: October 28, 1986  
For further information, please call (512) 463-1630.

## Texas Department of Health Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

### NEW LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Chillicothe	Chillicothe Hospital District	04-3933	Chillicothe	0	09/26/86
DFW Airport	Delta Airlines	05-3967	DFW Airport	0	10/15/86

### AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
4.2ma/N.Hebbronvil	Conoco, Inc	08-2923	Hebbbronville	7	10/20/86
Alvin/Baytown	Amoco Chemical Corporation	11-1422	Alvin	34	10/16/86
Amarillo	City of Amarillo Water Department	01-2222	Amarillo	4	10/14/86
Baytown	Mobay Corporation	11-1577	Baytown	23	10/16/86
El Paso	Summa Pharmacy of El Paso	03-3954	El Paso	1	10/17/86
El Paso	Synco International Corporation	03-1999	El Paso	56	10/17/86
Elgin	RK Company	06-3555	Elgin	1	10/20/86
Garland	NDRC Laboratories, Inc.	05-2811	Garland	4	10/09/86
Hobson	Chevron Resources Company	09-2402	Hobson	14	10/20/86
The Woodlands	The Woodlands Community Hospital	11-3772	The Woodlands	3	10/03/86
Houston	Excun Corporation	08-1431	Houston	17	10/07/86
Houston	Westbury Hospital	11-2471	Houston	5	10/17/86
Houston	Sam Houston Memorial Hospital	11-1878	Houston	18	10/17/86
Houston	Houston Imaging Center	11-2025	Houston	13	10/20/86
Lubbock	Texas Tech University	02-1536	Lubbock	37	10/03/86
Orange	Inland-Orange, Inc	10-1029	Orange	28	10/14/86
Orange	E.I. DuPont de Nemours & Company	10-5	Orange	50	10/07/86
Pasadena	Champion Papers	11-906	Pasadena	22	10/20/86
Plainview	Central Plains Regional Hospital	02-2493	Plainview	7	10/02/86
San Antonio	Lutheran General Hospital	09-2007	San Antonio	10	10/17/86
Seadrift	Airco Carbon	08-3432	Port Lavaca	1	10/14/86
Texas City	Mainland Center Hospital	11-2577	Texas City	10	10/06/86
Throughout Texas	Titan Perforators	08-812	Refugio	19	10/14/86
Throughout Texas	Petroleum Measurement Corporation	11-3060	Houston	8	10/09/86
Throughout Texas	ARCO Oil and Gas Company	05-134	Plano	37	10/14/86

**AMENDMENTS TO EXISTING LICENSES ISSUED:**

Location	Name	License #	City	Amendment #	Date of Action
Throughout Texas	Bell Petroleum Systems	05-2132	Kennedale	17	10/14/86
Throughout Texas	Texaco, Inc	11-247	Bellaire	52	10/13/86
Throughout Texas	Well Analysis Company, Inc	07-3682	Tyler	6	10/16/86
Throughout Texas	Four A Logging and Perforation, Inc	01-2100	Borger	7	09/30/86
Throughout Texas	Applied Standards Inspection, Inc	10-3072	Beaumont	8	10/08/86
Throughout Texas	Schlumberger Well Services	11-1833	Houston	52	20/03/86
Throughout Texas	Tracer Laboratory of Midland, Inc	12-3298	Midland	8	10/15/86
Throughout Texas	Testmasters, Inc	11-3651	Houston	2	10/16/86
Throughout Texas	Dresser Atlas	11-446	Houston	81	10/20/86
Throughout Texas	Mobil Mining and Minerals Company	11-3399	Pasadena	9	10/20/86
Throughout Texas	University of Texas System Cancer	11-466	Houston	34	10/20/86
Wichita Falls	Midwestern State University Department of Physics	04-526	Wichita Falls	12	10/20/86

**RENEWALS OF EXISTING LICENSES ISSUED:**

Location	Name	License #	City	Amendment #	Date of Action
Mineral Wells	Perry Equipment Corporation	05-330	Mineral Wells	25	10/20/86
Wolfe City	NE-Tex Cooperative Oil Mill	05-1091	Wolfe City	7	10/15/86

**TERMINATIONS OF LICENSES ISSUED:**

Location	Name	License #	City	Amendment #	Date of Action
Graham	Graham Magnetics	04-1647	Graham	6	10/16/86
Houston	Rice University	11-3275	Houston	1	10/16/86
Orange	Allied Fibers and Plastics Company	10-3179	Orange	1	10/14/86
South Texas	09-2331	San Antonio	4	10/16/86	Antonio
Blaloughout Texas	GEO Construction Testing	99-2058	Foster City, CA	14	10/20/86

**NEW LICENSES DENIED:**

Location	Name	License #	City	Amendment #	Date of Action
Humble	Coupling Specialists Inc	Humble	0	10/10/86	

In issuing new licenses and amending and renewing existing licenses, the Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury

or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Texas Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on October 29, 1986.

TRD-8810212 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: October 28, 1986  
For further information, please call (512) 458-7245.



The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

**NEW LICENSES ISSUED:**

Location	Name	License #	City	Amendment #	Date of Action
DFW Airport	American Airlines	05-3974	Tulsa, OK	0	10/02/86
Houston	Byron W Grandjean, M.D., Assn	11-3955	Houston	0	10/14/86
San Antonio	Saint Rose Catholic Hospital	09-3983	San Antonio	0	10/02/86

**AMENDMENTS TO EXISTING LICENSES ISSUED:**

Location	Name	License #	City	Amendment #	Date of Action
Brenham/San Juan Texas Department of Agriculture	06-934	Austin	16	10/03/86	
El Paso	El Paso Natural Gas Company	03-308	El Paso	20	10/02/86
El Paso	Tigua General Hospital	03-1947	El Paso	13	10/06/86
Houston	Exxon Corporation	08-1431	Houston	17	10/07/86
Houston	Interesin Corporation	11-3982	Houston	1	10/07/86
Longview	King Tool Company	07-2750	Longview	2	10/06/86
San Antonio	Syncor International Corporation	09-3903	San Antonio	2	09/30/86
Throughout Texas	Brazos Valley Inspection Services, Inc.	06-2859	Bryan	16	10/02/86
Throughout Texas	Ultrasonic Specialist, Inc	11-1774	Houston	33	10/02/86
Throughout Texas	Texas Nuclear Corporation	06-3524	Austin	7	09/30/86
Throughout Texas	Texas Nuclear Corporation	06-1105	Austin	21	09/30/86
Throughout Texas	Texas Instruments, Inc	05-946	Dallas	39	10/08/86
Throughout Texas	Holmes Wireline Service	12-2562	Odessa	18	10/08/86



Throughout Texas	D-Arrow Inspection, Inc.	11-3816	Houston	7	10/08/86
Throughout Texas	Campbell Testing Services, Inc.	11-3869	Houston	2	10/08/86
Throughout Texas	Northshore X-Ray and Testing Co.	11-3912	Houston	4	10/08/86
Throughout Texas	The Analysts, Inc./Schlumberger	11-3352	Sugar Land	5	10/07/86
Throughout Texas	Perfmaster Wireline Company	12-3892	Midland	2	10/03/86
Throughout Texas	D-FW Engineering and Testing, Inc.	05-3366	Eules	1	10/07/86
Throughout Texas	Patterson Inspection Services, Inc.	11-3148	Houma, LA	9	10/07/86
Throughout Texas	PRO-TAG Services, Inc.	12-3561	Midland	6	10/02/86
Throughout Texas	Gulf Nuclear, Inc.	11-2995	Webster	14	10/08/86
Vernon	West Texas Utilities Company	04-3481	Abilene	3	10/08/86

#### RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Austin	City of Austin	06-1113	Austin	9	10/07/86

#### TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
San Antonio	Jones Orthopedic	09-3414	San Antonio	2	10/07/86
Throughout Texas	Bipolly Company	08-2924	Houston	7	10/02/86

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Texas Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on October 28, 1986.

