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Volume 6, Number 32, May 1, 1981  
Pages 1537 - 1588

# TEXAS REGISTER

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MAY 6 1981

In This Issue...

**TEXAS DOCUMENTS**  
Texas Savings and Loan Department simultaneously adopts on an emergency basis and proposes for permanent adoption an amendment to expedite a merger when a supervisory situation exists; effective and proposed dates of adoption—April 24 and July 1 ..... 1544, 1545

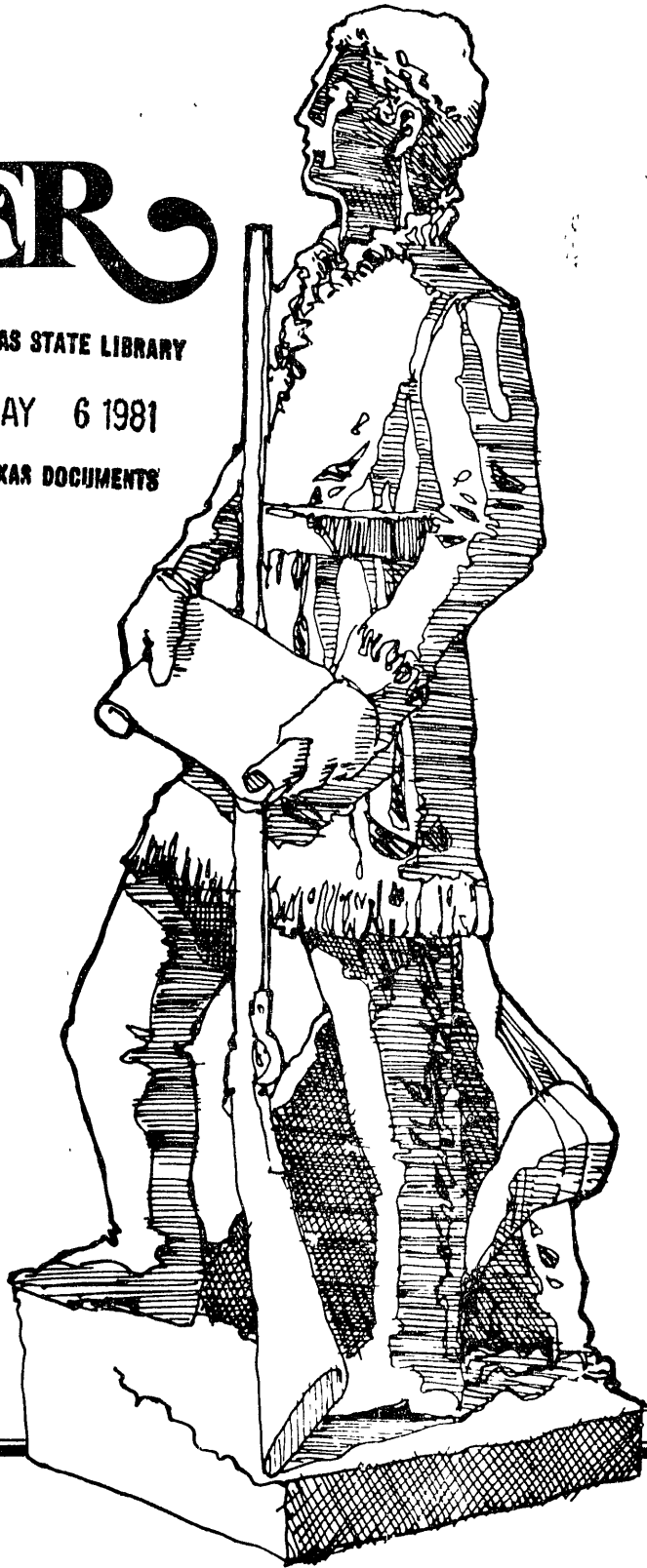
General Land Office proposes an amendment to delete from the code certain fee payment criteria that are no longer part of current operating procedures; proposed date of adoption—June 1 ..... 1546

Comptroller of Public Accounts proposes amendments regarding advertising agencies; proposed date of adoption—June 1 ..... 1547

Commission on Jail Standards proposes amendments concerning new and existing construction; proposed date of adoption—June 1 ..... 1550

Texas Education Agency proposes amendments in reference to the administration and operation of regional education service centers; proposed date of adoption—June 13 ..... 1551

Governor's Committee on Aging adopts new rules concerning appeal procedures for hearings; effective date—May 18 ..... 1561



Office of the Secretary of State

The *Texas Register* is currently in the process of converting to the numbering system found in the *Texas Administrative Code* (TAC). To aid the reader in this conversion, both the 10-digit *Register* number and the new TAC number will be listed for agencies whose rules have been published in the TAC. Emergency, proposed, and adopted rules sections of the *Register* are divided into two classifications: codified and noncodified. Codified rules appear in title number order. Non-codified rules appear in alphabetical order as they have in the past. An "Index of TAC Titles Affected" appears at the end of this issue.

Titles 1, 4, 7, 10, 13, 16, 22, 25, 31, 34, 37, and 43 only of the TAC have now been published. Documents classified in the *Texas Register* to titles not yet published and certain documents affecting titles of the code have been accepted in the non-TAC format and may be renumbered or revised, or both, when initially codified in the TAC.

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

1 is the title (agencies grouped together by subject title which are arranged alphabetically)

TAC is the *Texas Administrative Code*

§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

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Latest Texas Code Reporter  
(Master Transmittal Sheet): No. 4, Jan. 81

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**HOW TO CITE:** Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2404 of Volume 4 is cited as follows: 4 TexReg 2404.

*Cover illustration: represents Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol.*

# TEXAS REGISTER

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George W. Strake, Jr.  
Secretary of State

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## The Governor

### Appointments—April 8, 1981

- 1541 *Credit Union Commission*
- 1541 *Finance Commission of Texas*
- 1541 *Texas Optometry Board*

### Appointments—April 10, 1981

- 1541 *Bi-National Governors' Conference*
- 1541 *Governor's Task Force on Higher Education*
- 1542 *Texas 2000 Commission*

### Appointments—April 13, 1981

- 1542 *Texas Board of Human Resources*
- 1542 *286th Judicial District Court*
- 1542 *287th Judicial District*

### Appointments—April 15, 1981

- 1543 *268th Judicial District Court*

### Appointments—April 16, 1981

- 1543 *Texas Amusement Machine Commission*
- 1543 *Brazos River Authority*
- 1543 *Family Farm Advisory Council*
- 1543 *Texas Judicial Council*
- 1543 *284th Judicial District Court*
- 1543 *Texas Surplus Property Agency*

## Emergency Rules

### Texas Savings and Loan Department

- 1544 *Reorganization, Merger, Acquisition, and Consolidation*

## Proposed Rules

### Texas Savings and Loan Department

- 1545 *Reorganization, Merger, Acquisition, and Consolidation*

### Board of Vocational Nurse Examiners

- 1545 *Application for Licensure*

### General Land Office

- 1546 *Land Resources*

### Comptroller of Public Accounts

- 1547 *Tax Administration*

### Commission on Jail Standards

- 1550 *New Construction*
- 1551 *Existing Construction*

### Texas Education Agency

- 1551 *Regional Education Service Centers*
- 1555 *School Districts*
- 1558 *Teacher Certification*

### Texas Department of Human Resources

- 1558 *Food Stamps*

## Adopted Rules

### Texas Health Facilities Commission

- 1560 *Appropriateness Review*

### Comptroller of Public Accounts

- 1560 *Tax Administration*

### Governor's Committee on Aging

- 1561 *Hearing Procedures*

### Texas Education Agency

- 1562 *Instructional Resources*
- 1563 *Pupil Services*
- 1563 *Planning and Accreditation*

### Texas Department of Human Resources

- 1563 *ICF/ISNF*
- 1563 *Child Welfare Services*

### State Board of Insurance

- 1564 *Rating and Policy Forms*

## Open Meetings

- 1565 *Texas Adult Probation Commission*

- 1565 *Texas Aeronautics Commission*

- 1565 *Texas Commission on Alcoholism*

- 1565 *Texas Board of Architectural Examiners*

- 1565 *State Bar of Texas*

- 1566 *State Board of Canvassers*

- 1566 *Texas Department of Community Affairs*

- 1566 *Texas Department of Corrections*

- 1566 *Texas Cosmetology Commission*

- 1566 *Texas Commission for the Deaf*

- 1566 *State Board of Dental Examiners*

- 1566 *Texas Education Agency*

- 1567 *Employees Retirement System of Texas*

- 1567 *Finance Commission of Texas*

- 1567 *Texas Health Facilities Commission*

- 1568 *Texas Historical Commission*

- 1568 *University of Houston System*

- 1568 *Texas Department of Human Resources*

- 1568 *State Board of Insurance*

- 1570 *Texas Advisory Commission on Intergovernmental Relations*

- 1570 *Commission on Law Enforcement Officer Standards and Education*

- 1570 *Board for Lease of State-Owned Land*

- 1570 *Board for Lease of University Lands*

- 1571 *Texas State Library and Archives Commission*

- 1571 *Merit System Council*

- 1571 *State Board of Morticians*

- 1571 *Texas National Guard Armory Board*

- 1571 *North Texas State University*

- 1572 *Board of Nurse Examiners*

- 1572 *Pan American University*

- 1572 *Board of Pardons and Paroles*

- 1572 *State Pension Review Board*

- 1572 *Texas Department of Public Safety*

- 1573 *Public Utility Commission of Texas*

- 1574 *State Purchasing and General Services Commission*

- 1574 *Railroad Commission of Texas*

- 1575 *Texas Real Estate Commission*

- 1575 *State Rural Medical Education Board*

- 1575 *School Land Board*

- 1575 *Texas Sesquicentennial Commission*

- 1575 *University System of South Texas*

- 1576 *Advisory Council for Technical-Vocational Education in Texas*

- 1576 *Texas Southern University*

- 1576 *Texas State University System*

- 1576 *Texas Tourist Development Agency*

- 1576 *Texas Woman's University*

- 1577 *University Interscholastic League*

- 1577 *Veterans Affairs Commission*

- 1577 *Texas Water Commission*

- 1578 *Texas Water Well Drillers Board*

- 1578 *Texas Wheat Producers Board*

- 1578 *Regional Agencies*

## In Addition

### Governor's Committee on Aging

1581 *Consultant Contract Award*

### Texas Air Control Board

1581 *Applications for Construction Permits*

1581 *Contested Case Hearing*

1582 *Interagency Contract*

1582 *Professional Services Contracts*

### Office of the Attorney General

1583 *Solid Waste Enforcements*

### Banking Department of Texas

1583 *Applications To Purchase Control of State Banks*

### Blanco County Appraisal District

1584 *Correction of Error*

### Comptroller of Public Accounts

1584 *Administrative Decision*

### Texas Energy and Natural Resources Advisory Council

1584 *Consultant Contract Award*

1584 *Consultant Proposal Request*

### Texas Health Facilities Commission

1585 *Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate*

1586 *Petitions for Certificate of Need Reissuance*

### Texas Department of Human Resources

1586 *Correction of Error*

### Texas Advisory Commission on Intergovernmental Relations

1586 *Availability of Publication*

### Legislative Information System of Texas

1586 *Toll-Free Telephone Number*

### South Texas Health Systems Agency

1586 *Correction of Error*

### Texas Tourist Development Agency

1587 *Consultant Proposal Request*

## Indexes

1588 *TAC Titles Affected in This Issue (Conversion Table)*

1588 *Table of TAC Titles*

Texas Civil Statutes, Article 6252-13a, §6, requires that executive orders issued by the Governor of Texas be published in the *Register*. Appointments made and proclamations issued by the governor are also published. Appointments are published in chronological order. The certification information, which includes a telephone number for additional information, follows each published submission.

## Appointments

April 8, 1981

### Credit Union Commission

*To be a member for a six-year term to expire February 15, 1987:*

Walter V. Duncan  
3306 Canyon Creek Drive  
Richardson, Texas 75080

Mr. Duncan is being reappointed.

### Finance Commission of Texas

*To be members for six-year terms to expire February 1, 1987:*

V. F. (DOC) Neuhaus  
Southware Road, 2-1/4 miles  
McAllen, Texas 78501 (representing business  
ability position)

Mr. Neuhaus is being reappointed.

Gerald Hicks Smith  
130 Glenn Way  
Houston, Texas 77056 (representing Quartile IV)

Mr. Smith is being reappointed.

### Texas Optometry Board

*To be a member for a six-year term to expire January 31, 1987:*

Salvador S. Mora  
2320 Plum  
Laredo, Texas 78040

Mr. Mora is being reappointed.

Issued in Austin, Texas, on April 8, 1981.

Doc. No. 812711 William P. Clements, Jr.  
Governor of Texas

For further information, please call (512) 475-3021.

April 10, 1981

### Bi-National Governors' Conference

#### Agricultural Committee

Reagan V. Brown, commissioner  
Texas Department of Agriculture  
Stephen F. Austin Building  
Austin, Texas 78711

Leon Miller  
Box NN  
Eagle Pass, Texas 78852

#### Energy and Commerce Committee

Radcliffe Killam  
Killam and Hurd Limited  
P.O. Box 499  
Laredo, Texas 78041  
James R. Lesch  
Hughes Tool Company  
P.O. Box 2539  
Houston, Texas 77001 (chairman)

#### Tourism Committee

Tom Herring, Sr.  
Pan Tex Hotel Corporation  
1000 Zaragoza  
Laredo, Texas 78040 (chairman)  
Robert Shepard  
Cocozza, Shepard, and Walton  
P.O. Box 1830  
Harlingen, Texas 78550

#### Twin Plants and Industrial Development Committee

Clinton A. Lockett  
State National Bank  
1 State National Plaza  
El Paso, Texas 79901  
Kenton E. Schaefer  
Philen Shipping Company  
P.O. Box 271  
Brownsville, Texas 78520

#### Environment Committee

Vittorio K. Argento  
Civil Engineering Department  
The University of Texas at Arlington  
Arlington, Texas 76019

#### Cultural and Educational Programs Committee

Sarah Lea  
2401 Savannah  
El Paso, Texas 79930  
Ralph W. Scoggins  
Suite 242  
5959 Gateway West  
El Paso, Texas 79925

### Governor's Task Force on Higher Education

*Pursuant to Executive Order WPC-21, dated March 26, 1981,  
for one-year terms to expire April 2, 1982:*

Sam Barshop  
Box 32064  
San Antonio, Texas 78216  
Bernard G. Johnson  
5050 Westheimer  
Houston, Texas 77027  
Elvis L. Mason  
P.O. Box 83301  
Dallas, Texas 75283  
Beryl Buckley Milburn  
2606 Pecos  
Austin, Texas 78703

Bill J. Priest  
701 Elm  
Dallas, Texas 75202

Preston Shirley  
700 First Hutchings-Sealy National Bank Building  
Galveston, Texas 77550

Allan Shivers, Jr.  
920 American Bank Tower  
Austin, Texas 78701

Charles C. Sprague, M.D.  
5323 Harry Hines Boulevard  
Dallas, Texas 75235

Alvin I. Thomas, Ph.D.  
Prairie View A&M University  
Prairie View, Texas 77445

Lance Tarrance  
3648 FM Road 1960 West, No. 200  
Houston, Texas 77068

Representative Frank M. Tejada  
State Capitol  
Capitol Station  
Austin, Texas 78711

Steve Bartlett  
Suite 912  
2510 Electronic Lane  
Dallas, Texas 75220

T. Boone Pickens, Jr.  
P.O. Box 2009  
Amarillo, Texas 79189

Issued in Austin, Texas, on April 10, 1981.

Doc. No. 812712 William P. Clements, Jr.  
Governor of Texas

For further information, please call (512) 475-3021.

## Texas 2000 Commission

*Pursuant to Executive Order WPC-22, for one-year terms to expire April 9, 1982:*

John B. Armstrong  
P.O. Box 193  
Kingsville, Texas 78363

Bo Byers  
Box 12307  
Capitol Station  
Austin, Texas 78711

Senator Ray Farabee  
State Capitol  
Capitol Station  
Austin, Texas 78711

T. R. Fehrenbach  
5108 Broadway  
San Antonio, Texas 78209

Arthur L. Gonzales  
P.O. Box 1572  
El Paso, Texas 79948

John P. Harbin  
2600 Southland Center  
Dallas, Texas 75201

Senator Grant Jones  
State Capitol  
Capitol Station  
Austin, Texas 78711

Harvey J. McMains  
Graduate School of Business  
The University of Texas at Austin  
University Station  
Austin, Texas 78712

Walt Rostow  
LBJ Library  
2313 Red River  
Austin, Texas 78705

William H. Seay  
P.O. Box 2699  
Dallas, Texas 75221

Representative Ashley Smith  
State Capitol  
Capitol Station  
Austin, Texas 78711

## April 13, 1981

### Texas Board of Human Resources

*To be a member for a six-year term to expire January 20, 1987.*

Frederick C. Rehfeldt, M.D.  
Rancho Mesita  
P.O. Box 099  
Millsap, Texas 76066

Mr. Rehfeldt will be replacing Hilmar G. Moore of Richmond, Fort Bend County, whose term expired.

### 286th Judicial District Court

*To be judge, Cochran and Hockley Counties, until the next general election and until his successor shall be duly elected and qualified:*

Frank B. Kiser, Jr.  
111 Tanglewood  
Levelland, Texas 79336

### 287th Judicial District

*To be district attorney, Bailey and Parmer Counties, until the next general election and until his successor shall be duly elected and qualified:*

Johnny Atkinson  
P.O. Box 286  
Farwell, Texas 79325

Issued in Austin, Texas, on April 13, 1981.

Doc. No. 812713 William P. Clements, Jr.  
Governor of Texas

For further information, please call (512) 475-3021.

April 15, 1981

### 268th Judicial District Court

*To be judge, Fort Bend County, until the next general election and until his successor shall be duly elected and qualified:*

Judge A. Reagan Clark  
P.O. Box 192  
Richmond, Texas 77469.

Issued in Austin, Texas, on April 15, 1981.

Doc. No. 812714      William P. Clements, Jr.  
Governor of Texas

For further information, please call (512) 475-3021.

April 16, 1981

### Texas Amusement Machine Commission

*To be a member for a six-year term to expire January 31, 1987:*

Jose M. Blanco, Jr.  
1313 South Caney Drive  
Wharton, Texas 77488

Mr. Blanco is being reappointed.

### Brazos River Authority

*To be members for six-year terms to expire February 1, 1987:*

James C. Atkins, Jr.  
120 Sequoia  
Lake Jackson, Texas 77566

Mr. Atkins is replacing Sam Rowe of Alvin, Brazoria County, whose term expired.

Roland Adamson  
500 Hillcrest Drive  
Richmond, Texas 77469

Mr. Adamson is replacing Paul Clifton Boyd of Temple, Bell County, whose term expired.

Alfred L. Brooks, Jr.  
P.O. Box 9  
Bellville, Texas 77418

Mr. Brooks is being reappointed.

### Family Farm Advisory Council

*To be a member for a six-year term to expire January 31, 1987:*

Jack H. Barton  
5711 Hummingbird  
Houston, Texas 77096 (representing officer of a farm credit association)

Mr. Barton is being reappointed.