TRD-8610213 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: October 28, 1986

For further information, please call (512) 458-7245.

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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 admission to do business in Texas of American Sterling Insurance Company, a foreign fire and casualty insurance company. The home office is in El Toro, California.

(2) Application for admission to do business in Texas of Capital Security Life Insurance Company, a foreign life insurance company. The home office is in Oklahoma City, Oklahoma.

(3) Application for a name change by National Credit Life Insurance Company, a domestic life, accident, and health insurance company. The home office is in Plano. The proposed new name is Countrywide Life Insurance Company.

(4) Application for admission to do business in Texas of Fremont Life Insurance Company, a foreign fire and casualty insurance company. The home office is in Phoenix, Arizona.

(5) Application for a name change by the American Plan Life Insurance Company, a foreign life, accident, and health insurance company. The home office is in Bozeman, Montana. The proposed new name is Life of Montana Insurance Company.

(6) Application for incorporation of North American General Insurance Company, to be a domestic fire and casualty insurance company. The home office is to be in Grand Prairie.

(7) Application for admission to do business in Texas of Old Dominion Insurance Company, a foreign fire and casualty insurance company. The home office is in Jacksonville, Florida.

(8) Application for admission to do business in Texas of Preferred Abstainers Insurance Company, a foreign fire and casualty insurance company. The home office is in West Des Moines, Iowa.

(9) Application for admission to do business in Texas of Safety Mutual Casualty Corporation, a foreign fire and casualty insurance company. The home office is in St. Louis, Missouri.

(10) Application for admission to do business in Texas of Sentinel Security Life Insurance Company, a foreign life, accident, and health insurance company. The home office is in Salt Lake City, Utah.

(11) Application for admission to do business in Texas of Southeastern Fidelity Insurance Company, a foreign fire and casualty insurance company. The home office is in Atlanta, Georgia.

(12) Application for incorporation of U.S. General Insurance Company, to be a domestic fire and casualty insurance company. The home office is to be in Grand Prairie.

(13) Application for admission to do business in Texas of Vesta American Insurance Company, Inc., a for-

sign fire and casualty insurance company. The home office is in New York, New York.

(14) Application for incorporation of Victoria Insurance Company Limited, to be a domestic fire and casualty insurance company. The home office is to be in Houston.

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

TRD-8610198 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: October 27, 1986  
For further information, please call (512) 463-6327.

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## Legislative Budget Board Tax Relief Amendment Implementation

The Legislative Budget Board is required by statute to publish in the *Texas Register* specific items of information together with a description of the methodology and sources used in the calculation of the constitutional limit on the growth of appropriations from non-dedicated state taxes. This memorandum is published to meet that requirement.

**Legal References.** Texas Constitution, Article VIII, §22, approved by the voters in November 1978, states that: In no biennium shall the rate of growth of appropriations from state tax revenues not dedicated by this constitution exceed the estimated rate of growth of the state's economy. The legislature shall provide by general law procedures to implement this subsection.

This provision does not alter, amend, or repeal Article III, Section 49a, of the Texas Constitution, the well known "pay-as-you-go" provision.

To implement this provision of the Texas Constitution, the 66th Legislature enacted Article 9, Chapter 302, Laws 1979, (Texas Government Code Annotated, §316) which placed with the Legislative Budget Board the responsibility for initial approval of a limitation on the growth of certain state appropriations. A part of the procedure for approving the limitation is set forth in §316.003 and §316.004 as follows: Sec. 316.003. Before the Legislative Budget Board approves the items of information required by Section 316.002, the board shall publish in the *Texas Register* the proposed items of information and a description of the methodology and sources used in the calculations.

Sec. 316.004. Not later than December 1 of each even-numbered year, the Legislative Budget Board shall hold a public hearing to solicit testimony regarding the proposed items of information and the methodology used in making the calculations required by Section 316.002.

The items of information mentioned above are identified as follows in Section 316.002:

- (1) the estimated rate of growth of the state's economy from the current biennium to the next biennium;
- (2) the level of appropriations for the current biennium from state tax revenues not dedicated by the constitution; and
- (3) the amount of state tax revenues not dedicated by the constitution that could be appropriated for the next biennium within the limit established by the estimated rate of growth of the state's economy.

In this memorandum, each item of information is taken up in the order listed above.

**Estimated Rate of Growth of the State's Economy.** A definition of the "estimated rate of growth of the state's economy" is set forth in paragraph (b) of Section 316.002 in the following words: (b) Except as provided by Subsection (c), the board shall determine the estimated rate of growth of the state's economy by dividing the estimated Texas total personal income for the next biennium by the estimated Texas total personal income for the current biennium. Using standard statistical methods, the board shall make the estimate by projecting through the biennium the estimated Texas total personal income reported by the United States Department of Commerce or its successor in function.

(c) If a more comprehensive definition of the rate of growth of the state's economy is developed and is approved by the committee established by Section 316.005, the board may use that definition in calculating the limit on appropriations.

The Commerce Department's Bureau of Economic Analysis defines state personal income as "the income received by, or on behalf of, all residents of the state." Table 1 displays the Commerce Department's personal income account for Texas for calendar year 1985.

The largest component of Texas personal income is wage and salary disbursements, estimated at \$137.7 billion during calendar 1985. Salary and wage disbursements are added with other labor income—principally employer contributions to private pensions and welfare funds—and proprietors' income to arrive at total earnings by place of work. Total earnings by place of work reached \$171.7 billion in calendar 1985.

TABLE 1  
U.S. DEPARTMENT OF COMMERCE PERSONAL  
INCOME ACCOUNT FOR TEXAS, CALENDAR YEAR 1985  
(In Millions of Current Dollars)

	<u>Amount</u>	<u>Percent of Total</u>
<b>Earnings by Place of Work</b>		
Wage and Salary Disbursements	\$137,682	80.2%
Other Labor Income	13,793	8.0
Proprietors' Income		
Farm	\$2,372	
Nonfarm	17,830	
Subtotal	<u>20,202</u>	<u>11.8</u>
<b>Total Earnings by Place of Work</b>	<u>\$171,678</u>	<u>100.0%</u>
	=====	=====

Derivation of Total Personal Income

Earnings by Place of Work (from above)	\$171,678	
Less: Personal Contribution for Social Insurance	(9,399)	
Plus: Adjustment for Residence Equals: Net Earnings by Place of Residence	(184)	
		\$162,095 73.4%
Plus: Dividends, Interest and Rent		33,347 15.1
Plus: Transfer Payments		25,273 11.5
Total Personal Income		\$220,715 100.0%
		=====

Source: U.S. Department of Commerce, Bureau of Economic Analysis, Survey of Current Business, August 1986. Totals may not add due to rounding.

In deriving total Texas personal income, two adjustments are made to total earnings by place of work. Social insurance contributions—principally social security payroll taxes—are deducted. A place of residence adjustment is also made to reflect the earnings of workers across state borders. Dividends, interest and rent income are then added, along with transfer payments. The major types of transfer payments include social security, various retirement and unemployment insurance benefits, and disability and health insurance payments. Total Texas personal income is estimated at \$220.7 billion for calendar 1985.

The U.S. Department of Commerce reports personal income estimates by calendar quarter and year. Since the state's fiscal year begins on September 1 and ends on August 31 an adjustment is required to represent this data on a biennial basis. The Legislative Budget Office uses the data for the first three calendar quarters of a year plus the fourth quarter of the preceding year to represent the state's fiscal year. A biennium is the sum of two fiscal years. The historical record of the rate of growth in Texas personal income for the past twelve completed biennia using data published by the U.S. Department of Commerce is shown in Appendix A.

**Forecasting Texas Personal Income.** In reviewing standard statistical techniques for forecasting or projecting Texas personal income, the Legislative Budget Office has obtained the latest econometric model forecasts from the following sources: (1) Baylor University Forecasting Service; (2) the Bureau of Business Research of the University of Texas at Austin; (3) Chase Econometric Associates, Inc.; (4) the Comptroller of Public Accounts; and (5) Data Resources, Inc. In addition, the Bureau of Business Research provided two forecasts based on time-series methods.

There are several characteristics common to the econometric models from which the Texas personal income estimates are derived. First, each assumes that the U.S. economy is the driving force behind Texas economic activity. As a result, forecasts of U.S. economic variables are needed to drive each model. Secondly, each of the econometric models is structural in nature, representing certain assumptions about the structure of the Texas economy, consistent with economic theory. Structural models normally entail detailed modeling of key sectors of the state's economy, followed by statistical testing to establish relationships with other sectors of the economy. (The previous memoranda published on constitutional limit include a more detailed discussion of the forecasting methods used. See the following issues of the *Texas Register* (5 TexReg 4272), (7 TexReg 3727), and (9 TexReg 5219).)

Time series forecasts differ from the econometric modeling approach in that they focus on the behavior of a variable or pair of variables over time rather than assumptions about the structure of the economy. Also known as an AR-IMA analysis (autoregressive integrated moving average), a univariate time series forecast of Texas personal income is based upon the assumption that future values of personal income are largely dependent upon its current and previous values. Time-series analysis can also be extended to more than one variable, in this case U.S. Gross National Product (GNP) and Texas personal income. The statistical relationship between U.S. GNP and Texas personal income is calculated for past years and forecasts of U.S. GNP are used as the basis for projecting Texas personal income.

Table 2 details the Texas personal income growth rates of the various forecasting services for the 1988-89 biennium over the 1986-87 biennium. These forecasts range from 1.106 or 10.6 percent to 1.167 or 16.7 percent. Appendix B outlines briefly the sources, type of forecast (econometric or time series), date, and sources for the U.S. variables driving the model (if applicable) for the Texas personal income growth rates presented in Table 2.

The personal income growth rates shown in Table 2 or any more recent forecasts will be presented to the Legislative Budget Board for its consideration in adopting this item of information. The Board is not limited to one or any combination of the growth rates shown in its deliberations over the adoption of a Texas personal income growth rate for the 1988-89 biennium.

**Appropriations from State Tax Revenue Not Dedicated by the Constitution: 1986-87 Biennium**

The amount of appropriations from state tax revenue not dedicated by the Constitution in the 1986-87 biennium—the base biennium—is the second item of information to be determined by the Legislative Budget Board. As of October 24, 1986, the staff estimates this amount to be \$19,213,490,732. This item multiplied by the estimated rate of growth of Texas personal income from the 1986-87 biennium to the 1988-89 biennium produces the limitation on appropriations for the 1988-89 biennium under Article VIII, Section 22, of the Texas Constitution. The calculation of the amount appropriated from state tax revenue not dedicated by the Constitution in the base biennium is detailed in Appendix C.

TABLE 2  
ESTIMATED GROWTH RATES FOR TEXAS PERSONAL INCOME, USING  
FIVE ECONOMETRIC MODELS AND TWO TIME-SERIES FORECASTS,  
1986-87 BIENNIUM TO 1988-89 BIENNIUM

<u>Source of Forecast</u>	<u>1988-89 Texas Personal Income Growth Rate</u>
<b>A. ECONOMETRIC MODELS</b>	
1. Baylor University Forecasting Service	1.106
2. Bureau of Business Research, University of Texas at Austin (BBR)	1.162
3. Chase Econometric Associates, Inc.	1.114
4. Comptroller of Public Accounts	1.124
5. Data Resources, Inc. (DRI)	1.131
<b>B. TIME-SERIES FORECASTS</b>	
6. Univariate - ARIMA (BBR)	1.141
7. Bivariate - U.S. GNP (using Wharton forecast) and Texas Personal Income (BBR)	1.167

NOTE: The growth rates shown above can be interpreted in percentage terms. For example, the growth rate of 1.106 for the Baylor forecast of Texas personal income indicates estimated personal income growth of 10.6% for the 1988-89 biennium.

**Calculating the 1988-89 Limitation.** The limitation on appropriations of state tax revenue not dedicated by the State Constitution in the 1988-89 biennium may be illustrated by selecting a growth rate and applying it to the 1986-87 appropriations base. This is shown in Table 3, using the

lowest and highest growth rates shown in Table 2. Depending on which personal income growth rate is adopted, current estimates suggest a limitation on 1988-89 biennial appropriations from non-dedicated state taxes ranging from \$21.3 billion to \$22.4 billion.

TABLE 3  
LIMIT ON 1988-89 BIENNIUM APPROPRIATIONS  
OF STATE TAX REVENUE NOT DEDICATED BY  
THE TEXAS CONSTITUTION

1. 1986-87 Base	\$19,213,490,732	\$19,213,490,732
2. Illustrative Growth Rates	x 1.106	x 1.167
3. 1988-89 Limitation on Growth in Appropriations	\$21,250,120,750 =====	\$22,422,143,684 =====

APPENDIX A  
BIENNIUM-TO-BIENNIUM GROWTH RATES IN TEXAS PERSONAL INCOME  
1962-63 TO 1984-85 BIENNIA

<u>Base Biennium</u>	<u>Target Biennium</u>	<u>Growth Rate</u>
1960-61	1962-63	1.102
1962-63	1964-65	1.131
1964-65	1966-67	1.187

1966-67	1968-69	1.225
1968-69	1970-71	1.199
1970-71	1972-73	1.208
1972-73	1974-75	1.289
1974-75	1976-77	1.287
1976-77	1978-79	1.304
1978-79	1980-81	1.390
1980-81	1982-83	1.239
1982-83	1984-85	1.156

SOURCE: Calculated from data provided by the U.S. Department of Commerce, Bureau of Economic Analysis.