### Texas Judicial Council

*To be a member for a four-year term to expire January 1, 1985:*

Paul C. Murphy III  
218 Magnolia Way  
Huntsville, Texas 77340

Mr. Murphy is replacing Martin Dies, Jr., whose term expired.

### 284th Judicial District Court

*To be judge, Montgomery County, until the next general election and until his successor shall be duly elected and qualified:*

Olen Underwood  
1 Hi Lo Lane  
Conroe, Texas 77303

### Texas Surplus Property Agency

*To be a member for a six-year term to expire March 19, 1987:*

William C. English  
1029 West Yoakum  
Kingsville, Texas 78363

Mr. English is replacing Thomas M. Spencer of Pasadena, Harris County, whose term expired.

Issued in Austin, Texas, on April 16, 1981.

Doc. No. 812715      William P. Clements, Jr.  
Governor of Texas

For further information, please call (512) 475-3021.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(d), allows an agency to take emergency action on a rule after determining what it considers to be an imminent peril to the public health, safety, or welfare. The rule may become effective immediately on filing with the Texas Register Division, or on a stated date less than 20 days after filing, for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The notice of emergency action must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency action, in compliance with the rules of the Texas Register Division. The certification information, which includes the effective date of the emergency action and the expiration date, follows each published submission of emergency action. A telephone number for further information is also published.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."

**Symbology**—Changes to existing material are indicated in **bold italics**. [Brackets] indicate deletion of existing material.




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## CODIFIED

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### TITLE 7. BANKING AND SECURITIES

#### Part IV. Texas Savings and Loan Department

##### Chapter 69. Reorganization, Merger, Acquisition, and Consolidation

The Texas Savings and Loan Department adopts on an emergency basis, effective immediately for a period of 120 days, the following amendment to §69.9 (056.10.00.009).

The Texas Savings and Loan Department finds an imminent peril to public welfare when a supervisory merger situation exists, and adopts this amendment on an emergency basis in order to expedite a merger when such situation occurs.

This amendment is adopted pursuant to the Administrative Procedure and Texas Register Act, Vernon's Annotated Civil Statutes, Article 6252-13a, and under the statutory authority of Texas Civil Statutes, Article 342-114.

**§69.9 (056.10.00.009). Designation as Supervisory Merger.** The commissioner may designate a merger to be a supervisory merger when:

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

(3) The commissioner has certified to the Federal Savings and Loan Insurance Corporation and the Federal Home Loan Bank Board that one (or more) of the associations involved is "in imminent danger of default;" or

(4) *The Federal Home Loan Bank Board has determined and certified to the commissioner that the merger of a federal association having its home office in the state and an association subject to this Act is necessary to prevent the failure or possible failure of the federal association.*

Issued in Austin, Texas, on April 24, 1981.

Doc. No. 812706

L. Alvis Vandygriff  
Commissioner  
Texas Savings and Loan  
Department

Effective Date: April 24, 1981

Expiration Date: August 22, 1981

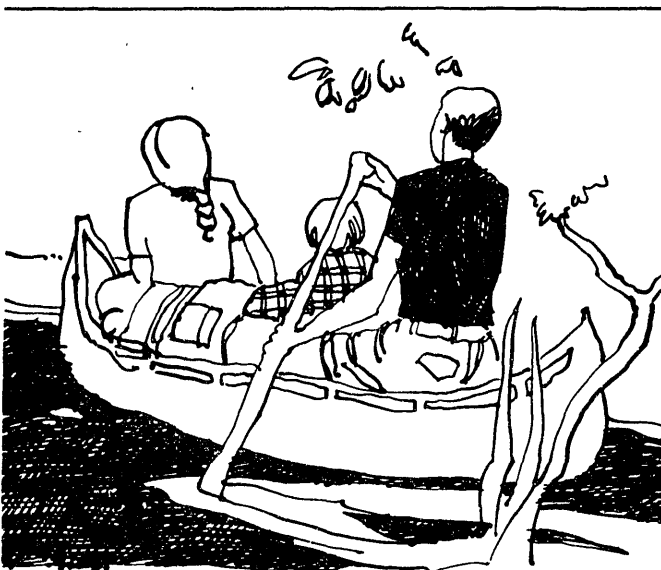
For further information, please call (512) 475-7991.



Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency must give at least 30 days notice of its intention to promulgate certain action on a rule. The purpose of proposing rule action is to give interested persons an opportunity to review the proposal and make oral or written comments. "Opportunity for public hearing must be granted if requested by at least 25 persons, by a governmental subdivision or agency, or by an association having at least 25 members." Proposed action is effective as notice on the date published in the *Register*. Unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice, the proposed date of adoption is 30 days after publication. The notice must include a brief explanation of the proposed action; a fiscal impact statement; a request for comments on the proposed action from any interested person; the text of the proposed action, in compliance with the rules of the Texas Register Division; and a statement of the legal authority under which the proposed action is to be promulgated. The certification information, which includes the earliest possible date that the agency may file notice to adopt the proposal, follows each published submission of proposed action. A telephone number for further information is also published.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."

**Symbology**—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.



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## CODIFIED

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### TITLE 7. BANKING AND SECURITIES

#### Part IV. Texas Savings and Loan Department

##### Chapter 69. Reorganization, Merger, Acquisition, and Consolidation

(Editor's note: The Texas Savings and Loan Department proposes for permanent adoption §69.9 (056.10.00.009), which the department is adopting on an emergency basis in this issue. The text of the amended section appears in the Emergency Hules section of this issue.)

The Texas Savings and Loan Department proposes to amend §69.9 (056.10.00.009) by adding a new paragraph (4). The purpose of this amendment is to expedite a "merger" when a "supervisory" situation exists.

The department has determined that this amendment will have no fiscal implications for the state or units of local government.

Public comment is invited and should be submitted in writing to the Savings and Loan Section of the Finance Commission of Texas and the savings and loan commissioner of Texas (one copy directed to both) and should be mailed to P.O. Box 1089, Austin, Texas 78767, or delivered to the department's offices at 1004 Lavaca, Austin, Texas. Comments must be received by 5 p.m. on Monday, May 25, 1981.

This amendment is proposed pursuant to Texas Civil Statutes, Article 342-114.

Issued in Austin, Texas, on April 24, 1981.

Doc. No. 812707 L. Alvis Vandygriff  
Commissioner  
Texas Savings and Loan  
Department

Proposed Date of Adoption: July 1, 1981  
For further information, please call (512) 475-7991.

### TITLE 22. EXAMINING BOARDS

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

##### Chapter 235. Licensing

##### Application for Licensure

The Board of Vocational Nurse Examiners proposes an amendment to §235.10 (390.03.01.010). This section is proposed for amendment to clarify deadline date for applications for examination.

The Board of Vocational Nurse Examiners has determined that the proposed amendment will have no fiscal impact on the state or local government.

Public comment is invited and may be submitted by telephoning Waldeen D. Wilson, (512) 458-1203, or by writing to the Board of Vocational Nurse Examiners, 5555 North Lamar Boulevard, Commerce Park, Building H, Suite 131, Austin, Texas 78751.

The amendment is proposed pursuant to Texas Civil Statutes, Article 4528c.

**§235.10 (390.03.01.010). Deadline Date for Submission of Applications for Examination.** All applications for examination shall be completed, certified, *hand stamped by the post office, mailed by certified mail, and submitted to* [received in] the board office at least 30 days prior to the examination date as stated in §5, Subsection (a), of the Act.

Issued in Austin, Texas, on April 24, 1981.

Doc. No. 812728      Waldeen D. Wilson, R.N.  
Executive Secretary  
Board of Vocational Nurse Examiners

Proposed Date of Adoption: June 1, 1981  
For further information, please call (512) 458-1203.

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part I. General Land Office

#### Chapter 13. Land Resources

##### Rights-of-Way over Public Lands

The General Land Office proposes to amend §13.11 (126.18.02.001). Any person desiring a right-of-way easement across public land must submit an application to the commissioner of the General Land Office and pay a fee established by the commissioner. This amendment deletes from the code certain fee payment criteria that are no longer a part of current operating procedures, thus avoiding possible confusion and delay in the application process.

The staff of the School Land Board has determined that the proposed amendment will have no fiscal impact to the state or units of local government.

Public comment is invited and may be submitted to Mike Hightower, director of the Coastal Division, General Land Office, 1700 North Congress, Austin, Texas 78704, (512) 475-1166. Comments must be received within 30 days of the publication of this proposal in the *Texas Register*.

This amendment is proposed under the authority of the Texas Natural Resources Code, §51.291-§51.303.

##### **§13.11 (126.18.02.001). Application.**

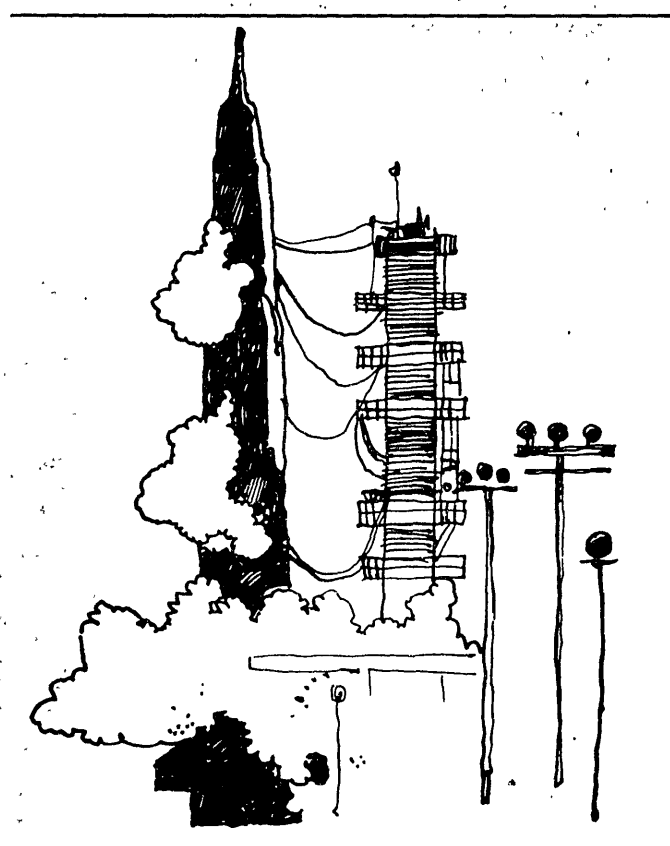
(a)-(d) (No change.)

(e) Standard rates for varying sizes and types of lines, the rates being per lineal rod for a 10-year maximum term shall be established by the commissioner. An applicant shall utilize the current rate schedule and must pay annually in advance or the total payment due for the term of the easement in advance to the General Land Office. [A minimum fee of \$50 per line per 10-year period for each line located within any easement right-of-way must be submitted by the applicant with the easement contract if the fee for the subject line in accordance with the rate schedule is less than \$50. Easements for pumping stations, electric substations, loading racks, and tank farms will be based on a consideration per acre per 10-year period with a minimum fee of \$50 per year.]

Issued in Austin, Texas, on April 1, 1981.

Doc. No. 812710      Bob Armstrong  
Commissioner  
General Land Office

Proposed Date of Adoption: June 1, 1981  
For further information, please call (512) 475-1166.



## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

##### Subchapter O. Sales Tax Division—State Taxes

The Comptroller of Public Accounts proposes to amend §3.321 (026.02.20.041) concerning advertising agencies. The section is proposed for amendment to clearly indicate which charges by agencies are taxable and which charges are for nontaxable services. Additionally, the section is being reformatted to conform to Texas Register filing requirements.

There is no fiscal impact (source: revenue estimating staff, Comptroller of Public Accounts).

Public comment is invited. Persons should submit their comments in writing to Jim Phillips, Drawer SS, Austin, Texas 78711.

These amendments are proposed under the authority of Texas Taxation—General Annotated, Article 20.11(A).

§3.321 (026.02.20.041). *Advertising Agencies.*

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

*Acting as agent*—The advertising agency has:

(A) disclosed to its supplier that it is acting as agent for the client designated on the advertising agency's purchase order or in some other written documentation; and

(B) maintains accounting records and invoices which evidence that the billing to its clients, except for service charges, is identical to that paid to suppliers.

In the absence of such documentation, the advertising agency shall be conclusively presumed to be a seller of tangible personal property and not the agent of its client(s).

*Employee fabricated property*—Any finished art or other taxable items produced by means of employee fabrication.

*Employee fabrication*—The actual assembly or production of finished art or other taxable items by employees of the advertising agency. It includes the incorporation by the employees of items which become a component part of the finished art or other taxable items.

*Finished art*—The final art, assembly or formulation representing the ultimate product to be used for reproduction by photomechanical or other process, used by the client for display or other advertising purposes. Examples: all camera-ready art, drawings, architectural delineations, paintings, retouched photographs, lettering, assembly of elements, and show cards.

*Nontangible services*—Services not directly related to the sale of employee fabricated property or other taxable items. Examples of services not directly related to the sale of taxable items include:

- (A) account supervision;
- (B) account service;
- (C) creative concept development;
- (D) consultation service;
- (E) supervision of any kind not related directly and solely to employee fabrication of taxable items;
- (F) public relations;
- (G) setting up press conferences;
- (H) writing copy for use in any medium;
- (I) media placement, advertising time, and space charges to client;
- (J) market research individualized for one client;
- (K) postage or freight charges occurring after the sale, see §3.303 (026.02.20.023) of this title (relating to Transportation and Delivery Charges);
- (L) residuals;
- (M) retainers (reserve right to services of advertising agency or actors, models, etc.);
- (N) commissions or fees granted or allowed by suppliers or media;
- (O) media placement fees, commissions or discounts allowed to advertising agencies by media upon placement of advertising;
- (P) secretarial or clerical fees;
- (Q) telephone, telex, telegraph charges;
- (R) travel and transportation expenses not directly and solely related to the fabrication of taxable items.

*Preliminary art*—Roughs, visualizations, layouts, and comprehensives submitted by an advertising agency to its clients for the client's approval of the advertising concept or message prior to the preparation of "finished art."

*Service charges*—The charges, commissions, or other compensation received by the advertising agency however measured or computed and whether or not related to the acquisition or disposition of taxable items. Standard methods of compensation include:

- (A) the standard agency commission allowed by the supplier or media;
- (B) the handling fee or service charge for outside purchases for the client;
- (C) billable time for creating, directing, consulting, copywriting, or other nontangible services; and
- (D) retainer fees which would be a charge agreed upon between agency and client for the overall handling of their advertising.

*Taxable items*—All tangible personal property.

(b) *Advertising agency acting as agent of client.*

(1) An advertising agency may act as the agent of its client-principal in dealing with others. To the extent that it acts as an agent in acquiring taxable items, the advertising agency is neither the purchaser of the property nor is it a seller of the property to its client-principal. When the advertising agency acquires taxable items as agent, title to the property passes directly from the supplier to the client-principal.

(2) When an advertising agency acts as an agent of its client in the purchase of taxable items, the supplier will add the tax to the net amount billed to the agency. The client-principal is liable for payment of the tax on the net amount billed. The handling or service fee charged for these purchases is considered nontaxable.

(3) An advertising agency may not act as the agent of its client-principal when providing employee fabricated property. The agency is the seller of such property and the provisions of subsection (c)(2) and (3) of this section apply.

**(c) Advertising agency acting as a seller to a client.**

(1) When an advertising agency purchases a taxable item with the intent to resell it to its client, the agency is a seller of such property and acts as a retailer.

(2) All employee fabricated property will be taxable to the client. Examples: finished artwork for print advertising, photographs, records, or supplies used in broadcast. Sales tax is applicable to the cost and service charges made to the client by the advertising agency for employee fabricated property.

(3) An advertising agency may issue a resale certificate to suppliers in lieu of tax for any item that the agency resells before use or that becomes physically an ingredient or component part of the taxable item sold. Examples: illustration board, paint, ink, rubber cement, flap paper, wrapping paper, photographs, photostats, or art purchased from other artists. See §3.285 (026.02.20.005) of this title (relating to Sales for Resale, Resale Certificates).

(4) Sales tax is due on the charge to the customer for employee fabrication and on the amount paid by the agency to the supplier, except for service charges, for:

- (A) photographs and additional prints;
- (B) photostats, line negatives, offset negatives;
- (C) type composition;
- (D) finished art;
- (E) photo retouching;
- (F) research sold to public (not a single client);
- (G) printed materials: annual reports, stationery, brochures, direct mail, business cards, ad reprints, sale literature, point-of-purchase materials;
- (H) outdoor poster paper;
- (I) radio and television dubs;
- (J) electrical transcriptions—See §3.309 (026.02.20.029) of this title (relating to Electrical Transcriptions);
- (K) motion picture films—See §3.350 (026.02.20.070) of this title (relating to Motion Pictures, Video Tapes, Films);
- (L) video tapes—See §3.350 (026.02.20.070) of this title (relating to Motion Pictures, Video Tapes, Films).

(d) Advertising agency as a consumer. The advertising agency is the consumer and ultimate user of taxable items utilized in the customary conduct of its business operations. This category includes property such as office furniture, equipment, stationery, and other office supplies. The agency owes sales tax on the property purchased in Texas or use tax if purchased outside the state and brought into Texas for use. See §3.346 (026.02.20.066) of this title (relating to Use Tax).

**(e) Sales tax is not due on the advertising agency's charge to its customers for:**

- (1) Nontangible services.
- (2) Service charges for acquisition of property from third-party suppliers as agent or acquisition of property from third-party suppliers as sellers.
- (3) Preliminary art. Any portion of preliminary art that becomes physically incorporated into the finished art shall be taxable. To be considered nontaxable, charges for all preliminary art must be separately stated and identifiable on agency's internal records.

**(f) Records required. Each advertising agency must maintain sufficient records that provide the following:**

- (1) Art time records must clearly distinguish layout and preliminary art from finished art.
- (2) Supplier or media invoices identifying by client the net amount paid and tax paid if any.
- (3) Employee fabricated property must be easily identifiable on agency internal records.
- (4) Invoices to clients need not show taxable and nontaxable items separately. The tax due on any invoice need not be shown, but the agency must indicate on the invoice that tax is included on those items subject to tax and the agency must be able to document the amount of tax included on that invoice from its internal records.
- (5) Commissions, handling, or service fees must be easily determinable on agency records.
- (6) All certificates, receipts, and/or invoices verifying each deduction from gross sales of nontaxable items listed below must be kept on file: sales for resale, sales to exempt organizations, sales to persons using the property in a manner exempt by law, sales of items which are shipped to out-of-state locations by the seller, bad debts, repossessions, returned goods, nontaxable labor and services charges, sales of nontaxable items.
- (7) Records must be maintained for a four-year period.

**(g) For responsibilities of sellers and filing requirements, see §3.286 (026.02.20.006) of this title (relating to Seller's Responsibilities—Permits, Collections, Payments, Discounts, Records Required, Suspensions).**

[(a) **Nontaxable services.** Tax does not apply to charges by advertising agencies for professional services. Examples of such nontaxable services are: writing original manuscripts and news release; writing copy for use in newspapers, magazines, or other advertising, or to be broadcast on television or radio; compiling statistical and other information; placing and/or arranging for the placing of advertising in media, such as newspapers, magazines, or other publications; billboards, and other form of outdoor advertising, cards in cars, buses and other facilities used in public transportation; selecting items of tangible personal property to be purchased on behalf of the client; and delivering or causing the delivery of brochures, pamphlets, cards, etc. Charges for such items as supervision, consultation, research, postage, express telephone and telegraph messages, transportation and travel expense, if involved in the rendering of such services, are likewise not taxable.