#### APPENDIX B

#### SUMMARY OF SOURCES AND METHODS FOR TEXAS PERSONAL INCOME GROWTH RATES FOR THE 1988-89 BIENNIUM

<u>Source</u>	<u>Type of Forecast</u>	<u>Date</u>	<u>Source of U.S. Variables</u>
1. Baylor University Forecasting Service	Econometric	July 1986	Wharton
2. Bureau of Business Research, University of Texas at Austin	Econometric	October 1986	Wharton
	ARIMA, univariate	October 1986	N/A
	ARIMA, bivariate	October 1986	Wharton
3. Chase Econometric Associates, Inc.	Econometric	September 1986	Chase
4. Comptroller of Public Accounts	Econometric	July 1986	Chase
5. Data Resources, Inc.	Econometric	March 1986	DRI

Source: Compiled by the Legislative Budget Office, October 1986.

N/A - not applicable

The amount of appropriations from state tax revenue not dedicated by the Constitution in the 1986-87 biennium—the base biennium—is the second item of information to be determined by the Legislative Budget Board. As of October 24, 1986, the staff estimates this item to be \$19,213,490,732. This appendix details the sources of information used in this calculation.

Appropriations for the 1986-87 biennium was made in two General Appropriations Acts: House Bill 20, Regular Session, for FY 1986 and Senate Bill, Third Called Session, for FY 1987. These bills are the sources of most of the appropriations amounts listed below.

Section I of Table C-1, shows for the General Revenue Fund the total amount of appropriations, the amount

financed from constitutionally dedicated tax revenue and from non-tax revenue and the remainder—the amount financed from non-dedicated tax revenue, which is the amount subject to the limitation. The transactions of the Available School Fund, the State Textbook Fund, the State Highway Fund, the Mixed Drinks Gross Receipts Tax Fund and the Bank Franchise Tax Allocation Fund which impact the limitation are also shown. In addition, State Board of Insurance maintenance taxes are included in the calculation of the limitation.

#### I. GENERAL REVENUE FUND

A. Appropriations are classified in this table as the following: (1) revenue allocations; (2) priority allocations; (3) line items; (4) related appropriations; and (5) appropriations from motor fuels taxes.

##### 1. Revenue Allocations:

a. The Comptroller's Operating Fund 062 receives a percentage of the taxes on oil and gas production, cigarette sales and motor fuels for tax administration. The amount shown is the sum of the amount for tax enforcement in H.B. 20 (p. III-49) for FY 1986 and S.B. (p. III-50) for FY 1987, less the motor fuels tax enforcement transfer which is shown separately below.

b. The State Parks Fund 064 receives a portion of the cigarette tax—once cent per pack. The FY 1986 figure is a calculated amount, based on actual cigarette tax collections. The FY 1987 amount is calculated, based on the Comptroller's September 1986 revenue estimate for the cigarette tax.

c.-d. The Local Parks Fund 467 also receives one cent per pack of the cigarette tax. The FY 1986 amount is calculated, based on actual cigarette tax collections. The FY 1987 amount is taken from the Comptroller's September 1986 revenue estimate, less the \$8,000,000 transfer to the Home Port Fund provided for in House Bill 955, Regular Session.

e. The amounts for restricted fees collected by the Health Department are shown on page II-14 in both H.B. 20 and S.B. 1.

f. The dollar amount of occupation tax revenue transferred to the Foundation School Fund is a calculated amount, based on actual collections for FY 1986 and the Comptroller's September 1986 revenue estimate for FY 1987.

##### 2. Priority Allocations:

a. The \$15,000,000 transfer for farm-to-market roads is a sum-certain appropriation for FY 1986. House Bill 79, Third Called Session, eliminates this transfer for FY 1987.

b. The actual FY 1986 transfer to the Teacher Retirement System is used, along with the amount shown in S.B. 1 for FY 1987. From the appropriated amount for fiscal 1987, a deduction of \$16,769,008 has been made for overpayments during FY 1986. The rider appropriations included in both H.B. 20 and S.B. 1 to establish a group insurance program for retired teachers are shown separately (p. III-22 in both bills).

c. The actual amount of the state contribution for the Optional Retirement Program is used for FY 1986, along with the appropriated amount included in S.B. 1 for FY 1987.

d. The General Revenue share of the cost of the Foundation School Program is estimated at \$6,507,537,235 for the 1986-87 biennium. The General Revenue funding

requirements for both FY 1986 and FY 1987 are based on the amounts of state aid approved by the Foundation School Fund Budget committee on October 13, 1986, less the amount of Available School Fund revenue and occupation tax transfers to the Foundation School Fund shown separately.

3. Line Item Appropriations: Each of these five items under the subheading "estimated-to-be" may change under certain circumstances. However, for purposes of this calculation, the FY 1986 amount is based on actual expenditures and FY 1987 is the same amount as in S.B. 1. The amount shown for the Employees Retirement System includes the financing from the General Revenue Fund, the Comptroller's Operating Fund, and that portion of the Department of Human Services' Welfare Administration Operating Fund financed by transfers from the General Revenue Fund. The figure shown for "All Other Line Items" is the difference between the recapitulation for the General Revenue Fund and the items listed separately, based on the amounts listed in H.B. 20 for FY 1986 and S.B. 1 for FY 1987. This calculation is detailed in Table C-2.

##### 4. Related Appropriations:

a. The amount for unexpended balances reappropriated in H.B. 20 totals \$7,390,564 for the 1986-87 biennium. The calculation of this amount is outlined in Table C-3.

b. The preliminary estimate for riders in the two appropriations bills is \$183,726,267. This amount is subject to change, depending on the Comptroller's final cost figures for the rider provisions in S.B. 1.

c. The Governor vetoed an appropriation of \$325,000 to Stephen F. Austin State University for FY 1986 in H.B. 20 (Art. III, p. 83, item e.). No appropriations in S.B. 1 were vetoed.

d. The actual transfer for gasohol refunds to the Available School Fund and the State Highway Fund is shown for FY 1986. Senate Bill 29, Third Called Session, eliminated the gasohol transfer in FY 1987.

e. Existing appropriation authority for construction projects which was reappropriated for the 1986-87 biennium in H.B. 20 totals \$247,712,049. These reappropriations are detailed by agency in Table C-4.

f. Table C-5 lists other bills which made appropriations in addition to the General Appropriations Acts. Senate Bill 249, Regular Session, provided funding for the state water agencies for FY 1986. Funding for the water agencies in FY 1987 is included in S.B. 1. The \$38,000 appropriation to the Texas Commission on the Deaf for FY 1987 is not included in S.B. 1. Funding for the indigent health care program is included in the S.B. 1 appropriations bill enacted during the Third Called Session. All of the changes made during the Second and Third Called Sessions are reflected in the appropriations shown elsewhere in Table C-1 and not listed separately.

##### 5. Highway Motor Fuels Tax Transfer to Other Funds:

Motor fuels taxes are deposited in the General Revenue Fund. The following allocations are then made to other funds. The projected increase in motor fuels tax collections resulting from the passage of H.B. 79, Third Called Session, is reflected in these transfers.

a. To County Road and District Highway Fund 57: This amount is fixed in H.B. 20 on page I-194 for FY 1986 and in S.B. 1 on page I-193 for FY 1987.

b. The transfer to the State Highway Fund is based on the calculated amount that would be transferred using 1986 actual collections and the FY 1987 amount included in the Comptroller's September 1986 revenue estimate, with the additional revenue from H.B. 79, Third Called Session, included.

c. The amount transferred for enforcement to the Comptroller's Operating Fund 062 is calculated, based on actual FY 1986 collections and an estimate for FY 1987 taken from the Comptroller's September 1986 revenue estimate and the tax increase from H.B. 79.

d. The 75 percent refund to the Game, Fish and Water Safety Fund 009 is calculated from actual 1986 motorboat refunds and the amount shown in the Comptroller's September 1986 revenue estimate for 1987, along with the H.B. 79 tax increase.

e. The amount transferred to the Available School Fund is shown in the table at line III. B.1.

f. To avoid double-counting, the gasohol refund transfers shown above are deducted from the highway motor fuels tax transfers shown at line II.

#### A.5.f.

B. Source of Funding: This table shows that of the \$22,741,966,871 of General Revenue Fund appropriations, \$18,931,462,564 are subject to the limitation because they are financed from state tax revenue not dedicated by the Constitution.

The appropriations for enforcement are financed from taxes on oil and gas production and cigarette sales. The appropriations for parks and the Home Port Fund are from cigarette taxes.

The beginning balance of the General Revenue Fund is apportioned according to the distribution of the revenue deposited into the Fund in 1984-85 biennium. In the 1982-83 biennium, 4.9 percent of the revenue in the General Revenue Fund was from non-tax sources and 95.1 percent was from state tax revenues not dedicated by the Constitution. The beginning balance of Fund 62 is apportioned on the basis of 1984-85 revenue to that fund from motor fuels taxes (dedicated), fees for collection of city sales taxes and other miscellaneous non-tax sources, and a percentage of revenue from taxes on oil, natural gas production and cigarette sales. By subtracting the appropriations financed from these known sources from the total of \$22,741,966,871, it can be established that appropriations totaling \$18,971,822,310 remain to be financed (see item 8).

Dedicated state tax revenues deposited in the General Revenue Fund are estimated to total \$2,461,844,000 during the 1986-87 biennium. From this total, the following items are subtracted: the occupation tax revenue for public schools (\$755,459,000), and motor fuels taxes (\$1,701,321,214), to arrive at the (\$5,063,786) difference shown in the second column of item 7. When the apportioned Fund 62 balance is added, appropriations from the General Revenue Fund financed from dedicated state taxes total \$2,465,084,090 for the 1986-87 biennium. Non-tax revenue in the General Revenue Fund is estimated at \$1,324,433,000 for the 1986-87 biennium (see the third column). When restricted fees for the Health Department are subtracted, the remaining amount totals \$1,319,750,458. With the apportioned beginning fund balances added, appropriations from the General Revenue Fund financed from non-tax revenue are estimated at \$1,345,420,217 for the 1986-87 biennium.

General Revenue Fund appropriations to be financed from non-dedicated tax revenue are shown in column 4. This amount totals \$18,931,462,564 for the 1986-87 biennium.

## II. AVAILABLE SCHOOL FUND 002

A. The appropriations from the Available School Fund finance the per capita distribution to school districts and the State schools and the transfer to the State Textbook Fund 003. The amount of per capita aid to school districts depends upon the average daily attendance count for students in Texas public schools during the preceding year and estimates by the State Comptroller of the amount of revenue that will flow into the Available School Fund. The estimates used in calculating the limitation are based on the distribution of Available School Fund revenue in FY 1986 and the Comptroller's September 1986 estimate of Available School Fund revenue for FY 1987. Additional motor fuels tax transfers resulting from the enactment of H.B. 79, Third Called Session, have been added to the FY 1987 revenue total. The amount of per capita aid to be distributed to school districts during the 1986-87 biennium is estimated at \$1,594,830,749.

B. Source of Funding: The transfer from motor fuel taxes originates with tax revenue dedicated to public schools by the Texas Constitution. Interest and dividend income is earned from the investment activity of the Permanent School Fund and is classified as non-tax revenue. The beginning balance in the Available School Fund is apportioned among the three sources in the same percentages as revenue received by the Fund in the 1984-85 biennium. In the 1984-85 biennium, 48.0 percent of the Available School Fund revenue came from state tax revenue dedicated by the Constitution, 37.7 percent came from sources other than taxes and 14.3 percent came from tax revenues not dedicated by the Constitution, such as taxes on alcoholic beverages, motor vehicle sales and insurance premiums. Beginning in fiscal 1985, these transfers were made to the Foundation School Fund 193 rather than the Available School Fund. The figure for non-dedicated tax revenue is \$9,385,355 and comes exclusively from the apportionment of cash balances from the 1984-85 biennium, when non-dedicated tax revenue was deposited in the Fund.

The Comptroller's certification to the Foundation School Fund Budget Committee showed an ending cash balance of \$1,787,000 for FY 1987. This amount is allocated among the three revenue categories on the basis of estimated 1986-87 biennial receipts of the fund. It is shown as a deduction because it is assumed that All Available School Fund revenue will be spent within the biennium.

## III. STATE TEXTBOOK FUND 003

The State Textbook Fund retains interest on its deposits and receives income from the sale of used textbooks. The revenue received by the Fund is deducted from the textbook appropriation in determining how much Available School Fund revenue must be transferred in order to fund the textbook program. Actual receipts are used in FY 1986, along with the amounts contained in the Comptroller's September 1986 revenue estimate for FY 1987.

## IV. FOUNDATION SCHOOL FUND 193

In addition to the occupation tax transfers shown under the General Revenue Fund, the Foundation School Fund receives a distribution of escheated estate income each year. Actual collections are used for FY 1986. The FY 1987 amount is contained in the Comptroller's September 1986 revenue estimate. The FY 1986 beginning balance of \$7,050,675 is distributed on the basis of revenue deposited in or transferred to Fund 193 during the 1984-85 biennium.

**V. STATE HIGHWAY FUND 006**

Of the revenue that flows directly into the State Highway Fund, only the motor lubricants sales tax and motor vehicle registration fees are included in the calculation of the limitation. Both are dedicated by the State Constitution for highways. Motor vehicle sales tax and motor fuels tax transfers are shown under the General Revenue Fund.