[(b) **Agency fee or commission.** When an amount billed as an agency "fee," "service charge," or "commission" represents a charge or part of the charge for any of the nontaxable services described under subsection (a) of this section, the amount so billed is not taxable. Such a charge by an advertising agency will be considered to be made for nontaxable services.

[(c) **Items taxable.** The tax applies to the entire amount charged to clients for items of tangible personal property such as drawings, architectural delineations, paintings, designs, photographs, lettering, assemblies, and printed matter. Whether the items of property are used for reproduction or display purpose is immaterial.

[(d) **Preliminary art.** "Preliminary art" as used herein means roughs, visualizations, comprehensives, and layouts prepared for acceptance by clients before a contract is entered into or approval is given for finished art. ("Finished art" as used herein means the final art used for actual reproduction by photomechanical or other purposes). Tax does not apply to separate charges for preliminary art except where the preliminary art becomes physically incorporated into the finished art; for example, when the finished art is made by inking directly over a pencil sketch or drawing, or the approved layout is used as camera copy for reproduction. The charge for preliminary art must be billed separately to the client, either on a separate billing or separately charged on the billing for the finished art. It must be clearly identified on the billing as preliminary art of one or more of the types mentioned in the preceding paragraph. Proof of ordering producing the preliminary art prior to date of contract or approval for finished art shall be evidenced by purchase orders of the buyer, or by work orders or other records of the seller. No other proof shall be required.

[(e) **Retouching.** Retouching ordinarily constitutes a step in the process of preparing photographs or other art work for reproduction, and is done to improve the quality of the reproductions. Tax applies to charges for photo retouching unless it can be clearly demonstrated that the retouching is done only for the purpose of repairing or restoring a photograph to its original condition, in which case §3.292 (026.02.20.012) of this title (relating to Repairmen) would be applicable.

[(f) **Items purchased by agency.**

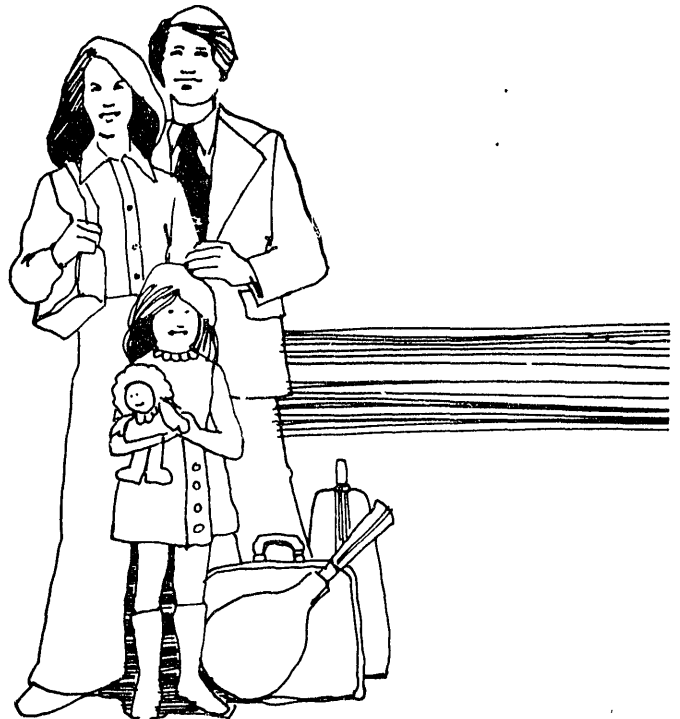
[(1) An advertising agency is the consumer of tangible personal property used in the operation of its business, such as stationery, ink, paint, tools, drawing tables, T-squares, pens, pencils, and other office supplies. Tax applies to the sale of such property to the agency.

[(2) The agency is the seller of, and may purchase for resale, any item that it resells before use, or that physically becomes an ingredient or component part of tangible personal property sold by the agency, e.g., illustration board, paint, ink, rubber cement, flap paper, wrapping paper, photographs, photostats, or art purchased from other artists.]

Issued in Austin, Texas, on April 27, 1981.

Doc. No. 812718      Bob Bullock  
Comptroller of Public Accounts

Proposed Date of Adoption: June 1, 1981  
For further information, please call (512) 475-3825.



## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part IX. Commission on Jail Standards

#### Chapter 259. New Construction

##### New Jail Design, Construction, and Furnishing Requirements

The Commission on Jail Standards proposes to amend §259.63 (217.05.02.053) to permit usage of a vandal resistive water closet/lavatory/drinking fountain in lieu of a flushing floor drain. This change fulfills the intent of the original rules and permits greater latitude based on local desires.

The Commission on Jail Standards has determined that there are no fiscal implications for state, county, or local government.

Public comment is invited and may be submitted by telephoning the agency at (512) 475-2716, or by writing to the commission at P.O. Box 12985, Austin, Texas 78711.

The amendment is proposed under the authority of Texas Civil Statutes, Article 5115.1.

§259.63 (217.05.02.053). *Detoxification Cells.* A jail shall provide one or more detoxification single cells, multiple occupancy cells, or dormitories which shall be designed for detention of persons during the detoxification process only. These cells shall include the following features and equipment:

(1) (No change.)

(2) Floor drain. The detoxification cell shall be provided with one or more vandal resistive flushing floor drains **or vandal-resistive water closet/lavatory/drinking fountain combinations with standard floor drains.** The floor drain shall be properly pitched to drains and drains shall have outside water shutoffs and controls. [A water closet/lavatory/drinking fountain may be provided.]

(3) (5) (No change.)

Issued in Austin, Texas, on April 22, 1981.

Doc. No. 812723      Andy J. McMullen  
Chairman  
Commission on Jail Standards

Proposed Date of Adoption: June 1, 1981  
For further information, please call (512) 475-2716.

##### New Lockup Design, Construction, and Furnishing Requirements

The Commission on Jail Standards proposes to amend §259.156 (217.05.03.046) that describes the type of cells requiring emergency operation of doors capability. This change is recommended so that requirements in new lock-up design will be consistent with other requirements within the standards.

The Commission on Jail Standards has determined that there are no fiscal implications for state, county, or local government.

Public comment is invited and may be submitted by telephoning the agency at (512) 475-2716, or by writing to the commission at P.O. Box 12985, Austin, Texas 78711.

The amendment is proposed under the authority of Texas Civil Statutes, Article 5115.1.

§259.156 (217.05.03.046). *Emergency Operation of Doors.* For emergency operation of all doors to single cells, [separation cells,] multiple-occupancy cells, and dormitories, and to permit quick and orderly release of inmates in the event of electrical malfunction, fire, smoke, or other emergency, reliable means shall be provided remote from the inmate living area for unlocking all cell doors. The reliable means should also provide for completely opening sliding cell doors. See Chapter 295 (217.24).

Issued in Austin, Texas, on April 22, 1981.

Doc. No. 812724      Andy J. McMullen  
Chairman  
Commission on Jail Standards

Proposed Date of Adoption: June 1, 1981  
For further information, please call (512) 475-2716.

The Commission on Jail Standards proposes to amend §259.159 (217.05.03.049) to permit usage of a vandal resistive water closet/lavatory/drinking fountain in lieu of a flushing floor drain. This change fulfills the intent of the original rules and permits greater latitude based on local desires.

The Commission on Jail Standards has determined that there are no fiscal implications for state, county, or local government.

Public comment is invited and may be submitted by telephoning the agency at (512) 475-2716, or by writing to the commission at P.O. Box 12985, Austin, Texas 78711.

The amendment is proposed under the authority of Texas Civil Statutes, Article 5115.1.

§259.159 (217.05.03.049). *Detoxification Cells.* A lockup shall provide one or more detoxification single cells, multiple-occupancy cells, or dormitories which shall be designed for detention of persons during the detoxification process only. These cells shall include the following features and equipment.

(1) (No change.)

(2) Floor drain. The detoxification cell shall be provided with one or more vandal resistive flushing floor drains **or vandal-resistive water closet/lavatory/drinking fountain combinations with standard floor drains.** The floor shall be properly pitched to drains and drains shall have outside water shutoffs and controls. [A water closet/lavatory/drinking fountain may be provided.]

(3) (5) (No change.)

Issued in Austin, Texas, on April 22, 1981.

Doc. No. 812725      Andy J. McMullen  
Chairman  
Commission on Jail Standards

Proposed Date of Adoption: June 1, 1981  
For further information, please call (512) 475-2716.

### Chapter 261. Existing Construction

The Commission on Jail Standards proposes to amend sections to permit usage of a vandal-resistive water closet/lavatory/drinking fountain in lieu of a flushing floor drain. This change fulfills the intent of the original rules and permits greater latitude based on local desires.

The Commission on Jail Standards has determined that there are no fiscal implications for state, county, or local government.

Public comment is invited and may be submitted by telephoning the agency at (512) 475-2716, or by writing to the commission at P.O. Box 12985, Austin, Texas 78711.

#### Existing Jail Design, Construction, and Furnishings Requirements

The amendment is proposed under the authority of Texas Civil Statutes, Article 5115.1.

**§261.52 (217.07.01.052). Detoxification Cells.** A jail should provide one or more detoxification single cells, multiple-occupancy cells, or dormitories which shall be designed for detention of persons during the detoxification process only. These cells shall include the following features and equipment.

(1) (No change.)

(2) Floor drain. The detoxification cell should be provided with one or more vandal-resistive flushing floor drains **or vandal-resistive water closet/lavatory/drinking fountain combinations with standard floor drains.** The floor shall be properly pitched to drains and drains should have outside shutoffs and controls. [A water closet/lavatory/drinking fountain may be provided.]

(3)-(5) (No change.)

Issued in Austin, Texas, on April 22, 1981.

Doc. No. 812726 Andy J. McMullen  
Chairman  
Commission on Jail Standards

Proposed Date of Adoption: June 1, 1981  
For further information, please call (512) 475-2716.

#### Existing Lockup Design, Construction, and Furnishings Requirements

The amendment is proposed under the authority of Texas Civil Statutes, Article 5115.1.

**§261.148 (217.07.02.048) Detoxification Cells.** A lockup should provide one or more detoxification single cells, multiple occupancy cells, or dormitories which shall be designed for detention of persons during the detoxification process only. These cells shall include the following features and equipment:

(1) (No change.)

(2) Floor drain. The detoxification cell should be provided with one or more vandal resistive flushing floor drains **or vandal-resistive water closet/lavatory/drinking fountain combinations with standard floor drains.** The floor shall be properly pitched to drains and drains should have outside shutoffs and controls. [A water closet/lava-

tory/drinking fountain may be provided.]  
(3)-(5) (No change.)

Issued in Austin, Texas, on April 22, 1981.

Doc. No. 812727 Andy J. McMullen  
Chairman  
Commission on Jail Standards

Proposed Date of Adoption: June 1, 1981  
For further information, please call (512) 475-2716.

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### Texas Education Agency

#### Regional Education Service Centers

##### Administration and Operation of Regional Education Service Centers 226.21.02

The Texas Education Agency proposes to amend Rules 226.21.02.012, .021-.025, .030, .042-.046, .060, .070, .080, and .090 concerning the administration and operation of regional education service centers. The proposed amendments reformat the rules by consolidating policies and administrative procedures and deleting redundant material.

In Rule .012, a list of cooperative programs between service centers and the agency is proposed for deletion. The list changes too often for it to be practical to continue to keep it as part of the agency rules.

In Rule .022(d), relating to election procedures, the requirement that ballots for election be developed "by the joint committee" is proposed for deletion. In Rule .022(f)(8), it is proposed that dates for a yearly meeting between the board of directors and the joint committee be deleted. The requirement that there be such a meeting each year would remain.

The proposed changes have been reviewed by the Planning Council, which is composed of the 20 regional education service center directors.

The Texas Education Agency anticipates the proposed amendments will have no fiscal implications for the state or for local units of government.

Public comment is invited and may be submitted by telephoning the office of Dr. Beverly J. Bardsley, policy analyst, Department of Policies and Services, at (512) 475-7077, or by writing to her at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules submitted in accordance with the Administrative procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These amendments are proposed under the authority of Texas Education Code, §11.32(a).

**.012. Working Arrangements between the Agency and Education Service Centers.**

[(a) Policy. The commissioner of education shall establish guidelines for working arrangements between the agency and the education service centers.

[(b) Administrative Procedure.] The guidelines for working arrangements, both those covered by formal contracts and those covered by informal agreements, between the Texas Education Agency and education service centers are as follows:

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

[(3) Currently, cooperative programs between education service centers and the Texas Education Agency may include but are not limited to the following:

[(A) Texas Regional Resource Center;

[(B) diffusion of experience-based career education;

[(C) demonstration schools in Individualized Instruction Network;

[(D) Texas Diffusion Network;

[(E) Project CITE (Coordinating Information for Texas Educators);

[(F) driver education;

[(G) Regional Day School Program for the Deaf;

[(H) right to read;

[(I) adult education,

[(J) Texas Regional Leadership Clusters Project for the Gifted and Talented;

[(K) School Bus Driver Training Program;

[(L) Title I Migrant,

[(M) crime prevention and drug education;

[(N) special education personnel development;

[(O) Texas System of Special Education Instructional Materials Center;

[(P) child find;

[(Q) bilingual education workshops for school administrators;

[(R) Education Service Center student services;

[(S) Technical Assistance, Title IV-B and Title IV-

C;

[(T) sample textbook display;

[(U) school accreditation assistance.]

[(3) [(4)] Cooperative arrangements usually address statewide needs; however, the arrangements provide latitude for addressing specific or unique regional needs.

[(4) [(5)] Commitments of staff time or physical resources or both are agreed to by the education service center executive director and the appropriate Texas Education Agency associate commissioner or his or her designated representative. Whenever discretionary funds are transferred from the agency to an education service center, the contract must be signed by the executive director of the education service center and the commissioner of education or designated representative.

[(5) [(6)] Requests for the services of education service center personnel by Texas Education Agency personnel are agreed to by the Texas Education Agency associate commissioner or his or her designated representative and the education service center executive director or his or her designated representative. Written confirmation shall follow all telephone requests.

[(6) [(7)] Requests for the services of Texas Education Agency personnel by education service center personnel are agreed to by the education service center executive director,

or his or her designated representative, and the appropriate Texas Education Agency associate commissioner or his or her designated representative. Written confirmation shall follow all telephone requests.

[(7) [(8)] Funded cooperative arrangements, supported by either formula or discretionary funds, involving personnel include the following prerequisites:

(A)-(F) (No change.)

[(8) [(9)] Requests for assistance by a local education agency received in the Texas Education Agency offices that in the judgment of the Texas Education Agency can and should be handled at the regional level are directed to the education service center executive director.

[(9) [(10)] Requests for assistance by a local education agency received by the education service center that need the attention of the Texas Education Agency are directed to the appropriate associate commissioner.

**.021. Joint Committee.**

[(a) Policy. In each region a joint committee composed of board members or school professionals or both representing school districts and four-year institutions of higher education which conduct an approved teacher education program shall advise the board of directors. The commissioner of education shall prescribe for education service centers the procedures for the joint committee.

[(b) Administrative Procedure. The procedures as established by the commissioner of education for joint committees are as follows:]

[(a) [(1)] In each region there is a joint committee of the regional education service center whose membership consists of:

[(1) [(A)] one representative (board member or school professional) from each school district, selected by the appropriate board of trustees;

[(2) [(B)] one representative (board member or school professional) designated by each county board of trustees; and

[(3) [(C)] one representative (board member or school professional) from each four-year institution of higher education within the region which conducts an approved teacher education program, selected by the appropriate board of trustees.

[(b) [(2)] Each member of the joint committee serves at the will of the local board of trustees. No person in the business of vending or servicing materials or equipment to regional education service centers may be a member of the joint committee.

[(c) [(3)] The joint committee may establish an executive committee or other subcommittees to assist in its advisory function to the board.

**.022. Board of Directors.**

[(a) Policy.

[(1) Each center shall be governed by a seven-member board. The State Board of Education shall adopt uniform rules and regulations to provide for the local selection, appointment, and continuity of membership for regional boards of directors. Vacancies shall be filled by appointment by the remaining members of the regional board for the unexpired term. All members shall serve without compensation. (Texas Education Code, §11.32(c))]

[(a) [(2)] It is the intent of the State Board of Education to ensure continuity of service by experienced board members on regional education service center boards of directors



during the transition period. Should any regional board of directors find that implementation of the requirements in these sections will result in the loss of a majority of board members in a one year period, the board may bring this situation to the attention of the Texas Education Agency and request a limited waiver of the requirements. A request for a waiver of the requirements must be received by the agency no later than January 15.

(3) The commissioner of education shall prescribe the procedures for the establishing of meetings and functions of the board of directors.

(b) Administrative Procedure. The procedures as established by the commissioner of education for the board of directors are as follows:]

(b)(1) Eligibility.

(1)(A) Any citizen of the United States who is over 21 years of age, a resident of the region being served by the center who is not engaged professionally in education or who is not a member of a school district board of trustees, a county board of trustees, or a board of an institution of higher education that is eligible for membership on the joint committee may be elected to board of directors membership

(2)(B) No member of the board nor members of his or her immediate family shall be in the business of vending or servicing materials or equipment to regional education service centers.

(c)(2) Terms of office.

(1)(A) Members of the board of directors are elected for three-year terms. Terms of office shall begin on June 1. Board members shall be limited to two full successive terms. Former board members who have been off the board for at least one-year again become eligible for election or appointment

(2)(B) Should a vacancy occur due to death or resignation, a 30-day period shall elapse after due notice has been given to the chairman of the board of directors before the vacancy is filled.

(3)(C) Notice of such vacancy shall be given to the authorized representative of the schools within the region involved at the beginning of the 30-day interval.

(4)(D) Vacancies for an unexpired term shall be filled by appointment by the remaining members of the board of directors.

(d)(3) Election Procedures.

(1)(A) Members of the board of directors are elected by the local school boards in each region [from a ballot developed by the joint committee].

(2)(B) Any eligible person wishing to seek election to membership on a regional service center board shall file at the headquarters office of the center in person or by certified mail between March 1 and March 20. No filing fee shall be required. Regional boards of directors shall adopt policies concerning filing procedures.

(3)(C) Notice of the time and place for filing shall be submitted for publication to appropriate newspaper(s) in the region and posted in appropriate location(s) at least 15 days prior to the deadline for filing.

(4)(D) After March 20 the center shall send to each member of the joint committee a list of names of eligible persons who have filed.

(5)(E) A ballot shall be developed [by the joint committee] and submitted to all local school boards in the region by April 1. Placement on the ballot shall be determined by drawing. Each local school board member shall have one vote

for each vacancy on the board. Completed ballots shall be returned to the chairman of the regional board of directors by May 5. The board of directors shall canvass the ballots by May 20 and determine the winner by a plurality of the votes cast. In the event of a tie the names of the candidates shall be resubmitted to the local school boards.

(e)(4) Compensation. All members of the board of directors shall serve without compensation.

(f)(5) Meetings.

(1)(A) The board of directors shall meet no less than every two months at a time and place to be established by the board in its rules or procedures.