**VI. MIXED DRINKS GROSS RECEIPTS FUND 068**

The state levies a twelve percent gross receipts tax on the sale of mixed drinks, of which 75 percent is deposited into the General Revenue Fund and the remaining 25 percent is distributed among the cities and counties in which the sale occurred. The local share of this tax is included in the non-dedicated state tax revenue category.

**VII. BANK FRANCHISE TAX ALLOCATION FUND 555**

The corporate franchise tax was extended to banks by the passage of House Bill No. 122, Second Called Session June 1984. The tax is collected by the State Comptroller and deposited in a separate fund before it is distributed to the local jurisdictions in which the banks are located. The State Comptroller is allowed to retain two percent of the amount received for tax collection and enforcement purposes. The bank franchise tax is classified as a non-dedicated state tax. The amount shown is taken from FY 1986 actual collections and the Comptroller's September 1986 revenue estimate.

**VIII. BOARD OF INSURANCE TAXES**

There are a number of taxes paid by insurance companies, the rates of which are set by the Board of Insurance with the statutory intent of producing the revenue necessary to help pay the administrative costs of the Board. Over a period of years, the revenue from these taxes should match the portion of the Board's administrative costs that is subject to the limitation on the growth of appropriations. In specific years, this match may be imperfect because of additions to or reductions in balances in the various funds controlled by the Board. The amount shown is based on actual FY 1986 collections and the Comptroller's September 1986 revenue estimate for FY 1987.

**Grand Total.** A grand total of \$26,080,893,956 in 1986-87 biennial appropriations is included in this analysis. Of this amount, \$3,113,482,675 is financed out of taxes dedicated by the State Constitution. Another \$3,753,920,549 is financed out of non-tax revenue, including interest and investment income and licenses and fees. The remaining \$19,213,490,732 is financed out of tax revenue not dedicated by the State Constitution. This is the amount which serves as a base for calculating the limitation on 1988-89 biennial appropriations from non-dedicated state taxes, as required by Art. VIII, Section 22, of the Texas Constitution.

TABLE C-1  
1986-87 BIENNIAL APPROPRIATIONS INCLUDED IN THE  
CALCULATION OF THE LIMITATION BASE

	<u>1986-87</u> <u>Appropriations</u>
<b>I. General Revenue Fund</b>	
<b>A. Appropriations</b>	
<b>1. Revenue Allocations</b>	
a. Comptroller Operating Fund 062 Enforcement (Motor Fuels shown below)	\$ 37,702,000
b. State Parks Fund 064	\$ 34,597,000
c. Local Parks Fund 467	26,597,000
d. Home Port Fund 545	<u>8,000,000</u>
Subtotal - Parks and Home Port	<u>69,194,000</u>
e. Restricted Fees - Department of Health	4,682,542
f. Occupation Tax Revenues to Foundation School Fund	1,437,907,000
g. Motor Vehicle Sales Tax to State Highway Fund (1/10th and 1/8th)	<u>268,917,000</u>
Subtotal - Revenue Allocations	<b>1,818,402,542</b>
<b>2. Priority Allocations</b>	
a. Farm-to-Market Road Fund 189	15,000,000
b. Teacher Retirement System Fund 960 (1) Retirement Program	1,272,911,141
(2) Retired Employees Group Insurance Program	26,730,942
c. Optional Retirement Program Fund 963	200,272,763
d. Foundation School Program Fund 193	<u>6,507,537,235</u>
Subtotal - Priority Allocations	<b>8,022,452,081</b>



3. Line Item Appropriations		
a. Appropriations "Estimated-to-Be"		
(1) Employees Retirement System	981,432,705	
(2) Voter Registration	4,639,099	
(3) County Taxes on University Lands	1,916,400	
(4) Ranger Pensions	100,000	
(5) Judiciary (Comptroller's Dept.)	66,257,115	
(6) Miscellaneous Claims	349,805	
b. All Other Line Items	<u>9,667,507,916</u>	
Subtotal - "Estimated-to-Be" Appropriations		10,722,203,040
4. Related Appropriations		
a. Unexpended Balances Reappropriated	7,390,564	
b. Riders in Gen. Appropriations Act	183,726,267	
c. Less Governor's Vetoes	(325,000)	
d. Transfer for Gasohol Refunds	6,645,786	
e. Construction Reappropriations	247,712,049	
f. Other Appropriations Acts		
(1) Regular Session (69th)	27,448,328	
(2) First Called Session	4,990,000	
(3) Second Called Session (included above)	-0-	
(4) Third Called Session (included above)	-0-	
Subtotal - Related Appropriations		477,587,994
5. Highway Motor Fuels Taxes Transfer to Other Funds		
a. To County and Road District Highway Fund 057	14,600,000	
b. To State Highway Fund 006	1,659,237,000	
c. Enforcement to Fund 062 (1%)	23,199,000	
d. 75% Motorboat Refunds to Fund 009	10,931,000	
e. To Available School Fund 002 (amount accounted for at line III, B.1.)		
f. Less Gasohol Refund Transfers (shown above)	<u>(6,645,786)</u>	
Subtotal, Highway Motor Fuels Taxes		<u>1,701,321,214</u>
Subtotal - General Revenue Fund Appropriations		\$22,741,966,871
		=====

	<u>Total Appropriations</u>	<u>Dedicated State Tax Revenues</u>	<u>Non-Tax Revenues</u>	<u>Non-Dedicated State Tax Revenues</u>
<b>B. Source of Funding</b>				
1. Enforcement	\$ 37,702,000	\$	\$	\$ 37,702,000
2. Parks & Home Port	69,194,000			69,194,000
3. Restricted Fees	4,682,542		4,682,542	
4. Occupation Tax Revenue for Public Schools	1,437,907,000	755,459,000		682,448,000
5. Motor Vehicle Sales Tax to State Highway Fund	268,917,000			268,917,000
6. Appropriations from Beginning Balances				
a. General Revenue	232,529,641		11,300,941	221,228,700
b. Fund 062	17,891,164	3,240,090	9,686,276	4,964,798
7. Motor Fuels Taxes	1,701,321,214	1,701,321,214		
8. Appropriations from Other Revenues	<u>18,971,822,310</u>	<u>5,063,786</u>	<u>1,319,750,458</u>	<u>17,647,008,066</u>
<b>Subtotal-General Revenue</b>	<b><u>\$22,741,966,871</u></b>	<b><u>\$2,465,084,090</u></b>	<b><u>\$1,345,420,217</u></b>	<b><u>\$18,931,462,564</u></b>

1986-87  
Appropriations

<b>II. Available School Fund 002</b>	
<b>A. Appropriations</b>	
1. Per Capita Distribution to School Districts	\$1,594,830,749
2. Distribution to State Schools	1,845,464
3. Transfer to Textbook Fund 003	<u>177,639,197</u>
<b>Subtotal - Fund 002 Appropriations</b>	<b><u>\$1,774,315,410</u></b> =====