(2)(B) Special meetings of the board may be called by the chairman or by a majority of the board's membership.

(3)(C) Four members of the board shall constitute a quorum for the transaction of business.

(4)(D) Official minutes of the board shall be kept in the office of the executive director and shall be available to each citizen for examination.

(5)(E) Business may be transacted provided a quorum is present and all members have been properly notified. A majority vote of members present is necessary to secure passage.

(6)(F) All meetings shall be open to the public except as provided by law.

(7)(G) Members of the board of directors attending official meetings of the board shall be reimbursed for actual travel and expenses.

(8)(H) The board of directors shall hold a meeting each year with the joint committee [at some date between May 1 and August 31] to evaluate the program and advise the board of any desired action. Notice of this meeting shall be sent to members of the joint committee and members of the board at least 30 days prior to the meeting. The board may hold additional meetings with the joint committee or its subcommittees for advisory purposes.

(g)(6) Functions. The board of directors shall be the policy forming and evaluative body of the regional education service center and it shall perform the following functions:

(1)(A) select an executive director in accordance with Rule 226.21.02.030 and develop policies for the center;

(2)(B) develop and approve an annual operating budget for the center and submit it to the commissioner of education;

(3)(C) approve all fiscal arrangements, policies, and agreements and submit all contracts for purchases over \$5,000 to competitive bidding in accordance with the provisions of Texas Education Code, §21.901,

(4)(D) enter into contracts for grants from both public and private organizations under the rules of the State Board of Education;

(5)(E) formulate policies to govern the operation of the center;

(6)(F) confirm the appointment of professional personnel upon recommendation by the executive director;

(7)(G) coordinate an annual evaluation of the activities of the center;

(8)(H) make annual reports covering all activities and expenditures of the center to the commissioner of education;

(9)(I) plan for the utilization of all available educational and cultural resources and services;

(10)(J) formulate policies for the utilization of the joint committee in an advisory capacity;

**(11)(K)** acquire, hold title, and sell real property for service center purposes in accordance with statutes.

**.023. Statewide Advisory Commission.**

**(a) Policy.]** A Statewide Advisory Commission on Education Service Centers composed of the chairman of each board of directors shall meet upon call by the commissioner of education and shall advise him on the operation of regional service centers.

**(b) Administrative Procedure.** Reserved for expansion.]

**.024. Planning Council.**

**(a) Policy.]** A planning council composed of the executive directors of the regional education service centers shall meet upon call by the commissioner of education to assist in the development of comprehensive plans for programs to be carried out through the regional education service centers in cooperation with the Texas Education Agency, member schools, and institutions of higher learning, and as otherwise directed by the commissioner.

**(b) Administrative Procedure.** Reserved for expansion.]

**.025. Statewide Advisory Committee for Computer Services.**

**(a) [Policy.]** The Statewide Advisory Committee for Computer Services shall advise the Texas Education Agency on all aspects of the statewide program of computer services.

**(b) Administrative Procedure.]**

**(b)(1)** The Statewide Advisory Committee for Computer Services shall advise the commissioner of education on policy and administration of:

**(1)(A)** the statewide management information system;

**(2)(B)** the computer services delivery system,

**(3)(C)** the establishment of statewide priorities for the development and implementation of computer services to school districts;

**(4)(D)** the establishment and maintenance of a systematic evaluation process to guide decisions on monitoring, operation, and enhancement of the network system for computer services.

**(c)(2)** The Statewide Advisory Committee for Computer Services shall be responsible for the dissemination of information about the computer network plan to all educational users.

**(d)(3)** The Statewide Advisory Committee for Computer Services shall be composed of 12 members, allocated as follows:

**(1)(A)** three members represent the area served by the Gulf Texas Multiregional Processing Center;

**(2)(B)** three members represent the area served by the North Texas Multiregional Processing Center;

**(3)(C)** three members represent the area served by the South Texas Multiregional Processing Center;

**(4)(D)** three members represent the area served by the Regional Processing Centers.

**.030. Staff.**

**(a) Policy.]**

**(a)(1)** The regional board of directors shall employ, with the prior approval of the commissioner of education, an executive director. Other personnel may be employed as needed to carry out the functions of the center and to assure its successful operation.

**(b)(2)** Each board of directors shall adopt a uniform salary schedule for all professional and supportive personnel.

**(c)(3)** The board of directors shall develop policies which regulate the payment of honoraria to service center personnel for services to any local school district or other regional education service center in the state.

**(b) Administrative Procedure.]**

**(d)** The staffs of the education service centers are employed in accordance with the following requirements and provisions:

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

**(5) Salaries.** In establishing a salary *scale* for service center employees the board should consider:

**(A)-(F)** (No change.)

**(6)** (No change.)

**.042. Federal Funds.**

**(a) Policy.]** Education service centers, as local education agencies, may seek funds from federal sources in accordance with Policies 11.02, 43.01, and 43.02.

**(b) Administrative Procedure.** Reserved for expansion.]

**.043. Fiscal Audits, Records, and Reports.**

**(a) Policy.]**

**(a)(1)** In addition to providing fiscal records or reports as required by approved state plans, education service centers shall meet the budgeting, accounting, financial reporting, and auditing requirements of Policy 42.01 and Rule 226.42.90.010. Management, fiscal, and service audits shall be conducted as required by Policy 226.21.02.050, evaluation.

**(b)(2)** The commissioner of education shall require reports concerning fund balances at the end of each fiscal year and shall furnish necessary blanks, forms, and instructions for this purpose to ensure that the legal requirements of the Appropriations Act of 1979, Article IV, §1, have been met.

**(b) Administrative Procedure.** Reserved for Expansion.]

**.044. Obligation of Funds.**

**(a) Policy.]** Education service centers shall not enter into obligations which exceed funds available or anticipated to be available during the current school year.

**(b) Administrative Procedure.** Reserved for expansion.]

**.045. Depository Bank.**

**(a) Policy.]** Each board of directors shall develop policy for the selection and use of a depository bank for its funds and shall notify the Texas Education Agency of the selection. Policies relating to a depository bank shall be in accordance with applicable laws relating to independent school district depository. (Texas Education Code, Chapter 23, Subchapters D, E, and F)

**(b) Administrative Procedure.** Reserved for expansion.]

**.046. Inventory.**

**(a) Policy.]** Each education service center shall maintain a continuing inventory of all property. The inventory shall be available for review at all times by member schools or the Texas Education Agency.

**(b) Administrative Procedure.** Reserved for expansion.]

**.060. Annual Operation Report.**

(a) [Policy.] Each education service center shall file with the Texas Education Agency an annual operation report.

(b) [Administrative Procedure.] Annually the board of directors submits an operation report to the Texas Education Agency by October 1. The annual operation report includes:

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

**.070. Policies for Administration and Operation of a Center.**

(a) [Policy.] Each regional board of directors shall adopt and revise policies for the administration and operation of its center. Current policies shall be filed with the Texas Education Agency.

(b) [Administrative Procedure.] Policies for the administration and operation of each center are filed with the Office of Regional Education Services. Revisions are reported in the annual operation report.

**.080. Responsibility for the State Textbook Adoption Process.** [Policy.] Each education service center shall establish policy and procedures to meet its responsibility in the state textbook adoption process as specified in Rule 226.33.34.050.

**.090. Hearings and Appeals.**

(a) [Policy.]

(a)(1) The board of directors shall adopt policies which provide for due process for employees and for appeals from decisions of the service center director to the board of directors.

(b)(2) Persons having any matter of dispute between them arising by decisions of the education service center board of directors may appeal in writing to the commissioner of education in accordance with Policy Series 71.00.

[(b) Administrative Procedure. Reserved for expansion.]

Issued in Austin, Texas, on April 17, 1981.

Doc. No. 812560      A.O. Bowen  
Commissioner of Education

Proposed Date of Adoption: June 13, 1981  
For further information, please call (512) 475-7077.

**Service Program 226.21.03**

The Texas Education Agency proposes to amend Rule 226.21.03.010 concerning regional education service center services to member schools. The proposed amendment deletes crime prevention and drug education services and guidance services from the list of required basic services to be provided to member schools. State funds are no longer provided for crime prevention and drug education services. Federal funds, once available under Title III of the Elementary and Secondary Education Act, are no longer provided for guidance services.

Reference to the state plan for education service centers is deleted since there is no longer such a state plan. A redundant statement concerning media services is deleted from subsection (c), although no substantive change concerning media services is proposed.

The Texas Education Agency anticipates that the proposed amendments will have no fiscal implications for the state or for local units of government.

Public comment is invited and may be submitted by telephoning the office of Dr. Beverly J. Bardsley, policy analyst, Department of Policies and Services, at (512) 475-7077, or by writing to her at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These amendments are proposed under the authority of Texas Education Code, §11.32.

**.010. Services to Member Schools [Offered].**

(a) [Policy]

(a)(1) Each regional education service center shall develop and provide the following basic services to member schools:

(1)(A) regional educational planning to meet immediate and long-range educational needs of the region and as a part of statewide planning;

(2)(B) educational services as established by planning and by the needs and desires in the region;

(3)(C) participation in appropriate statewide educational programs as approved by the commissioner of education and the State Board of Education including but not limited to [guidance services,] special education services [(Rule 226.35.72 140), computer services, [crime prevention and drug education services,] and school bus driver training;

(4)(D) basic and optional media services as specified in law, the media component program of the education service centers (Rules 226.33.22.010 030), and the state plan for education service centers (Rule 226.21.02.011);

(5)(E) other educational services which facilitate the effective operation of the program of the centers as determined by the board of directors

(b)(2) Services shall be provided to nonpublic schools [(general operation of nonpublic schools is treated in Rules 226.24.01.010-050), in accordance with applicable laws and state plans.

[Reference Texas Education Code, §11.32, §11.33, and §21.118.

[(b) Administrative procedure.]

(c)(1) The regional education service center utilizes the resources of institutions of higher education and coordinates planning with them for the provision of services to member schools [and provides planning services in accordance with the state plan for education service centers. (See Rule 226.21.02.011)]

(2) Media services are provided in accordance with the approved state plan for education service centers, Rules 226.21.02.011 and 226.21.90.010, and media component program of the education service centers, Rules 226.33.22.010-030]

(d)(3) Computer services are provided in accordance with the approved state plan for computer services.

(4) Guidance services are provided in accordance with an approved design under the Title III funding proposal. (Federal funds are treated in Rule 226.21.02.042.)

(e)(5) Special education services are provided in accordance with an approved plan as required in Rule 226.35.71.040 [226.35.72.140].

(6) Crime prevention and drug education services are provided in accordance with an approved state plan for crime prevention and drug education.

(7) Authorization and description of crime prevention and drug education programs are located in Rule 226.32.61.010.]

Issued in Austin, Texas, on April 17, 1981.

Doc. No. 812561      A. O. Bowen  
Commissioner of Education

Proposed Date of Adoption: June 13, 1981  
For further information, please call (512) 475-7077.

## School Districts

### Operational Basis 226.23.01

The Texas Education Agency proposes to amend Rule 226.23.01.010 concerning the operational basis of school districts. The proposed changes amend an obsolete reference to the principles, standards, and procedures for the accreditation of school districts. The rule title "Policy and Procedure" is also being changed.

The Texas Education Agency anticipates that the proposed amendments will have no fiscal implications for the state or for local units of government.

Public comment is invited and may be submitted by telephoning the office of Dr. Beverly J. Bardsley, policy analyst, Department of Policies and Services, at (512) 475-7077, or by writing to her at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These amendments are proposed under the authority of Title II, Texas Education Code, Chapter 11, Subchapter A, §11.02(a).

#### .010. *General Provisions. [Policy and Procedure.]*

(a) [Policy.] Each school district shall be operated in accordance with all constitutional and statutory provisions **and rules of the State Board of Education**. Responsibility for interpreting these provisions shall lie with the board of school trustees except where formal interpretation of such provisions has been made by courts or other constituted authority.

[Reference: Texas Education Code, §1.04.]

(b) [Administrative procedure.] The accredited status of a school district is dependent upon compliance with Rules 226.37.15.010-.395 (relating to Principles, Standards, and Procedures for the Accreditation of School Districts) which

includes the List of Approved **Subjects and Courses**, Grades 7 through 12.

Issued in Austin, Texas, on April 17, 1981.

Doc. No. 812562      A. O. Bowen  
Commissioner of Education

Proposed Date of Adoption: June 13, 1981  
For further information, please call (512) 475-7077.

### Classification 226.23.02

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

The Texas Education Agency proposes to repeal Rules 226.23.02.010, .020, .030, .040, and .050 concerning the classification of school districts. School district classification is adequately addressed in statutes. Where these rules are not obsolete, they are a needless duplication of statutory material.

The Texas Education Agency anticipates the proposed repeal will have no fiscal implications for the state or for local units of government.

Public comment is invited and may be submitted by telephoning the office of Dr. Beverly J. Bardsley, policy analyst, Department of Policies and Services, at (512) 475-7077, or by writing to her at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of Texas Education Code, §11.02, §11.26, and §11.52.

- .010. *Means of Classification*
- .020. *Common School District Classification*
- .030. *Independent School District Classification.*
- .040. *Regular School District Classification*
- .050. *Special School District Classification.*

Issued in Austin, Texas, on April 17, 1981.

Doc No 812563      A O Bowen  
Commissioner of Education

Proposed Date of Adoption: June 13, 1981  
For further information, please call (512) 475-7077.

### Creation, Alteration, and Abolition 226.23.03

The Texas Education Agency proposes to amend Rule 226.23.03.010 concerning school district organization. The proposed amendment deletes a table showing statutes which govern various types of changes in school district organiza

tion. Although the statutes permitting these changes have not been repealed, most of the changes are no longer possible. For example, it is no longer possible to consolidate two common school districts as there are no two contiguous common school districts in existence. The citations which are still applicable would be an inadequate guide to the complexities involved in changing a school district's organization and appear to be more misleading than helpful. Reformatting of the rule deleting the "policy" and "administrative procedure" designation is also proposed. The title "Actions Which May Be Taken" is being amended.

The Texas Education Agency anticipates that the proposed amendments will have no fiscal implications for the state or for local units of government.

Public comment is invited and may be submitted by telephoning the office of Dr. Beverly J. Bardsley, policy analyst, Department of Policies and Services, at (512) 475-7077, or by writing to her at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These amendments are proposed under the authority of Texas Education Code, §11.02(a).

**.010. Process; Report of Action Taken.** [Actions Which May Be Taken.]

(a) [Policy.] The creation, alteration, and abolition of school districts shall be in accordance with all applicable statutes and State Board of Education rules, including Rule 226.11.03.010, **Right Denied To Close or Consolidate any School District**, and shall be reported to the Texas Education Agency.

(Reference: Texas Education Code, Chapter 19.)

[(b) Administrative procedure ]

**(b)(1)** All actions taken [under the statutes cited in the table below] result from one of two processes:

**(1)(A)** a decision made by a legally constituted governing board, such as county school trustees; or

**(2)(B)** an election, required by law, the results of which are canvassed by a body specified by statute.

**(c)(2)** In either case, the action taken is reported to the [assistant commissioner for administrative services of the] Texas Education Agency. When the action results from a board decision, the report is made by that board, and includes a copy of the official minutes for the meeting at which the action was taken. When the action results from an election, the report is made by the canvassing body and includes a copy of the official minutes for the meeting at which the election results were canvassed.

[Action	Class(es) of Districts Involved	Applicable Section(s) of Texas Education Code
Creation	Enlarged district	19.001
Creation	County-wide C.S.D.	Subchapter 19 B
Creation	County-wide I.S.D.	Subchapter 19 C
Creation	County-line C.S.D.	19.101
Creation	County-line R.H.S.D.	19.102
Creation	County-line I.S.D.	19.106
Creation	R.H.S.D.	19.131 & 19.132
Creation	M.S.D.	19.161 & 19.163

Creation	New district through Detachment	19.263
Conversion	County-line R.H.S.D. into I.S.D.	19.105
Conversion	R.H.S.D. into I.S.D.	19.135
Conversion	M.S.D. into I.S.D.	19.166 & 19.167
Conversion	M.S.D. into C.S.D.	19.167(a)
Conversion	C.S.D. into I.S.D.	Subchapter 19-G
Consolidation	Contiguous school districts	Subchapter 19-H
Detachment and annexation	Two contiguous districts	Subchapter 19-I
Change in municipal boundaries	Districts contained within municipalities	Subchapter 19-J, 19.164, & 19.165
Change in boundaries	I.S.D.	Subchapter 19-K
Subdivision	Common school district	Subchapter 19-M
Abolition	Common school district	Subchapter 19-M
Abolition	R.H.S.D.	19.136
Abolition	I.S.D.	Subchapter 19-L]

Issued in Austin, Texas, on April 17, 1981.

Doc. No. 812564 A. O. Bowen  
Commissioner of Education

Proposed Date of Adoption: June 13, 1981  
For further information, please call (512) 475-7077.

**School District-Pupil Relationships 226.23.04**

The Texas Education Agency proposes to amend Rule 226.23.04.080 concerning provisions for pregnant students. The proposed amendment deletes an obsolete reference to a special education policy which is no longer in effect and clarifies that pregnant students who wish to be educated in an alternative setting may be provided services through the special education program. A district may also provide an alternative setting or other special services for pregnant students using funding sources other than special education. The decision whether to continue in the regular program or in an alternative setting shall rest with the student.

The Texas Education Agency anticipates the proposed amendments will have no fiscal implications for the state or for local units of government.

Public comment is invited and may be submitted by telephoning the office of Dr. Beverly J. Bardsley, policy analyst, Department of Policies and Services, at (512) 475-7077, or by writing to her at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These amendments are proposed under the authority of Texas Education Code, §11.02, §11.26, and §11.52.

**.080. Provision for Pregnant Students [Pupils].** [Policy.] School districts shall make provision for maintaining the educational program of pregnant students [pupils (Rules 226.35.74.050-.054)] **Pregnant students who for an ap-**

*appropriate period of time desire to continue their education in an alternative setting rather than continuing in the regular education program setting may be provided services through the special education program, in accordance with rules in Chapter 35.71-35.75, relating to special education. Districts may also provide alternative settings or other services to pregnant students using other than special education funds. The decision whether to continue in the regular school program or in an alternative setting shall rest with the student.*

Issued in Austin, Texas, on April 17, 1981.

Doc No. 812565      A O Bowen  
Commissioner of Education

Proposed Date of Adoption: June 13, 1981  
For further information, please call (512) 475-7077.

## Teacher Certification

### Requirements for Issuance of Texas Certificates Based on Certificates and College Credentials from Other States 226.62.13

The Texas Education Agency proposes to amend Rule 226.62.13.010 concerning requirements for issuance of Texas certificates based on certificates and college credentials from other states. The proposed amendment requires applicants with an out-of-state certificate to provide a statement from the appropriate state certification agency stating whether the applicant has ever had a certificate suspended or revoked or if there is any action pending against the certificate. It is intended to protect against issuing a Texas certificate to a teacher whose out-of-state certificate has been revoked or suspended or is in the process of such revocation or suspension action. The proposed change was recommended by the Commission on Standards for the Teaching Profession.

The Texas Education Agency anticipates that the proposed amendment will have no fiscal implications for the state or for local units of government.

Public comment is invited and may be submitted by telephoning the office of Dr. Beverly J Bardsley, policy analyst, Department of Policies and Services, at (512) 475-7077, or by writing to her at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These amendments are proposed under the authority of Texas Education Code, §13.032 and §13.042.

#### .010. General Provisions.

(a) (No change.)

(b) Administrative procedure. The commissioner of education issues an appropriate Texas teacher certificate to a person who holds a valid teaching certificate from another state and desires to teach in Texas. The issuance is made in accordance with the law and the following requirements. Out-of-state certificates must meet full teacher certification criteria, as specified by the following:

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

(6) *An applicant with an out-of-state certificate must provide, with the initial application for a Texas teaching certificate, a statement from the appropriate state certification agency setting forth whether the applicant has ever had a certificate suspended or revoked in said state or if there is any action pending against the certificate. Such a statement is required from each state in which the applicant has held a teaching certificate.*

Issued in Austin, Texas, on April 17, 1981.

Doc. No. 812566      A. O. Bowen  
Commissioner of Education

Proposed Date of Adoption: June 13, 1981  
For further information, please call (512) 475-7077.

## Texas Department of Human Resources

### Food Stamps

The Texas Department of Human Resources proposes the following amendments and repeals to several of its rules in the Food Stamp Program. These rule changes represent clarifications and deletions of duplicated rule material. There are no substantive changes in these proposals.

The department has determined that these proposals will have no fiscal implications for the state or units of local government.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Policy Development Support Division—397, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 15 days of publication in this *Register*.

### Resources 326.15.35.014

This amendment is proposed under the authority of Title II, Human Resources Code.

#### .014. Definition.

(a) Resources are liquid and nonliquid assets. Applicants must report all household resources at the time of application [and any received during the certification period which would affect household eligibility, including the acquisition of a car whose value cannot be fully excluded].

(b)-(f) (No change.)

Issued in Austin, Texas, on April 22, 1981.

Doc. No. 812626      Marlin W Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: June 1, 1981  
For further information, please call (512) 441-3355, ext. 2037.

**326.15.35.019**

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of the following rule is proposed under the authority of Title II, Human Resources Code.

**.019. Verification of Nonexempt Resources.**

Issued in Austin, Texas, on April 22, 1981.

Doc. No. 812627 Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption June 1, 1981  
For further information, please call (512) 441-3355, ext. 2037.

**Definition of Income 326.15.41**

These amendments are proposed under the authority of Title II, Human Resources Code.

**.039. Included as Income.** For food stamp purposes, income includes the following:

(1) Earned income:

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

**(E) Military pay and allowances.** *Military pay is considered earned income. Allowances for quarters, housing, subsistence, or food are payments for normal household living expenses and are also earned income; allowances for job-related or other expenses such as uniforms are considered reimbursements. Free meals, meal tickets, and/or provided housing are in-kind benefits.*

(2) (No change.)

**.059. Shelter Costs.**

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

(c) Yearly **expenses** [payments] or **expenses billed less often** [payments made on other] than on a monthly basis may be allowed in the month they are billed or may be averaged over the period they are intended to cover.

(d) (No change.)

Issued in Austin, Texas, on April 22, 1981.

Doc. No. 812628 Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption June 1, 1981  
For further information, please call (512) 441-3355, ext. 2037.

**Documentation of Income 326.15.42**

This amendment is proposed under the authority of Title II, Human Resources Code

**.009. Documentation of Income Requirement.** The method used to verify and compute income must be documented in the casefolder at each initial application *and* [or] subsequent application. Since household eligibility is determined primarily on the basis of income, it is of utmost importance to

the validity of a food stamp case that all sources, figures, dates, and computations be recorded.

Issued in Austin, Texas, on April 22, 1981.

Doc. No. 812629 Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: June 1, 1981  
For further information, please call (512) 441-3355, ext. 2037.

**Military Households 326.15.54**

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of the following rules is proposed under the authority of Title II, Human Resources Code.

**.001. Consideration.**

**.002. Income and Verification.**

**.003. Resources.**

**.004. Military Housing.**

Issued in Austin, Texas, on April 22, 1981.

Doc. No. 812630 Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: June 1, 1981  
For further information, please call (512) 441-3355, ext. 2037.

**Farm Laborers 326.15.57**

These amendments are proposed under the authority of Title II, Human Resources Code.

**.002. Determining Income.**

(a) Workers **must not use an** [should avoid using any] anticipated income figure [as an absolute] when it is based on the anticipated days of work available in a specific area or line of work. It cannot be assumed that simply because work is available, everyone will be employed.

(b) (No change.)

**.010. Multiple Employer.** Farm laborers who work for a number of employers during the farm work season and who also receive income from varying sources during the nonwork season may be certified for three months. These households may be certified from month to month if no readily discernible pattern of income [received] can be detected. [When a three-month certification period is assigned for these households, the worker should not average income over the certification period, if doing so would prohibit participation because of substantial fluctuations in income.]

Issued in Austin, Texas, on April 22, 1981.

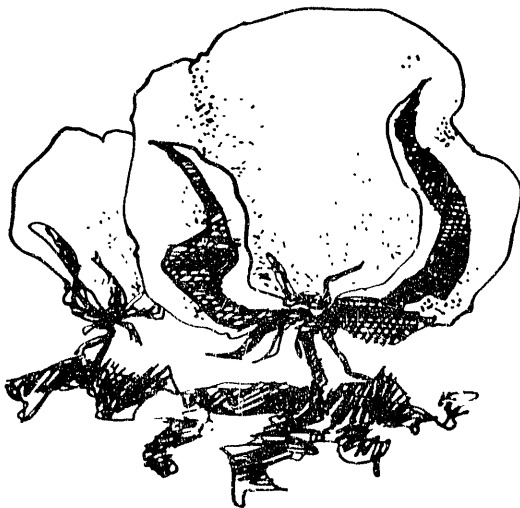
Doc. No. 812631 Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption June 1, 1981  
For further information, please call (512) 441-3355, ext. 2037.

Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency may take final action on a rule 30 days after publication of the proposed action in the *Register*. Non adoption of the action, "the agency, if requested to do so by an interested person either prior to adoption or within 30 days after adoption, shall issue a concise statement of the principal reasons for and against its adoption, incorporating in the statement its reasons for overruling the considerations urged against its adoption." The action is effective 20 days after filing of the notice of final action with the Texas Register Division unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice. The notice includes whether the action is promulgated with or without changes to the action proposed; a statement of the legal authority under which the final action is promulgated; and the text of the final action, in compliance with the rules of the Texas Register Division. If an agency takes final action on a rule with no changes made to the text as proposed, only the preamble of the notice and statement of legal authority will be published. The text, as appropriate, will be published only if final action is taken with changes made to the proposed action. The certification information, which includes the effective date of the final action, follows each published submission of final action. A telephone number for further information is also published.

An agency may withdraw proposed action or the remaining effectiveness of emergency action by filing a notice of withdrawal with the Texas Register Division. The notice will appear in this section of the *Register* and is generally effective immediately upon filing with the Texas Register Division.

This section now contains two classifications, codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Noncodified."




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## CODIFIED

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### TITLE 25. HEALTH SERVICES

#### Part V. Texas Health Facilities Commission

##### Chapter 521. Appropriateness Review Health Services

The Texas Health Facilities Commission has withdrawn from consideration for adoption amendments to §521.18 (315.30.02.080) concerning alcoholism. The text of the section as proposed for amendment was published in the February 13, 1981, issue of the *Texas Register* (6 TexReg 644).

Issued in Austin, Texas, on April 27, 1981.

Doc. No. 812731      Linda E. Zatopek  
Assistant General Council  
Texas Health Facilities Commission

Filed: April 27, 1981, 9:48 a.m.

For further information, please call (512) 475-6940.

### TITLE 34. PUBLIC FINANCE

#### Part I. Comptroller of Public Accounts

##### Chapter 3. Tax Administration

##### Subchapter O. Sales Tax Division—State Taxes

The Comptroller of Public Accounts has withdrawn from consideration for adoption the repeal of §3.283 (026.02.20.003) concerning food and food products for human consumption. Notice of the proposed repeal was published in the January 16, 1981, issue of the *Texas Register* (6 TexReg 177).

Issued in Austin, Texas, on April 27, 1981.

Doc. No. 812719      Mark Weiss, Director  
Legal Services Division  
Comptroller of Public Accounts

Filed: April 27, 1981, 9:11 a.m.

For further information, please call (512) 475-7000

The Comptroller of Public Accounts has withdrawn from consideration for adoption the amendments to §3.293 (026.02.20.013) concerning food, food products, meals, and food services sold for human consumption. The text of the section as proposed for amendment was published in the January 16, 1981, issue of the *Texas Register* (6 TexReg 177).

Issued in Austin, Texas, on April 27, 1981.

Doc. No. 812720      Mark Weiss, Director  
Legal Services Division  
Comptroller of Public Accounts

Filed: April 27, 1981, 9:11 a.m.

For further information, please call (512) 475-7000



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## NONCODIFIED

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### Governor's Committee on Aging Hearing Procedures

#### Appeal Procedures for Service Providers and Applicants 348.10.05

The Governor's Committee on Aging adopts new Rules 348.10.05.001-.009 which establish appeal procedures when any service provider or applicant to provide services whose application under an area plan is denied or whose contract or subgrant is terminated or not renewed. Any provider or applicant has a right to appeal such actions.

These rules are adopted with editorial changes from the proposed text published in the March 27, 1981, issue of the *Texas Register* (6 TexReg 1071).

These rules are adopted under authority of the Human Resources Code, Chapter 101.

##### .001. *Right To Appeal.*

(a) Any service provider or applicant to provide services whose application under an area plan is denied or whose contract or subgrant is terminated or not renewed (except as provided in 45 Code of Federal Regulations Part 74, Subpart M) has a right to appeal such action.

(b) An appeal under this rule is not a contested case within the meaning of the Administrative Procedure and Texas Register Act, Article 6252-13a, §13-§20, as amended.

##### .002. *Notice of Appeal.*

(a) A petitioner must give notice of appeal to both the area agency and the committee within 10 days after it receives the area agency's action letter.

(b) The notice of appeal must be in writing and must state with specificity the grounds upon which the action is appealed and all grounds upon which petitioner refutes the basis of the action. The request must include:

- (1) a copy of the area agency's action letter;
- (2) the dates of all relevant actions;
- (3) the names of individuals and organizations involved in the action appealed from;
- (4) a citation to any provision of the Act or regulations believed to have been violated by the area agency in taking the action appealed from; and
- (5) a certified copy of the resolution by which, or of the minutes of the meeting at which, the petitioner's governing body by majority vote of a quorum authorized the appeal and designated one or more persons to represent it during the appeal.

##### .003. *Informal Deposition.*

(a) Upon receipt of a notice of appeal, the area agency and petitioner shall attempt to informally resolve the dispute that is the subject of the appeal in accordance with procedures developed by the area agency and approved by the committee.

(b) If it has not already done so, the area agency at this time shall furnish petitioner with copies of:

- (1) its current triennial area plan;
- (2) the minutes of the meeting of the area agency's governing body at which the action appealed from was considered and taken;
- (3) the minutes of the meeting of the area agency's advisory council at which the action appealed from was considered and recommended;
- (4) area agency memoranda, staff reports, and evaluations relevant to the action appealed from;
- (5) the criteria used in awarding the contract or subgrant involved in the appeal; and
- (6) the petitioner's application for the contract or subgrant involved in the appeal.

(c) If the area agency and petitioner resolve their dispute, they shall jointly notify the committee of this fact in writing.

(d) If the dispute cannot be resolved informally, the area agency shall notify the committee of this fact in writing within 15 days after it receives the notice of appeal.

##### .004. *Submission of Appeal.*

(a) At the same time it notifies the committee that the dispute cannot be informally resolved, the area agency shall furnish committee with copies of all documents (except the triennial area plan) described in Rule 348.10.05.003(b) of this chapter, together with a concise statement identifying each remaining disputed issue. The area agency at this time may also respond in writing to the petitioner's appeal notice. The area agency shall furnish a copy of its issue statement and response, if any, to the petitioner.

(b) Within 10 days after receiving the issue statement and any response from the area agency, the petitioner may reply to either or both in writing, furnishing a copy to the area agency.

(c) Unless the coordinator requests it or schedules an evidentiary hearing under Rule 348.10.05.005 of this chapter, no additional evidence may be admitted on the appeal.

##### .005. *Evidentiary Hearing.*

(a) If the coordinator determines that an appeal involves a dispute as to a material fact, the resolution of which would be materially assisted by oral testimony, the coordinator may schedule a hearing to take testimony by notifying all parties of the date, place, and time of the hearing by registered or certified mail, return receipt requested.

(b) The coordinator may appoint an impartial hearing examiner to preside at the hearing. The hearing examiner may be but is not required to be an attorney at law. The hearing examiner has the powers described in Rule 348.10.02.005 of this chapter.

(c) The rules of evidence described in Rule 348.10.02.006 of this chapter apply to an evidentiary hearing under this section.

(d) The hearing examiner shall make a record of the evidentiary hearing in accordance with Rule 348.10.02.009 of this chapter.

##### .006. *Final Decision.*

(a) The coordinator shall decide all appeals under this rule but may delegate to a committee employee responsibility for making an initial review and recommending a decision.

(b) The coordinator shall decide an appeal solely on the basis of the record. The coordinator shall not substitute her

or his judgment for that of the area agency as to the weight of the evidence on matters committed to the area agency's discretion. The coordinator shall affirm the action appealed from unless it is unlawful, arbitrary, or not reasonably supported by substantial evidence in the record.

(c) The coordinator shall render a final decision on the appeal in writing within 75 days after receipt of the notice of appeal. The coordinator shall send a copy of the final decision to each party by registered or certified mail, return receipt requested, within three days after it is rendered.

**.007. Rehearing.** Rule 348.10.02.011 of this chapter governs rehearing of a final decision on an appeal under this rule.

**.008. Appeal to Court.** Rule 348.10.02.013 of this chapter governs appeal to a court from a final decision rendered under this rule.

**.009. Record.** The record for an appeal under this rule consists exclusively of:

- (1) the area agency's action letter;
- (2) the notice of appeal;
- (3) the area agency's notice of no informal disposition;
- (4) the area agency's issue statement and response, if any, to the notice of appeal;
- (5) the documents furnished the petitioner by the area agency under Rule 348.10.05.003 of this chapter;
- (6) the petitioner's reply, if any, to the area agency's issue statement and response;
- (7) the record and transcript (if one was prepared of the evidentiary hearing, if one was held);
- (8) the recommended decision, if any;
- (9) the final decision; and
- (10) the motion for rehearing, if any, and any replies to it.

Issued in Austin, Texas, on April 24, 1981.

Doc. No. 812709      Chris Kyker  
                                  Coordinator of Aging  
                                  Governor's Committee on Aging

Effective Date: May 18, 1981  
 Proposal Publication Date: March 27, 1981  
 For further information, please call (512) 475-2717.

## Texas Education Agency

### Instructional Resources

#### State Textbook Program in General 226.33.31.040

The Texas Education Agency amends Rule 226.33.31.040, concerning the State Textbook Program in general, without changes to the proposed text published in the January 27, 1981, issue of the *Texas Register* (6 TexReg 408). The amendments concern the use of books and other materials which have not gone through the state textbook adoption process. The amendments require school district boards of trustees to establish policies for selection procedures for such materials.

The amendments are adopted under the authority of Texas Education Code, §12.01, §12.16(c), and §12.62(a).

Issued in Austin, Texas, on April 17, 1981.

Doc. No. 812567      A. O. Bowen  
                                  Commissioner of Education

Effective Date: May 8, 1981  
 Proposal Publication Date: January 27, 1981  
 For further information, please call (512) 475-7077.

#### 226.33.31.110

The Texas Education Agency adopts Rule 226.33.31.110 concerning the State Textbook Program in general. The new rule ensures that all materials which publishers intend to make available without cost for use with textbooks bid for adoption are reviewed by the State Textbook Committee, agency staff, the commissioner of education, and the State Board of Education. Materials which publishers intend to make available for sale to schools need not be submitted for state-level review. However, such materials shall not contain subject matter which has been deleted or disapproved by the State Textbook Committee, the commissioner of education, or the State Board of Education.

The rule is adopted with one change from the text as proposed in the January 27, 1981, issue of the *Texas Register* (6 TexReg 408). In subsection (b), the word "theretofore" has been changed to "previously." There are no other changes to the rule.

This rule is adopted under the authority of Texas Education Code, §12.01, §12.16(c), and §12.62(a).

#### **.110. Materials Available for Use with Textbooks.**

(a) Materials in any medium which a publisher intends to make available without cost for use with textbooks bid for adoption are considered to be part of the "textbook" as defined in Rule 226.33.31.020. All such material shall be submitted with the textbooks and must be adopted in accordance with the rules in this chapter. Schools may procure and use unadopted materials only in accordance with Rule 226.33.31.040, Mandatory Use of Adopted Textbooks.

(b) Materials in any medium which a publisher intends to make available for sale to schools, whether or not designed for use with an adopted textbook, are not considered to be part of the "textbook" and need not be submitted or adopted in accordance with the rules in this chapter. Such materials shall not contain any textual material or other subject matter previously deleted, rejected, or disapproved by the Textbook Committee, the commissioner, or the State Board of Education.

Issued in Austin, Texas, on April 17, 1981.

Doc. No. 812568      A. O. Bowen  
                                  Commissioner of Education

Effective Date: May 8, 1981  
 Proposal Publication Date: January 27, 1981  
 For further information, please call (512) 475-7077.

## Pupil Services

### Adoptions by Reference 226.34.90

The Texas Education Agency adopts Rule 226.34.90.030, the adoption by reference of the Medical Examination Report for School Bus Drivers Form, without changes to the proposed text published in the February 27, 1981, issue of the *Texas Register* (6 TexReg 756). The Medical Examination Report for School Bus Drivers Form was reviewed by the Medical Advisory Board, Texas State Department of Health, and by the Texas Education Agency staff. The adopted form deletes the requirement for an annual tuberculosis test and adds reference to federal motor carrier safety regulations as authority for disqualifying drivers with certain physical impairments.

The amendments are adopted under the authority of Texas Education Code, §11.12 and §21.171.

Issued in Austin, Texas, on April 17, 1981.

Doc. No. 812569      A. O. Bowen  
Commissioner of Education

Effective Date: May 8, 1981  
Proposal Publication Date: February 27, 1981  
For further information, please call (512) 475-7077.

## Planning and Accreditation

### Principles, Standards, and Procedures for the Accreditation of School Districts 226.37.15

The Texas Education Agency amends Rule 226.37.15.340, concerning the list of approved subjects and courses, Grades 7-12, without changes to the proposed text published in the March 6, 1981, issue of the *Texas Register* (6 TexReg 827). The list is amended by adding marketing and distributive education to the types of courses available to students in Coordinated Vocational-Academic Education (CVAE).

The amendment is adopted under the authority of Texas Education Code, §11.26(a)(5) and §21.121.

Issued in Austin, Texas, on April 17, 1981.

Doc. No. 812570      A. O. Bowen  
Commissioner of Education

Effective Date: May 8, 1981  
Proposal Publication Date: March 6, 1981  
For further information, please call (512) 475-7077.