	<u>Total Appropriations</u>	<u>Dedicated State Tax Revenues</u>	<u>Non-Tax Revenues</u>	<u>Non-Dedicated State Tax Revenues</u>
<b>B. Source of Funding</b>				
1. Transfer From Motor Fuels Taxes	\$ 563,235,000	\$ 563,235,000	\$	\$
2. Investment Income and Non-Tax Revenue	1,147,446,000		1,147,446,000	
3. Beginning Balance of ASF No. 002	65,421,410	31,398,352	24,637,703	9,385,355
4. Less Ending Balance	<u>(1,787,000)</u>	<u>(588,370)</u>	<u>(1,198,630)</u>	
Subtotal - Available School Fund	<u>\$ 1,774,315,410</u>	<u>\$ 594,044,982</u>	<u>\$ 1,170,885,073</u>	<u>\$ 9,385,355</u>
III. State Textbook Fund 003	<u>\$ 10,239,000</u>	<u>\$</u>	<u>\$ 10,239,000</u>	<u>\$</u>
IV. Foundation School Fund 193	\$ 43,000,000	\$	\$ 43,000,000	\$
Beginning Balance	<u>7,050,675</u>	<u>4,466,603</u>	<u>40,259</u>	<u>2,543,813</u>
Subtotal - Fund 193	<u>\$ 50,050,675</u>	<u>\$ 4,466,603</u>	<u>\$ 43,040,259</u>	<u>\$ 2,543,813</u>
V. State Highway Fund 006				
1. Motor Lubricants Sales Tax	\$ 49,887,000	\$ 49,887,000	\$	\$
2. Motor Vehicle Regist. Fees	<u>1,181,347,000</u>		<u>1,181,347,000</u>	
Subtotal - Fund 006	<u>\$ 1,231,234,000</u>	<u>\$ 49,887,000</u>	<u>\$ 1,181,347,000</u>	<u>\$</u>
VI. Mixed Drinks Gross Receipts Tax Fund 068 (Grants to Cities and Counties only; General Revenue Transfer shown above)	\$ 94,421,000	\$	\$	\$ 94,421,000
3777 Voided Warrants	<u>50,000</u>		<u>50,000</u>	
Subtotal	<u>\$ 94,471,000</u>	<u>\$</u>	<u>\$ 50,000</u>	<u>\$ 94,421,000</u>
VII. Bank Franchise Tax Allocation Fund 555				
1. Bank Franchise Tax	\$ 143,518,000	\$	\$	\$ 143,518,000
2. Service Fee to Fund 062	<u>2,939,000</u>		<u>2,939,000</u>	
Subtotal, (Bank Franchise Tax Fund)	<u>\$ 146,457,000</u>	<u>\$</u>	<u>\$ 2,939,000</u>	<u>\$ 143,518,000</u>
VIII. Board of Insurance Taxes	<u>\$ 32,160,000</u>			<u>\$ 32,160,000</u>
<b>GRAND TOTAL</b>	<u>\$26,080,893,956</u>	<u>\$3,113,482,675</u>	<u>\$3,753,920,549</u>	<u>\$19,213,490,732</u>

TABLE C-2  
**CALCULATION OF "ALL OTHER LINE ITEMS"**  
**FOR THE 1986-87 BIENNIUM**  
**(H.B. 20 for FY 1986 and S.B. 1 for FY 1987)**

	<u>1986</u>	<u>1987</u>	<u>1986-87 Biennium</u>
<b>General Revenue "Recap"</b>			
Amount			
(H.B. 20, Recapitulation, p. x)	<b>\$11,450,796,221</b>		
(S.B. 1, Recapitulation, p. viii)		<b>\$11,061,913,360</b>	<b>\$22,512,709,581</b>
Less:			
Available School Fund - Programs			
(H.B. 20, Art. III, p. 3)	529,565,000		
(S.B. 1, Art. III, p. 3)		700,716,221	1,230,281,221
Available School Fund-Administration			
(no reference in H.B. 20)	-0-		
(S.B. 1, Art III, p. 10)		588,779	588,779
Textbook Fund - Programs			
(H.B. 20, Art. III, p. 3)	71,181,700		
(S.B. 1, Art. III, p. 3)		114,089,100	185,270,800
Textbook Fund - Administration			
(H.B. 20, Art. III, pp. 10-11)	1,303,807		
(S.B. 1, Art. III, pp. 10-11)		<u>1,303,690</u>	<u>2,607,497</u>
Subtotal, Net General Revenue	<u>10,848,745,714</u>	<u>10,245,215,570</u>	<u>21,093,961,284</u>
Less:			
Comptroller's Operating Fund			
062 Transfer			
(H.B. 20, Art. I, p. 49)	30,582,000		
(S.B. 1, Art. I, p. 50)		30,449,000	61,031,000
State Parks Fund 064 Transfer			
(H.B. 20, Art. I, p. 146)	17,612,000		
(S.B. 1, Art. I, p. 143)		18,463,000	36,075,000
Local Parks Fund 467 Transfer			
(H.B. 20, Art. I, p. 146)	17,612,000		
(S.B. 1, Art. I, p. 143)		18,463,000	36,075,000
Health Department Fees			
(H.B. 20, Art. II, p. 14)	2,341,271		
(S.B. 1, Art. II, p. 13)		2,341,271	4,682,542
M.V. Sales Tax Transfer to Fund 006			
(H.B. 20, Art. I, p. 97)	122,446,000		
(S.B. 1, Art. I, p. 95)		123,416,000	245,862,000
Farm-to-Market Road Fund 189			
(H.B. 20, Art. I, p. 97)	15,000,000		
(S.B. 1, Art. I, p. 95)		15,000,000	30,000,000
Teacher Retirement System Fund 960			
(H.B. 20, Art. III, p. 22)	703,901,000		
(S.B. 1, Art. III, p. 21)		664,781,000	1,368,682,000

TABLE C-2  
**CALCULATION OF "ALL OTHER LINE ITEMS"**  
**FOR THE 1986-87 BIENNIUM**  
**(H.B. 20 for FY 1986 and S.B. 1 for FY 1987)**  
**(Continued)**

	<u>1986</u>	<u>1987</u>	<u>1986-87 Biennium</u>
Miscellaneous Claims (H.B. 20, Art. I, p. 52) (S.B. 1, Art. I, p. 53)	800,000	300,000	1,100,000
Subtotal, Line Items Shown Separately	<u>5,778,486,193</u>	<u>5,647,967,175</u>	<u>11,426,453,368</u>
Total, Other Line Items	<u>\$ 5,070,259,521</u>	<u>\$ 4,597,248,395</u>	<u>\$ 9,667,507,916</u>
Optional Retirement Program (H.B. 20, Art. III, p. 22) (S.B. 1, Art. III, p. 22)	96,889,000	101,413,000	198,302,000
Foundation School Fund 193 (H.B. 20, Art. III, p. 3) (S.B. 1, Art. III, p. 3)	4,250,354,778	4,163,504,760	8,413,859,538
Employees Retirement System (H.B. 20, Art. I, p. 77) (S.B. 1, Art. I, pp. 77-78)	484,096,000	473,024,000	957,120,000
Voter Registration (H.B. 20, Art. I, p. 52) (S.B. 1, Art. I, p. 52)	3,000,000	3,000,000	6,000,000
County Taxes on University Lands (H.B. 20, Art. I, p. 54) (S.B. 1, Art. I, p. 54)	1,000,000	1,000,000	2,000,000
Ranger Pensions (H.B. 20, Art. I, p. 54) (S.B. 1, Art. I, p. 54)	50,000	50,000	100,000
Judiciary (Comptroller's Dept.) (H.B. 20, Art. IV, p. 25) (S.B. 1, Art. IV, p. 24)	32,802,144	32,762,144	65,564,288