## Texas Department of Human Resources

### ICF/SNF 326.29

The Texas Department of Human Resources has withdrawn from consideration for adoption the proposed new chapter of rules concerning long-term care, entitled Intermediate Care Facility/Skilled Nursing Facility. The rules, which were published in the January 13, 1981, issue of the *Texas Register* (6 TexReg 90), are listed below.

### Purpose

326.29.10.001

### Definitions

326.29.12.001-.020

### Compliance with Federal Laws

326.29.14.001-.004

### Compliance with State and Local Laws

326.29.16.001-.008

### Governing Body and Management

326.29.20.001-.019

### Patient Care Management

326.29.22.001-.007

### Physician Services

326.29.30.001-.007

### Nursing Services

326.29.31.001-.012

### Food and Nutrition Services

326.29.32.001-.006

### Pharmaceutical Services

326.29.33.001-.011

### Laboratory and Radiological Services

326.29.34.001-.005

### Social Services

326.29.35.001-.006

### Rehabilitative Services/Goal-Directed Therapy

326.29.36.001-.007

### Services and Supplies included in the Vendor Payment

326.29.39.001-.007

### Medical Records

326.29.40.001-.006

### Medical Direction

326.29.42.001-.003

### Physical Environment

326.29.50.001-.009

### Safety

326.29.52.001-.002

### Patient Activities

326.29.60.001-.003

### Patient Rights

326.29.62.001-.018

### Medical Review and Re-evaluation

326.29.72.001-.005

### Support Documents

326.29.99.201-.205

Issued in Austin, Texas, on April 21, 1981.

Doc. No. 812601-      Susan L. Johnson, Administrator  
812622      Policy Development Support Division  
Texas Department of Human Resources

Filed: April 22, 1981, 9:35 a.m.  
For further information, please call (512) 441-3355, ext. 2037.

## Child Welfare Services

### Adoption Services 326.50.75

The Texas Department of Human Resources adopts amendments to its rules concerning adoption services within its Child Welfare Services Program without changes to the proposed text published in the January 27, 1981, issue of the *Texas Register* (6 TexReg 411). The amendments make the rules conform more closely with current department policy and procedure as specified in other adopted rules. In addition

the rules were changed to comply with format requirements of the *Texas Register*.

No comments were received on the rules.

The amendments are adopted under the authority of Title II, Human Resources Code, with the approval of the Texas Board of Human Resources.

Issued in Austin, Texas, on April 22, 1981.

Doc. No. 812632      Marlin W. Johnston  
                                  Acting Commissioner  
                                  Texas Department of Human Resources

Effective Date: May 13, 1981

Proposal Publication Date: January 27, 1981

For further information, please call (512) 441-3355, ext. 2037.

## State Board of Insurance

### Rating and Policy Forms

#### Fixing Rates of Automobile Insurance 059.05.01

The State Board of Insurance amends, effective June 1, 1981, Rule 059.05.01.005 which adopted by reference the rules governing the Insuring of Automobiles and Standard Endorsements II (Texas Automobile Manual) without changes to the proposed text published in the March 10, 1981, issue of the *Texas Register* (6 TexReg 878).

The State Board of Insurance amends Rule 124., Motorcycles, on pages 69 and 70 of the Texas Automobile Manual to include a new section providing for a 10% credit for bodily injury liability, property damage liability, medical payments, personal injury protection, and collision coverage rates for motorcycles, motor scooters, or motorized bicycles used by operators under 25 years of age. The new credit will apply if the operator under 25 years of age has successfully completed the motorcycle operator training course approved by the Texas Department of Public Safety and the Texas Education Agency.

The amendment is adopted under the authority of the Texas Insurance Code, Articles 5.01 and 5.06.

Issued in Austin, Texas, on April 20, 1981.

Doc. No. 812696      Pat Wagner  
                                  Chief Clerk  
                                  State Board of Insurance

Effective Date: June 1, 1981

Proposal Publication Date: March 10, 1981

For further information, please call (512) 475-2950.



The Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17, requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. An institution of higher education must have notice posted for at least 72 hours before the scheduled meeting time. Although some notices may be received and filed too late for publication before the meeting is held, all filed notices will be published in the *Register*. Each notice published includes the date, time, and location of the meeting; an agenda or a summary of the agenda as furnished for publication by the agency; where additional information may be obtained; and the date and time of filing.

A political subdivision covering all or part of four or more counties must have notice posted for at least 72 hours before the scheduled meeting time. Each notice published includes the date, time, and location of the meeting and where further information may be obtained. These notices are published under the heading "Regional Agencies," alphabetically by date filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency addition or amendment to an agenda, and the reason for such emergency, posted for at least two hours before the meeting is convened. Emergency notices filed by these entities will be published in the *Register*; however, notices of an emergency addition or amendment to an agenda filed by a regional agency will not be published in the *Register* since the original agendas for these agencies are not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

## Texas Adult Probation Commission

**Friday, May 1, 1981, 9 a.m.** The Texas Adult Probation Commission will meet in Suite 400, conference room, 812 San Antonio, Austin. According to the agenda, the commission will consider the following items: minutes; financial report; program services report; budget adjustment/supplemental funding for Hunt, Hidalgo, Hutchinson, Ward, and Bexar Counties; budget adjustment/special program requests for Hidalgo and El Paso Counties; executive director's report; Audit Review Committee report; application for waiver-division of Hardin and Tyler Counties; statistical report; legislative issues; and date and site of next meeting.

Information may be obtained from Sharon Hull, 812 San Antonio, Suite 400, Austin, Texas 78701, (512) 475-1374.

Filed: April 22, 1981, 4:28 p.m.  
Doc. No. 812647

## Texas Aeronautics Commission

**Thursday, May 21, 1981, 10 a.m.** The Air Carrier Division of the Texas Aeronautics Commission will conduct a public hearing in Room 221, 410 East Fifth Street, Austin, on the application of Texas Star Airlines, Inc., for a Texas air carrier certificate of operating authority pursuant to Article 46c-6, Subdivision 3(b-1), and Texas Air Carrier Rules 203 and 216.

Information may be obtained from Thomas L. Butler, 410 East Fifth Street, Austin, Texas, (512) 475-4768.

Filed: April 22, 1981, 9:51 a.m.  
Doc. No. 812595

## Texas Commission on Alcoholism

**Thursday and Friday, June 11 and 12, 1981, beginning at 1 p.m. on June 11 and continuing through June 12.** The Fiscal and Administrative Services Division of the Texas Commission on Alcoholism will meet in Room 117 of the Sam Houston Building, Austin. According to the agenda, the Grant/Contract Review Committee will review and award formula grant funds for continuation of alcoholism programs currently funded by the Texas Commission on Alcoholism.

Information may be obtained from Dennis D. Schafer, 809 Sam Houston Building, Austin, Texas 78701, (512) 475-2577.

Filed: April 27, 1981, 10:38 a.m.  
Doc. No. 812753

## Texas Board of Architectural Examiners

**Friday, May 8, 1981, 9 a.m.** The Texas Board of Architectural Examiners will meet in the Kiva Inn, 5403 South First, Abilene. According to the summarized agenda, the board will consider the following items: approval of minutes; legislation; renewals; reciprocal licensing; reinstatements; examinations; review of plans and specifications; Intern Development Program; rules and regulations; and violations.

Information may be obtained from Philip D. Creer, 5555 North Lamar, Building H-117, Austin, Texas 78751, (512) 458-1363.

Filed: April 20, 1981, 3:43 p.m.  
Doc. No. 812590

## State Bar of Texas

**Friday and Saturday, May 1 and 2, 1981, 9 a.m. daily.** The Board of Directors of the State Bar of Texas will meet in the board of directors room, first floor wing south, Texas Law Center, 1414 Colorado Street, Austin. According to the summarized agenda, the board will consider the following items: reports of president, president-elect, immediate past president, executive director, general counsel, directors, Texas Young Lawyers Association, professional development director, task forces, board chairman, credit union, associate executive director, board committees, report on 1981 convention, and standing and special committees; ratification of actions taken at executive committee meetings; appointments; review of budget position; final review; and approval for submission to Supreme Court of 1981-82 budget.

Information may be obtained from Evelyn Avent, 1414 Colorado Street, Austin, Texas, (512) 475-4746.

Filed: April 22, 1981, 12:54 p.m.  
Doc. No. 812624

## State Board of Canvassers

**Monday, April 27, 1981, 4:30 p.m.** The State Board of Canvassers met in emergency, rescheduled session in the governor's reception room, State Capitol, Austin, to consider canvass of returns for special runoff election for state representative, District 50 (unexpired term). This meeting was rescheduled and given emergency status because of a change in its location.

Information may be obtained from Austin Bray, 915 Sam Houston Building, Austin, Texas 78711, (512) 475-3091.

Filed: April 23, 1981, 11:31 a.m.  
Doc. No. 812664

## Texas Department of Community Affairs

**Wednesday, May 6, 1981, 10 a.m.** The Advisory Council on Community Affairs of the Texas Department of Community Affairs will meet in the fourth floor conference room, 210 Barton Springs Road, Austin. According to the agenda, the council will consider the following items: approval of minutes; Texas State Government Effectiveness Program; state legislation pertinent to Texas Department of Community Affairs; and federal proposals for programs administered by Texas Department of Community Affairs.

Information may be obtained from Tom Laramey, P.O. Box 13166, Austin, Texas 78711, (512) 475-2431.

Filed: April 20, 1981, 1:31 p.m.  
Doc. No. 812578

## Texas Department of Corrections

**Monday, May 11, 1981, 8 a.m.** The board of the Texas Department of Corrections will meet at the La Posada Motor Hotel, 100 North Main, McAllen. According to the summarized agenda, the board will consider the matters relating to the following: inmate affairs; personnel; business; legislation; agriculture; construction; industries; legal; research, planning, and development; miscellaneous; and Windham School System.

Information may be obtained from W. J. Estelle, Jr., P.O. Box 99, Huntsville, Texas 77340, (713) 295-6371, ext. 160.

Filed: April 24, 1981, 1:57 p.m.  
Doc. No. 812690

## Texas Cosmetology Commission

**Sunday, May 17, 1981, 9:30 a.m.** The Texas Cosmetology Commission will meet at 1111 Rio Grande, Austin. According to the agenda, the commission will conduct show cause hearing on A & C College of Beauty and Gus Ball; discuss pending legislation; consider request by Jessie Mae Hicks for a deviation from the minimum required equipment list; and hear attorney general's letter concerning specialty schools.

Information may be obtained from Ron Resech, 1111 Rio Grande, Austin, Texas 78701, (512) 475-3304.

Filed: April 24, 1981, 2:35 p.m.  
Doc. No. 812692

## Texas Commission for the Deaf

**Saturday, May 30, 1981, 9 a.m.** The Board for the Evaluation of Interpreters of the Texas Commission for the Deaf will meet in Suite 106, 510 South Congress, Austin. Items on the agenda include the following: rules of operation; Grievance Committee membership; code of ethics; proposed requirements and level definitions for intermediary interpreters, oral interpreters, and deaf/blind interpreters; reports of committees studying script drafts; form; position recommendations; and time lines for future activities.

Information may be obtained from Fred R. Tammen, 510 South Congress, Austin, Texas, (512) 475-2492.

Filed: April 24, 1981, 2:34 p.m.  
Doc. No. 812693

## State Board of Dental Examiners

**Thursday-Saturday, May 7-9, 1981, 9 a.m. daily.** The State Board of Dental Examiners will meet in the Holiday Inn Emerald Beach Hotel, Corpus Christi. According to the summarized agenda, the board will consider the following items: disciplinary hearings; requests for reinstatement of licenses; appointments to Hygiene Advisory Committee; discussion of Laboratory Advisory Board; request for three dental offices; reports on hygienists screening children, foreign graduates, dental legislation, x-ray labs, and pit and fissure sealant course; approval of honorary retired; anesthesia committee report; proficiency exam for dental auxiliaries; request for nitrous oxide/analgesia course; permanent adoption of Rule 382.19.11.004; rules on CPR, advertising, and hearings; exam dates; request from a non-licensed dentist; financial reports, general business, reports, and recognizing and listening to members of the public; advertising; and a research request.

Information may be obtained from William S. Nail, 718 Southwest Tower, 7th and Brazos, Austin, Texas 78701, (512) 475-2443.

Filed: April 22, 1981, 3:39 p.m.  
Doc. No. 812646

## Texas Education Agency

**Tuesday, May 12, 1981, 10 a.m.** The Proprietary School Advisory Commission of the Texas Education Agency will meet in the fourth floor auditorium of the TRS Building, 1001 Trinity, Austin. According to the agenda, the commission will consider the following items: introduction and orientation of new members; approval of minutes of January 31, 1981, meeting; proposed amendment to Rule 226.25.01.020, Proprietary School Advisory Commission relating to atten-

dance of members; status report on Texas proprietary schools; proposed amendment to Rules 226.25.90.020-.080, Guidelines and Minimum Standards for Operation of Texas Proprietary Schools relating to seminars; proposed changes to application for certificate of approval relating to seminars and workshops.

Information may be obtained from Janice Boyd, 201 E. 11th Street, Austin, Texas 78701, (512) 475-2246.

Filed: April 23, 1981, 2:50 p.m.  
Doc. No. 812670

## Employees Retirement System of Texas

**Wednesday, April 29, 1981, 9 a.m.** The Board of Trustees of the Employees Retirement System of Texas held an emergency meeting at 18th and Brazos, Austin, to consider adopting a method of providing health insurance coverage for approximately 420 state employees and their dependents who currently participate in a health maintenance organization which is going into receivership. The health coverage for 420 state employees and dependents would have ceased on April 30, 1981. The trustees had to act on an emergency basis to provide health insurance to protect these employees and their dependents for medical care.

Information may be obtained from Clayton T. Garrison, Box 13207, Austin, Texas 78711, (512) 476 6431.

Filed: April 27, 1981, 4:36 p.m.  
Doc. No. 812789

## Finance Commission of Texas

**Friday, April 24, 1981, 9:30 a.m.** The Savings and Loan Section of the Finance Commission of Texas held an emergency session in the savings and loan commissioner's office (via telephone conference call), 1004 Lavaca, Austin. According to the agenda, the purpose of the meeting was to adopt an emergency amendment to Regulation 10.9 and to propose such emergency measure for comment and adoption on or before July 1, 1981, as a permanent rule.

Information may be obtained from L. Alvis Vandygriff, 1004 Lavaca, Austin, Texas 78701, (512) 475-7991.

Filed: April 23, 1981, 4:05 p.m.  
Doc. No. 812672

## Texas Health Facilities Commission

**Thursday, May 7, 1981, 10 a.m.** The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

Certificate of Need  
Bethania Hospital, Wichita Falls  
AH80-1117-036

Park Plaza Hospital, Houston  
AH80-1222-024  
The Methodist Hospital, Houston  
AH80-1222-013  
Slaton Hospital Memorial Foundation, Inc., Slaton  
AH80-0818-048  
Sam Houston Memorial Hospital, Houston  
AH80-1110-029  
Santa Rosa Medical Center, San Antonio  
AH80-1124-032  
Rockwall General Hospital, Rockwall  
AH80-1124-034  
North Texas Medicare, Inc., Lewisville  
AO80-0721-005  
Harris Hospital-Methodist, Fort Worth  
AH80-1210-012  
Westbury Hospital, Houston  
AH80-0922-039  
Brackenridge Hospital, Austin  
AH80-0922-037  
Burnett Nursing Services, Austin  
AS80-1215-035  
Northwest Texas Hospital, Amarillo  
AH80-1126-030  
High Plains Baptist Hospital, Amarillo  
AH80-1230-010

Amendment of Certificate of Need Order  
Sealy Medical Center Foundation, Sealy  
AH80-0324-027A (022081)  
St. Anthony's Hospital, Amarillo  
AH78-1010-025A (020681)  
St. Anthony's Hospital, Amarillo  
AH79-1019-014A (020681)  
Lubbock State School, Lubbock  
AA79-1231-035A (030381)  
All Saints Episcopal Hospital of Fort Worth, Fort Worth  
AH80-0801-012A (030381)  
Sunnyvale Manor Nursing Home 1, Dallas  
AN80-0201-009A (031881)  
Mother Frances Hospital, Tyler  
AH80-0311-030A (031881)

Exemption Certificate  
St. Luke's Episcopal Hospital, Houston  
AH81-0304-006  
Leggett Memorial Hospital, Cleveland  
AH81-0227-007  
Irving Community Hospital, Irving  
AH81-0303-049 and AH81-0303-047

Declaratory Ruling  
Prudential Health Care Plan, Inc., Houston  
AO81-0219-015  
Doctors Hospital, Corpus Christi  
AH81-0120-020

Information may be obtained from Linda E. Zatopek, P.O. Box 15023, Austin, Texas 78761, (512) 475-6940.

Filed: April 27, 1981, 9:49 a.m.  
Doc. No. 812746

## Texas Historical Commission

**Saturday, May 2, 1981, 9:30 a.m.** The Texas Board of Review of the Texas Historical Commission will meet in the Community Center, 521 Alister, Port Aransas. According to the summarized agenda, the board will hold a discussion between applicants and board members; consider National Register nominations; and approve minutes of the last meeting.

Information may be obtained from Lissa Anderson, 1511 Colorado, Austin, Texas, (512) 475-3094.

Filed: April 22, 1981, 9:48 a.m.  
Doc. No. 812599

**Saturday, May 2, 1981, 9:30 a.m.** The Texas Board of Review of the Texas Historical Commission is making an emergency addition to the agenda of a meeting to be held in the Community Center, 521 Alister, Port Aransas. The addition concerns the following items: contact between applicants and board members; review of National Register nominations; and approval of minutes of last meeting. The emergency addition is a request by the acting director of the Texas National Register Program, Curtis Tunnell.

Information may be obtained from Lissa Anderson, 1511 Colorado, Austin, Texas, (512) 475-3094.

Filed: April 28, 1981, 9:05 a.m.  
Doc. No. 812793

## University of Houston System

**Monday, May 4, 1981.** The following committees and the Board of Regents of the University of Houston System will meet at the times indicated below:

**8 a.m.** The Broadcasting, Development, and Public Affairs Committee will discuss and/or approve the KUHT-TV quarterly report; KUHT-TV and KUHF-FM membership drive; "tall tower" status report; development report; and the legislative report.

**9:30 a.m.** The Facilities, Planning, and Building Committee, according to the agenda summary, will discuss and/or approve the following: Central Campus—Robertson Stadium Rehabilitation Project approval, and coastal center maintenance agreement; Clear Lake Campus—lease agreement with Clear Lake City Water Authority, and schematic design presentation—animal care/central services expansion; Downtown Campus—MR and R, Phase II, 4th and 6th floors, and surface parking lots; UH/System—construction status reports, financial status of construction projects reports, information items, executive session, and other business.

**1:30 p.m.** The Board of Regents, according to the agenda summary, will conduct an executive session and discuss and/or approve the following: all components—KUHT-TV quarterly report, personnel recommendations, and bank account resolutions and agreements; all campuses—promotion and tenure, contracts and grants, faculty workload/small class reports, and fee increases; Central

Campus—emeriti appointments, proposal for teacher certification, role and compensation for T.A.s, T.F.s, and lecturers, and sale of stock; Clear Lake Campus—name change of Program in Humanities to Program in Humanities and Fine Arts; plus the president's report; building committee report; and other business.

Information may be obtained from Deborah Selden, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023; (713) 749-7545.

Filed: April 24, 1981, 9:26 a.m.  
Doc. Nos. 812677-812679

## Texas Department of Human Resources

**Thursday, May 7, 1981, 9:30 a.m.** The Texas Council of Child Welfare Boards of the Texas Department of Human Resources will meet in Room 5-A of the Anderson Lane Building, 1708 East Anderson Lane, Austin. According to the agenda summary, the council will conduct an Executive Committee meeting from 8:30 a.m.-9:30 a.m. and consider the following reports: Executive Committee; Nominating Committee, and election of officers; Legislative Committee; status of staffing issues recommendations; discussion of council position and action on federal block grants; press awards for child welfare journalism and celebration of the 50th year of child welfare in Texas; special children and families project; and regional reports.

Information may be obtained from James C. Marquart, 1708 East Anderson Lane, Austin, Texas, (512) 835-0440, ext. 2222.

Filed: April 27, 1981, 11:51 a.m.  
Doc. No. 812747

## State Board of Insurance

**Wednesday, April 29, 1981, 2 p.m.** The Commissioner's Hearing Section of the State Board of Insurance conducted a public hearing in Room 342, 1110 San Jacinto, Austin, to consider Docket 6327—the revocation of insurance licenses of Bertha Garcia.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: April 20, 1981, 3:07 p.m.  
Doc. No. 812581

**Thursday, April 30, 1981, 9:30 a.m.** The Fire Marshal's Office of the State Board of Insurance conducted a public hearing in Room 342, 1110 San Jacinto, Austin, to consider FM 010—alleged violations of the Texas Insurance Code by Mike Sinclair, doing business as Gulf Telephone Inc.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: April 20, 1981, 3:07 p.m.  
Doc. No. 812582



**Thursday, April 30, 1981, 1:30 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, to consider Docket 6358—whether any and all of Elias Duran's insurance agent's licenses should be suspended or revoked and whether any pending license applications should be denied.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: April 20, 1981, 3:07 p.m.  
Doc. No. 812583

**Thursday, April 30, 1981.** The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 350, 1110 San Jacinto, Austin, in the following dockets at the times listed below:

**1:30 p.m.** Docket 6365—application of UTICA National Insurance Company, Dallas, for original charter and incorporation.

**2 p.m.** Docket 6366—application of UTICA Lloyd's of Texas, Dallas, for approval of articles of agreement.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: April 20, 1981, 3:08 p.m.  
Doc. Nos. 812584 and 812585

**Friday, May 1, 1981, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance has rescheduled a public hearing to be held in Room 342, 1110 San Jacinto, Austin, to consider Docket 6312—disciplinary action against Mission Title Company, San Antonio, for failure to furnish audit report within time required.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: April 20, 1981, 3:09 p.m.  
Doc. No. 812586

**Friday, May 1, 1981.** The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto, Austin, in the following dockets at the times listed below:

**10 a.m.** Docket 6346—application for original charter of Universal Underwriters of Texas, Dallas.

**1:30 p.m.** Docket 6361—application for original incorporation of KM Insurance Company, Dallas.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: April 20, 1981, 3:09 p.m.  
Doc. Nos. 812587 and 812588

**Monday, May 4, 1981, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 350, 1110 San Jacinto, Austin, to consider Docket 6323—whether W. Lee O'Daniel Life Insurance Company, Dallas, has complied with Commissioner's Supervision Order 81-0736.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: April 30, 1981, 3:10 p.m.  
Doc. No. 812589

**Tuesday, May 5, 1981.** The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin, in the following dockets at the times listed below:

**9:30 a.m.** Docket 6380—application of Capitol County Mutual Fire Insurance Company, Fort Worth, to acquire control of U.S. Life Insurance Company, Waco.

**1:30 p.m.** Docket 6353—application for admission by National Health and Welfare Mutual Life Insurance Association, Inc., New York, New York.

**2:30 p.m.** Docket 6379—application by National Health and Welfare Mutual Life Insurance Association, Inc., New York, New York, for authority to issue variable annuity contracts in Texas.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: April 27, 1981, 4:07 p.m.  
Doc. Nos. 812782-812784

The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, on the following dates, to hear the commissioner's report and to meet in executive session to discuss personnel matters.

**Tuesday, May 5, 1981, 2 p.m.**  
**Tuesday, May 12, 1981, 2 p.m.**  
**Tuesday, May 19, 1981, 2 p.m.**  
**Tuesday, May 26, 1981, 2 p.m.**

Information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, (512) 475-2950.

Filed: April 27, 1981, 2:01 p.m.  
Doc. Nos. 812736, 812738, 812740, and 812742

**Wednesday, May 6, 1981, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 350, 1110 San Jacinto, Austin, in the following dockets

Docket 6351—whether E. H. Lipner's escrow agent's license should be suspended or revoked.

Docket 6352—whether the title insurance agent's license of Lawyers Title Agency of Corpus Christi, Inc., should be suspended or revoked.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: April 27, 1981, 4:08 p.m.  
Doc. Nos. 812785 and 812786

**Wednesday, May 6, 1981, 2 p.m.** The State Board of Insurance will meet in Room 142, 1110 San Jacinto, Austin. According to the agenda, the board will consider revisions to Senate Concurrent Resolution 21 report.

Information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas, (512) 475-2950.

Filed: April 28, 1981, 9:05 a.m.  
Doc. No. 812794

The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, on the following dates, to hear the fire marshal's report.

**Wednesday, May 6, 1981, 2 p.m.**

**Wednesday, May 13, 1981, 2 p.m.**

**Wednesday, May 20, 1981, 2 p.m.**

**Wednesday, May 27, 1981, 2 p.m.**

Information may be obtained Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, (512) 475-2950.

Filed: April 27, 1981, 2:01 a.m.

Doc. Nos. 812737, 812739, 812741, 812743

**Friday, May 8, 1981, 1:30 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6367—application for original charter of Chilton Insurance Company, Dallas.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: April 27, 1981, 4:08 p.m.

Doc. No. 812787

**Monday, May 11, 1981, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6360—whether any and all of Lloyd W. Frost's insurance agent's license should be suspended or revoked.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: April 27, 1981, 4:08 p.m.

Doc. No. 812788

## Texas Advisory Commission on Intergovernmental Relations

**Friday, May 8, 1981, 8:30 a.m.** The Committee on Operations and Funding of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 119 of the Stephen F. Austin Building, 17th and Congress, Austin. According to the summarized agenda, the committee will consider funding arrangements for the operation of the agency as well as the operating budget for fiscal year 1981.

Information may be obtained from Jay G. Stanford, 407 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 475-3728.

Filed: April 27, 1981, 2:38 p.m.

Doc. No. 812744

**Friday, May 8, 1981, 9:30 a.m.** The Texas Advisory Commission on Intergovernmental Relations will meet in Room 118 of the Stephen F. Austin Building, 17th and Congress, Austin. According to the summarized agenda, the commission will consider the following topics: executive director's report, report of the Special Committee on Operations and Funding, and preliminary reports on municipal revenue sources and the traffic safety project; special presentation on

proposed changes in the Federal Grant System; and progress reports on municipal information project, management effectiveness, and the southwest drought area project.

Information may be obtained from Jay G. Stanford, 407 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 475-3728.

Filed: April 27, 1981, 2:38 p.m.

Doc. No. 812745

## Commission on Law Enforcement Officer Standards and Education

**Thursday, May 7, 1981, 10 a.m.** The Commission on Law Enforcement Officer Standards and Education will meet in the conference room of the Twin Towers Office Building, 1106 Clayton Lane, Austin. According to the summarized agenda, the commission will recognize visitors; read the minutes and entry of official orders; consider applications for academy certification, legislation report, and staff activity reports.

Information may be obtained from Alfredo Villarreal, 1106 Clayton Lane, 220-E, Austin, Texas, (512) 459-1171.

Filed: April 23, 1981, 3:33 p.m.

Doc. No. 812671

## Board for Lease of State-Owned Lands

**Thursday, April 30, 1981, 11 a.m.** The Board for Lease of State-Owned Lands met in Room 831, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board approved the minutes of the previous board meeting, and considered bids received at the April 7, 1981, oil, gas, and other mineral lease sale.

Information may be obtained from Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas 78701, (512) 475-2071.

Filed: April 22, 1981, 3:09 p.m.

Doc. No. 812640

## Board for Lease of University Lands

**Friday, May 1, 1981, 2 p.m.** The Board for Lease of University Lands will meet in the eighth floor conference room of the General Land Office, Stephen F. Austin Building, 1700 Congress Avenue, Austin. According to the agenda summary, the board will consider organization of the board; approval of minutes of the March 11, 1981, meeting; four applications for gas pooling units; amendment to existing pooling unit; ratification of actions of gas committee; discussion on royalty payments on tax reimbursements and approval of new operator on university leases.

Information may be obtained from Maxine R. Dean, 210 West 6th, Austin, Texas 78701, (512) 571-5781.

Filed: April 23, 1981, 9:44 a.m.

Doc. No. 812656

## Texas State Library and Archives Commission

**Thursday and Friday, May 14 and 15, 1981, 10 a.m., daily.** The Library Services and Construction Act Advisory Council of the Texas State Library and Archives Commission, will meet in Room 202 of the Lorenzo de Zavala State Archives and Library Building, 12th and Brazos, Austin, to review and approve fiscal year 1982 Library Services and Construction Act annual program, basic state plan and long range program; review and approve revised incentive and establishment grant guidelines; and review Library Services and Construction Act, Title III, grant proposals.

Information may be obtained from Raymond Hitt, P.O. Box 12927, Austin, Texas 78711, (512) 475-4119.

Filed: April 23, 1981, 9:46 a.m.  
Doc. No. 812659

## Merit System Council

**Friday, May 1, 1981, 9 a.m.** The Merit System Council will meet in Room 507 of the Brown Building, 8th and Colorado Streets, Austin, to appeal hearing.

Information may be obtained from Leo F. Brockmann, P.O. Box 1389, Austin, Texas 78767, (512) 477-9665.

Filed: April 22, 1981, 3:39 p.m.  
Doc. No. 812642

## State Board of Morticians

**Tuesday, May 5, 1981, 9 a.m.** The State Board of Morticians will meet at 1513 South IH 35, Austin. According to the agenda summary, the board will conduct a formal hearing regarding the action of licensee; consider applicants for reciprocal licenses, reinstatement of licenses, and reinstatements and resuming of apprenticeship; appearance of licensee convicted of a felony; discuss cases in district court; and hear complaints to be reviewed.

Information may be obtained from John W. Shocklee, 1513 South IH 35, Austin, Texas, (512) 442-6721.

Filed: April 24, 1981, 9:59 a.m.  
Doc. No. 812680

**Tuesday, May 5, 1981, 9 a.m.** The State Board of Morticians submits a revised agenda for a meeting to be held at 1513 South IH 35, Austin. According to the summarized agenda, the board will conduct formal and informal hearings regarding the action of licensees; request approval of temporary establishment location; and request approval of education.

Information may be obtained from John W. Shocklee, 1513 South IH 35, Austin, Texas, (512) 442-6721.

Filed: April 27, 1981, 1:59 p.m.  
Doc. No. 812735

## Texas National Guard Armory Board

**Sunday, May 3, 1981, 1:30 p.m.** The Texas National Guard Armory Board will meet in Building 64, Camp Mabry, Austin, to consider armory board manual; facility construction, remodeling, renovation; and consideration of other matters that may properly come before the board.

Information may be obtained from T. W. Meek, West Austin Station, Austin, Texas 78763, (512) 475-5481.

Filed: April 23, 1981, 9:47 a.m.  
Doc. No. 812657

## North Texas State University

**Friday, May 1, 1981.** The following committees of the North Texas State University and Texas College of Osteopathic Medicine Board of Regents will meet in the board room, Texas College of Osteopathic Medicine, Denton, at the times listed below.

**8 a.m.** The Facilities Committee will consider energy conservation; Art and Speech/Drama Buildings; project authorization and architect selection for completion of GAB fifth floor; coliseum roof repair; and project status report.

**8:30 a.m.** The Budget and Finance Committee will consider the reallocation of Texas College of Osteopathic Medicine state appropriations and budget supplements for various departments; signature authorization for David M. Richards, D.O., associate dean for academic affairs.

**8:45 a.m.** The Role and Scope Committee will consider professor emeritus recommendation; leaves of absence without pay; faculty workload report, Spring 1981; small class report, Spring 1981; resolution regarding equal educational opportunity; administrative guidelines governing relationship between North Texas State University and Texas College of Osteopathic Medicine; presentation by journalism department; Texas College of Osteopathic Medicine—personnel transactions; revision of policy requiring notification to Board of Regents of certain personnel appointments; and resolution regarding equal educational opportunity.

**10 a.m.** The Board of Regents will consider approval of minutes and committee reports, and other business. The board will also conduct an executive session under the authority of Vernon's Civil Statutes, Article 6252-17, §2, paragraphs e, legal; f, real estate; and g, personnel; approve committee recommendations; and conduct other business.

Information may be obtained from Jan Dobbs, P.O. Box 13108, North Texas Station, Denton, Texas 76203, (817) 788-2198.

Filed: April 23, 1981, 9:43 a.m.  
Doc. Nos. 812651-812655

## Board of Nurse Examiners

**Monday-Wednesday, May 4-6, 1981, 8 a.m., daily.** The Board of Nurse Examiners will meet at the Sheraton West Inn, 111 East 1st Street, Austin. According to the agenda summary, the board will consider the following: disciplinary hearings; informal hearings; education report concerning survey visits; progress reports; curriculum changes; report of executive secretary; examination; new business; and miscellaneous. At the completion of the regular business of the board, the meeting will move to the office of the board at 510 South Congress for an executive session (closed to public) for the purposes of reviewing test drafts.

Information may be obtained from Margaret L. Rowland, R.N., 510 South Congress, Suite 216, Austin, Texas 78704, (512) 478 9602.

Filed: April 23, 1981, 9:45 a.m.  
Doc. No. 812658

## Pan American University

**Tuesday, May 5, 1981, 9 a.m.** The Buildings and Grounds Committee of the Pan American University Board of Regents, will meet in the conference room of the Administration Building, Edinburg, to consider modifications to physical facilities to remove barriers for the handicapped; modifications to the north wing of the men's and women's dorms; change order proposals for the administration building; and a new telephone system for the Brownsville campus.

Information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas, (512) 381-2101.

Filed: April 23, 1981, 11:03 a.m.  
Doc. No. 812660

**Tuesday, May 5, 1981, 9:30 a.m.** The Academic and Developmental Affairs Committee of the Pan American University Board of Regents will meet in the conference room of the Administration Building, Edinburg, to conduct an executive session (as authorized by Vernon's Annotated Texas Statutes, Article 6252-17, §2g) to consider employment of personnel.

Information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas, (512) 381-2101.

Filed: April 23, 1981, 11:03 a.m.  
Doc. No. 812661

**Tuesday, May 5, 1981, 10 a.m.** The Presidential Search Committee of the Pan American University Board of Regents will meet in the conference room of the Administration Building, Edinburg, to conduct an executive session (as authorized by Vernon's Annotated Texas Statutes, Article 6252-17, §2g) to consider employment of a university president.

Information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas, (512) 381-2101.

Filed: April 23, 1981, 11:04 a.m.  
Doc. No. 812662

**Tuesday, May 5, 1981, 11:30 a.m.** The Pan American University Board of Regents will meet in the conference room of the Administration Building, Edinburg, to consider the following: minutes of previous meeting; reports of Buildings and Grounds Committee, Academic and Developmental Affairs Committee, and Presidential Search Committee; small class size reports; leaves of absence; use of facilities; institutional plan for equal higher education opportunity; food services; gifts and donations; budget changes; and the date of the next meeting of the board.

Information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas, (512) 381-2101.

Filed: April 23, 1981, 11:04 a.m.  
Doc. No. 812663

## Board of Pardons and Paroles

**Monday-Friday, May 4-8, 1981, 9 a.m. daily.** The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by this agency; and take action upon gubernatorial directives.

Information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, (512) 475-3363.

Filed: April 22, 1981, 4:36 p.m.  
Doc. No. 812648

## State Pension Review Board

**Monday, May 4, 1981, 8:30 a.m.** The Legislative Advisory Committee of the State Pension Review Board will meet in Room G35B of the State Capitol, in a regularly scheduled weekly work session to discuss upcoming legislation.

Information may be obtained from Lynda Baker, 105 West 15th Street, Reagan Building, Room 200, Austin, Texas, (512) 475 8332.

Filed: April 22, 1981, 3:38 p.m.  
Doc. No. 812643

## Texas Department of Public Safety

**Wednesday, May 6, 1981, 10 a.m.** The Public Safety Commission of the Texas Department of Public Safety will meet at 5805 North Lamar, Austin. According to the agenda, the commission will consider the following: approve minutes; budget matters; personnel matters including hearing on appeal of discharged employee; and other unfinished business.

Information may be obtained from James B. Adams, 5805 North Lamar, Austin, Texas, (512) 465 2000, ext. 3700.

Filed: April 27, 1981, 3:03 p.m.  
Doc. No. 812751

## Public Utility Commission of Texas

**Wednesday, May 6, 1981, 10 a.m.** The Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3838—application of Lower Colorado River Authority for a certificate of amendment to include Generating Unit 3 of the Fayette Power Project

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

Filed: April 27, 1981, 9:15 a.m.  
Doc. No. 812732

**Wednesday, May 6, 1981, 10 a.m.** The Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3843—application of McCulloch Electric Cooperative, Inc., for a rate increase.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: April 24, 1981, 10 a.m.  
Doc. No. 812681

**Friday, May 8, 1981, 10 a.m.** The Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3842—application of Douglas Utility Company for a water rate increase within Harris County.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: April 22, 1981, 3:38 p.m.  
Doc. No. 812644

**Friday, May 15, 1981, 9:30 a.m.** The Public Utility Commission of Texas will conduct prehearing conferences in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in the following dockets:

Docket 3836—application of Willow Water System for authority to increase rates within Burnet County.

Docket 3835—application of Cassie Water System for authority to increase rates within Burnet County.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458 0100.

Filed: April 28, 1981, 9:04 a.m.  
Doc. Nos. 812795 and 812796

**Tuesday, May 26, 1981, 10 a.m.** The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to conduct a hearing on the merits in Dockets 3724, 3817, and 3821—application of Hill Texas Communications Company, Inc., to amend a certificate of convenience and necessity within Freestone County; application of Tri-County Mobilfone to amend a certificate of convenience and necessity to add additional frequency and channel within Teague County; and application of Tri-County Mobilfone to void the certificate of convenience and necessity of Continental Telephone of Texas for radio service.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458 0100.

Filed: April 22, 1981, 9:50 a.m.  
Doc. No. 812596

**Wednesday, May 27, 1981, 10 a.m.** The Public Utility Commission of Texas has rescheduled a prehearing conference to be held in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3793—application of Water Works for a rate increase within Llano County. The prehearing conference was originally scheduled for April 17, 1981, at 9:30 a.m.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458 0100.

Filed: April 22, 1981, 3:38 p.m.  
Doc. No. 812645

**Monday, June 15, 1981, 10 a.m.** The Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Dockets 3566 and 3726—application of Jalarco, Inc., for a certificate of convenience and necessity within Williamson County and application of the City of Cedar Park for a certificate of convenience and necessity within Williamson County (water).