TABLE C-3  
**UNEXPENDED BALANCES REAPPROPRIATED FROM  
THE GENERAL REVENUE FUND FOR THE 1986-87 BIENNIUM**

<u>Agency</u>	<u>H.B. 20 Reference</u>	<u>Amount</u>
Commission on the Arts	(Art. I, p. 34, No. 1)	\$ 78,141
Attorney General-Worker's Compensation	(Art. I, p. 42, No. 1)	750,000
Governor's Office	(Art. I, p. 93, No. 12)	2,102,423
Adult Probation Commission	(Art. I, p. 175, No. 8)	1,460,000
Railroad Commission	(Art. I, p. 175, No. 8)	1,500,000
Public Utility Commission	(Art. I, p. 200, No. 3)	1,200,000
Texas Youth Commission	(Art. II, p. 55, No. 7)	<u>300,000</u>
Total		<u>\$7,390,564</u> =====

TABLE C-4  
CONSTRUCTION FUNDS REAPPROPRIATED FROM THE  
GENERAL REVENUE FUND FOR THE 1986-87 BIENNIUM

Agency	Balances Reappropriated for 1986-87
<b>I. HIGHER EDUCATION</b>	
<b>A. Universities</b>	
1. U. T. at Arlington	\$ 6,205,689
2. U. T. at El Paso	344,213
3. U. T. at Dallas	51,079
4. U. T. at San Antonio	95,436
5. U. T. at Tyler	2,994
6. Prairie View A&M	3,556,148
7. Tarleton State University	11,522
8. Texas A&M at Galveston	3,389,762
9. Corpus Christi State University	3,454
10. East Texas State University	319,953
11. East Texas State - Texarkana	105,724
12. University of Houston	17,294,863
13. University of Houston, Downtown	1,898,021
14. Midwestern University	561,591
15. North Texas State University	844,005
16. Pan American University	94,009
17. Texas Southern University	38,482,278
18. Texas Tech University	2,229,226
19. Texas Woman's University	196,635
20. Angelo State University	1,868
21. Sam Houston State University	3,409,723
22. Southwest Texas State University	2,781,313
23. West Texas State University	63,818
Total, Universities	\$ 81,943,324
<b>B. Medical Schools</b>	
1. U. T. Health Science Center - Houston	\$ 5,077
2. U. T. Health Science Center - San Antonio	391,965
3. Texas College Osteopathic Medicine	5,456,383
4. Texas Tech Health Science Center	9,146,080
Total, Medical Schools	\$ 14,999,505
<b>C. Other Higher Education</b>	
1. Texas State Technical Institute	\$ 716,191
2. U. T. Institute Texan Cultures	102,579
3. Texas Agricultural Experiment Station	72,393
Total, Other Higher Education	\$ 891,163
TOTAL, Higher Education	\$ 97,833,992
<b>D. OTHER STATE AGENCIES</b>	
1. Department of Corrections	\$ 102,422,869
2. Department of MHR	20,353,886
3. State Purchasing	7,145,634
4. Texas Youth Commission	3,226,247
5. Parks and Wildlife Department	4,569,336
6. Texas Aeronautics Commission	6,564,495
7. School for the Deaf	1,685,689
8. School for the Blind	790,364

TABLE C-4  
**CONSTRUCTION FUNDS REAPPROPRIATED FROM THE  
 GENERAL REVENUE FUND FOR THE 1986-87 BIENNIUM**  
 (Continued)

Agency	Balances Reappropriated for 1986-87
9. Senate	102,231
10. House	8,163
11. Low-Level Radioactive Waste	2,373,701
12. Department of Health	25,575
13. San Antonio State Chest Hospital	70,785
14. South Texas Chest Hospital	376,539
15. State Preservation Board	13,250
16. Treasury Department	100
17. Texas State Library-Archives	149,193
TOTAL, Other State Agencies	\$ 149,878,057
GRAND TOTAL, Construction Appropriation Authority to be Paid from the General Revenue Fund	\$ 247,712,049 *****

TABLE C-5  
**OTHER APPROPRIATIONS OF THE 69TH LEGISLATURE  
 FROM THE GENERAL REVENUE FUND  
 FOR THE 1986-87 BIENNIUM**

Bill & Agency	1986	1987	1986-87 Biennium
<b>Regular Session</b>			
S.B. 249:			
Water Development Board	\$ 2,636,719	\$ 0	\$ 2,636,719
Water Development Board	1,287,035	0	1,287,035
Water Development Board	14,804,464	0	14,804,464
Water Commission	(1,963,186)	0	(1,963,186)
S.B. 384: Tx. Commission on the Deaf	38,000	38,000	76,000
S.B. 1273: Comptroller (Fiscal Division)	8,631,205	0	8,631,205
S.B. 1295: UT Health-Science Center	1,976,091	0	1,976,091
Total	\$27,410,328 *****	\$38,000 *****	\$27,448,328 *****
<b>First Called Session</b>			
S.B. 1			
Cancer Council	\$ 3,000,000	\$ 0	\$ 3,000,000
Health	11,500,000	0	11,500,000
DHR	10,500,000	0	10,500,000
Governor	(20,010,000)	0	(20,010,000)
Total	\$ 4,990,000 *****	\$ 0 *****	\$ 4,990,000 *****

**Texas State Board of Physical  
Therapy Examiners**

**Correction of Error**

Proposed sections of the Texas State Board of Physical Therapy Examiners contained an error as submitted in the October 17, 1986, issue of the *Texas Register* (11 TexReg 4296).

The fiscal note for §339.3 and §339.4 should have read that the effect on state government will be an estimated increase in revenue of \$34,470 for 1987, \$57,280 for 1988, and \$59,170 for 1989.



**Office of the Secretary of State  
Texas Register**

Due to the upcoming November 4, 1986, election, the *Texas Register* has revised issue dates and deadlines for the November 4, 1986, Quarterly Index, and the November 7, 1986, issue of the *Texas Register*.

The Quarterly Index will be published on November 7, 1986. The November 7, 1986, issue of the *Texas Register* will be published on November 4, 1986, thereby changing the deadline for submission of rules to 10 a.m., Wednesday, October 29, and the deadline for open meeting submissions to 10 a.m., Thursday, October 30, 1986.

The publication schedule will resume with the November 11, 1986, issue and follow publication schedule deadlines thereafter.