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458 0100.

Filed: April 28, 1981, 9:04 a.m.  
Doc. No. 812797

**Thursday, June 18, 1981, 10 a.m.** The Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3797—application of J&R Water Supply for a rate increase.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: April 22, 1981, 9:50 a.m.  
Doc. No. 812597

**Wednesday, July 1, 1981, 10 a.m.** The Public Utility Commission of Texas will conduct a rescheduled hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3749—application of Toby Smith Water Company for a rate increase within Montgomery County. This hearing was originally scheduled for Thursday, June 18, 1981, at 10 a.m.

Information may be obtained from Philip Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 27, 1981, 9:15 a.m.  
Doc. No. 812734

**Monday, July 20, 1981, 10 a.m.** The Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3616—Public Utility Commission inquiry to revoke the certificate of convenience and necessity of Gulf Water Benefaction Company.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458 0100.

Filed: April 24, 1981, 2:34 p.m.  
Doc. No. 812694

## State Purchasing and General Services Commission

**Tuesday, April 28, 1981, 10 a.m.** The State Purchasing and General Services Commission met in Room 916 of the LBJ Building, 111 East 17th Street, Austin. Items on the agenda to be considered include the following: adoption of Rules 028.17.02.910, .911, and .914, relating to building construction administration; report on Policy Advisory Committee meeting; presentation of proposed implementation plan of the governor's operational audit recommendations; report of governor's Operational Audit Team; proposed implementation plan; report from internal auditor on liaison activities; commission monthly reports; and date and time for next regular meeting.

Information may be obtained from Homer A. Foerster, P.O. Box 13047, Austin, Texas 78711, (512) 475-2211.

Filed: April 20, 1981, 2:50 p.m.  
Doc. No. 812580

## Railroad Commission of Texas

**Monday, April 27, 1981, 9 a.m.** The Transportation Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held at 1124 IH 35 South, Austin. The addition concerned Docket 023601ZZT—application of Magic Valley Armored Car Service to transport coin, currency, and other valuable items, RCT Tariff 50, establish rates and provisions for account of Magic Valley Armored Car Service. Consideration on less than seven days' notice was required as a matter of urgent public necessity because this docket was previously consolidated with Brink's, Docket 021506AZT, which was properly posted for consideration on Monday, April 27, 1981. Failure to consider this docket with the companion case would have resulted in prejudice to both applicants as well as the public generally.

Information may be obtained from Owen T. Kinney, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: April 24, 1981, 2:40 p.m.  
Doc. No. 812697

**Monday, April 27, 1981, 11:30 a.m.** The Oil and Gas Division of the Railroad Commission of Texas convened in emergency session in the first floor auditorium, 1124 IH 35 South, Austin, for consideration of request in Docket 8-75,308—application of Marathon Oil Company for an MER increase, to postpone a high-rate production test of the Yates Field in Pecos and Crockett Counties. This matter was given emergency status because the test was scheduled for April 27, 1981.

Information may be obtained from Walter E. Lilie, 1124 IH 35 South, Austin, Texas, (512) 445-1186.

Filed: April 27, 1981, 9:16 a.m.  
Doc. No. 812717

**Monday, May 4, 1981, 9 a.m.** The Railroad Commission of Texas will meet in the third floor conference room, 1124 IH 35 South, Austin. Following the regular agenda, the commission will go into executive session to discuss personnel actions for all divisions and consult with its legal staff on prospective and pending litigation pursuant to §2g and §2e of the Act, respectively.

Information may be obtained from Carla S. Doyno, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: April 24, 1981, 2:42 p.m.  
Doc. No. 812698

**Monday, May 4, 1981, 9 a.m.** The Automatic Data Processing Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin, to consider contract approval for purchase of program products from IBM.

Information may be obtained from Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: April 24, 1981, 2:42 p.m.  
Doc. No. 812699

**Monday, May 4, 1981, 9 a.m.** The Finance and Procurement Division of the Railroad Commission of Texas will meet in Room 107, first floor, 1124 IH 35 South, Austin, to consider a maintenance contract with General Electric Company for radio equipment.

Information may be obtained from Billy Upton, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1773.

Filed: April 24, 1981, 2:40 p.m.  
Doc. No. 812700

**Monday, May 4, 1981, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the summarized agenda, the division will consider Gas Utilities Dockets 3012, 3013, 3020, 3023, 3024, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3016, and the director's report.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, (512) 445-1126.

Filed: April 24, 1981, 2:40 p.m.  
Doc. No. 812701

**Monday, May 4, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the summarized agenda, the division will consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Information may be obtained from Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445 1307.

Filed: April 24, 1981, 2:40 p.m.  
Doc. No. 812702

**Monday, May 4, 1981, 9 a.m.** The Oil and Gas Division is making an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 IH 35 South, Austin. The addition concerns category determinations under §102(c)(1)(B), §102(c)(1)(C), §103, §107, and §108 of the Natural Gas Policy Act of 1978.

Information may be obtained from Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1273.

Filed: April 24, 1981, 2:41 p.m.  
Doc. No. 812703

**Monday, May 4, 1981, 9 a.m.** The Oil and Gas Division is making an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 IH 35 South, Austin. The addition concerns Docket 3-76147—application of Tartan Oil and Gas for special allowable and request for interim order to shut in Kop.cky "B" 1 Well, Magnet Withers (Miocene 4200) Field, Wharton County.

Information may be obtained from Alan N. Ross, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1292.

Filed: April 24, 1981, 2:42 p.m.  
Doc. No. 812704

**Monday, May 4, 1981, 9 a.m.** The Transportation Division of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. According to the summarized agenda, the division will consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

Information may be obtained from Owen T. Kinney, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: April 24, 1981, 2:41 p.m.  
Doc. No. 812705

## Texas Real Estate Commission

**Tuesday, April 28, 1981, 10 a.m.** The Texas Real Estate Commission met in emergency session in the Amfac Hotel (room registered under Andy James), Dallas-Fort Worth International Airport, Dallas, to deliberate on the assignment and determination of duties, functions, and responsibilities of commission employees pursuant to Vernon's Annotated Civil Statutes, Article 6573a, §15(B). The amendments to Article 6573a will be effective prior to the next regularly scheduled meeting.

Information may be obtained from Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 475-4250.

Filed: April 24, 1981, 10:01 a.m.  
Doc. No. 812675

## State Rural Medical Education Board

**Saturday and Sunday, May 2 and 3, 1981, 3 p.m. and 8:30 a.m., respectively.** The State Rural Medical Education Board will meet in the second floor conference room, Southwest Tower Building, 211 East Seventh Street, Austin. According to the agenda, the board will consider committee reports; interview new loan applicants; and discuss renewal loans, requests for additional funds, and other routine business.

Information may be obtained from the State Rural Medical Education Board, 211 East Seventh Street, Southwest Tower Building, Austin, Texas, (512) 475-0801.

Filed: April 20, 1981, 2:19 p.m.  
Doc. No. 812579

## School Land Board

**Tuesday, May 5, 1981, 10 a.m.** The School Land Board will meet in Room 831, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will consider the following items: approval of the minutes of the previous meeting; pooling applications; excess acreage applications; coastal public lands—easement applications; cabin permit transfer requests; cabin permit rebuilding request; cabin permit terminations; cabin permit reinstatement request; and coastal public lands report on cabin permit renewals.

Information may be obtained from Linda K. Fisher, 1700 North Congress Avenue, Stephen F. Austin Building, Room 835, Austin, Texas 78701, (512) 475-2071.

Filed: April 27, 1981, 4:46 p.m.  
Doc. No. 812790

## Texas Sesquicentennial Commission

**Thursday, April 30, 1981, 1:30 p.m.** The Texas Sesquicentennial Commission met in Room 206, Texas Law Center, Austin. According to the summarized agenda, the commission considered the following items: presentation by Dr. Pat Wagner; Marketing Committee report; report on proposed rules; Sesquicentennial Museum discussion; report of U.S. Postage Stamp/Congressional Advisory Committee; and legislative status report on Sesquicentennial Commission budget.

Information may be obtained from Randy M. Lee, P.O. Box 19860, Southeast Station, Austin, Texas 78760, (512) 475-1986.

Filed: April 22, 1981, 12:46 p.m.  
Doc. No. 812623

## University System of South Texas

**Tuesday-Thursday, April 28-30, 1981, 8:30 a.m., daily.** The Presidential Search Committee of the Board of Directors of the University System of South Texas met in the Holiday Inn, Airport 77 Northeast Loop 410, San Antonio, to conduct an executive session to interview applicants for position of president of Texas A&I University.

Information may be obtained from Duane M. Leach, P.O. Box 1238, Corpus Christi, Texas 78363, (512) 595-2215.

Filed: April 23, 1981, 9:47 a.m.  
Doc. No. 812650

## Advisory Council for Technical-Vocational Education in Texas

**Friday, May 1, 1981, 7 a.m.** The Industry/Education Committee of the Advisory Council for Technical-Vocational Education in Texas will meet in the coffee shop of the Holiday Inn Civic Center, corner of 2nd Street and Expressway 83, McAllen, to review materials collected on the following work projects: comparison of certification requirements for secondary vocational teachers, and examination of how topics of free enterprise, entrepreneurship, and productivity are being addressed in instructional materials. The committee will also go over progress being made in statewide public information campaign.

Information may be obtained from Valeria Blaschke, P.O. Box 1886, Austin, Texas 78767, or 1700 South Lamar, Suite 202, Austin, Texas 78704, (512) 475-2046.

Filed: April 22, 1981, 3:39 p.m.  
Doc. No. 812641

**Saturday, May 2, 1981, 11:30 a.m.** The Planning and Evaluation Committee of the Advisory Council for Technical-Vocational Education in Texas will meet in the Mesquite Room of the Holiday Inn Civic Center, corner of 2nd Street and Expressway 83, McAllen, to review the annual program plan for vocational education for fiscal year 1982, and the accountability report for fiscal year 1980. There will also be a review of the status of program of work activities of the committee.

Information may be obtained from Valeria Blaschke, P.O. Box 1886, Austin, Texas 78767, or 1700 South Lamar, Suite 202, Austin, Texas 78704, (512) 475-2046.

Filed: April 24, 1981, 10 a.m.  
Doc. No. 812676

## Texas Southern University

**Friday, May 15, 1981, 8:30 a.m.** The following committees of the Texas Southern University Board of Regents will meet in Room 203 of the Student Life Center, Texas Southern University, 3100 Cleburne, Houston:

The Building and Grounds Committee will approve contracts for payments, consider acquisition of real estate, and award contracts.

The Faculty and Curriculum Committee of Texas Southern University will receive enrollment and curricula data from the administration.

Information may be obtained from Everett O. Bell, Texas Southern University, Houston, Texas 77004, (713) 529-8911.

Filed: April 20, 1981, 10 a.m.  
Doc. Nos. 812573 and 812574

## Texas State University System

**Monday, April 27, 1981, 11 a.m.** The Board of Regents of the Texas State University System met in emergency session in the second floor conference room at Bernard G. Johnson, Inc., 5050 Westheimer, Houston. According to the summarized agenda, the board discussed a resolution regarding equal educational opportunity, a possible condemnation suit, and other items. The emergency meeting was warranted because the resolution regarding equal educational opportunity needed to be approved before the next scheduled meeting.

Information may be obtained from Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 475-3876.

Filed: April 23, 1981, 2:41 p.m.  
Doc. No. 812669

## Texas Tourist Development Agency

**Tuesday and Wednesday, May 12 and 13, 1981, 8 a.m. daily.** The Texas Tourist Development Agency Board will conduct a hearing at the Woodcreek Resort, One Woodcreek Drive, Wimberley, to consider several advertising agencies competing for the Texas Tourist Development Agency's advertising contract effective September 1, 1981, through August 31, 1985. The board will choose and notify the winning agency.

Information may be obtained from Margaret Younger, Stephen F. Austin Building, Room 1032, Austin, Texas, (512) 475-4326.

Filed: April 20, 1981, 3:44 p.m.  
Doc. No. 812591

## Texas Woman's University

**Thursday, April 30, 1981, 10 a.m.** The Texas Woman's University Board of Regents met on the 16th floor of the Administration and Conference Tower Building, Denton. According to the agenda, the board considered the following items: minutes of the January 22, 1981, meeting; personnel additions and changes; acceptance of gifts and grants; agreements and contracts; award of federal funds; sale of surplus university property; renewal and extension of insurance coverage; various change orders; academic plan for the 1980's; changing titles of heads of the university's professional schools from director to dean; plan regarding increasing minority enrollment; draft constitution and by-laws for the faculty senate; small class report for Spring 1981; Houston Academy of Medicine Texas Medical Center Library operating agreement; plan for accommodating projected decreases in federal aid; authorization of president to proceed with plans to conduct a feasibility study for a capital fund drive; and report of the president.

Information may be obtained from Dr. Mary Evelyn Blagg Huey, Texas Woman's University, Denton, Texas 76204, (817) 383-1466.

Filed: April 22, 1981, 10:27 a.m.  
Doc. No. 812600



## University Interscholastic League

**Monday, April 27, 1981, 3 p.m.** The Executive Committee of the University Interscholastic League will meet in Room 111 of Sid Richardson Hall, University of Texas, Austin, to conduct a hearing on the eligibility of a student participating in girls' golf from Elysian Fields High School.

Information may be obtained from Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: April 24, 1981, 11:07 a.m.  
Doc. No. 812698

## Veterans Affairs Commission

**Thursday and Friday, May 28 and 29, 1981, 2 p.m. and 10 a.m., respectively.** The Veterans Affairs Commission will meet in the conference room of the VA Outpatient Clinic, 307 Dwyer Avenue, San Antonio. According to the agenda, the commission will consider reports on activities of the commission and make decisions relative to general administrative matters pertaining to Texas veterans' programs.

Information may be obtained from Aubrey L. Bullard, P.O. Box 12277, Austin, Texas 78711, (512) 475-4185.

Filed: April 24, 1981, 2:35 p.m.  
Doc. No. 812691

## Texas Water Commission

**Monday, May 4, 1981, 10 a.m.** The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agenda, the commission will consider applications for use of surplus funds, release from escrow, water quality permits, amendments and renewals, water right applications, and filing and setting of hearing dates.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: April 24, 1981, 11:15 a.m.  
Doc. No. 812689

**Tuesday, May 12, 1981, 10 a.m.** The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, to conduct a hearing on petition for organization of Harris County Municipal Utility District 194 containing 214,6665 acres.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: April 27, 1981, 11:16 a.m.  
Doc. No. 812752

**Thursday, May 14, 1981, 10 a.m.** The Texas Water Commission corrects the agenda of a hearing to be held in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The correction concerns Application 4109 of Apache Shores, Inc., which seeks a permit to construct a dam and 98 acre-foot reservoir (Indian Lake) and to maintain and

modify an existing dam an 30 acre-foot capacity reservoir (Apache Lake) on unnamed tributaries of the Colorado River, Colorado River Basin, Travis County. The original notice of hearing listed a wrong address for the applicant.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas, (512) 475-4514.

Filed: April 22, 1981, 3:05 p.m.  
Doc. No. 812633

**Wednesday, May 20, 1981, 9 a.m.** The Texas Water Commission will meet in Room 515 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, to consider the following applications:

Application by Covered Bridge, Limited % Hooper, Robinson and Moeller to renew Permit 11434-01 which authorizes a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 80,000 gallons per day from the treatment facilities which is located west of Oak Hill in Travis County.

Application by M. J. Wootan to renew Permit 02219 which authorizes the disposal of agricultural wastes from a commercial swine feeding operation designed to accommodate approximately 2,400 animal units in Llano County.

Information may be obtained from Philip Paine, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: April 22, 1981, 3:06 p.m.  
Doc. Nos. 812634 and 812635

**Thursday, May 28, 1981, 10 a.m.** The Texas Water Commission will meet in the Cactus Jack Room of the Civic Center, Highway 90, Uvalde. According to the summarized agenda, the commission will consider an application by the City of Camp Wood to the Texas Department of Water Resources for a permit to authorize the disposal by irrigation of 101,000 gallons per day of treated domestic sewage effluent. The applicant proposes to construct new sewage treatment facilities to serve the city in Real County.

Information may be obtained from Sandra Fitzpatrick, P.O. Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: April 22, 1981, 3:05 p.m.  
Doc. No. 812636

**Thursday, May 28, 1981, 10 a.m.** The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, to conduct hearings on the following:

Application 4113 of Charlotte Groesbeck Fricke which seeks a permit to directly divert and use not to exceed 15 acre feet of water per annum from San Miguel Creek, tributary of Frio River, tributary of Nueces River, Nueces River Basin for irrigation purposes in Frio County.

Amendment to Certificate of Adjudication 23-809 of Sharyland Water Supply Corp., which seeks to change the purpose of use of 895.48 acres of Class A irrigation water rights to municipal use; to change the place of use in Hildago County; and to change the point of diversion on the Rio Grande, Rio Grande Basin.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: April 22, 1981, 3:04 p.m.  
Doc. Nos. 812637 and 812638

**Thursday, June 4, 1981, 10 a.m.** The Texas Water Commission will conduct a hearing in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, on Application 4114 of Bad Schloess, Inc., and Landa Resort, Inc., seeking a permit to divert and recirculate 1,289 acre feet of water per annum for recreational purposes from the Comal River (old channel), tributary of the Guadalupe River, Guadalupe River Basin in New Braunfels, Comal County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475 4514.

Filed: April 22, 1981, 3:04 p.m.  
Doc. No. 812639

## Texas Water Well Drillers Board

**Tuesday, May 5, 1981, 9:30 a.m.** The Texas Water Well Drillers Board will meet in the executive conference room on the fifth floor of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agenda, the board will consider the following: approval of minutes of March 3, 1981, meeting; complaints for formal public hearings for Arturo Barrera, Gordon Peter Brien, W. O. Davis, Wayne Hood, and Western Well and Pump, Inc., Rodger North, Lester Qualls, and Harley Shaw; certification of applicants for registration; status of registration of drillers since last board meeting; status of water well drillers examinations held since last board meeting; status of investigator's activities since last board meeting; and staff reports.

Information may be obtained from Jack Overton, P.E., P. O. Box 13087, Austin, Texas 78711, (512) 475-3191.

Filed: April 27, 1981, 2:54 p.m.  
Doc. No. 812748

**Tuesday, May 5, 1981, 1:30 p.m.** The Texas Water Well Drillers Board will meet in Room 513E of the Stephen F. Austin Building, 1700 North Congress, Austin. According to the summarized agenda, the board will conduct a hearing to consider whether to suspend or revoke the registration of Darwin D. Hook—Registration 552.

Information may be obtained from Jim Haley, P.O. Box 13087, Austin, Texas 78711, (512) 475-6943.

Filed: April 27, 1981, 2:55 p.m.  
Doc. No. 812749

**Tuesday, May 5, 1981, 1:30 p.m.** The Texas Water Well Drillers Board will meet in the executive conference room on the fifth floor of the Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the board will consider whether to ask the attorney general to prosecute the case, seeking injunctive relief and/or civil penalties from Layne Western, Inc.

Information may be obtained from Jim Haley, P.O. Box 13087, Austin, Texas 78711, (512) 475-6943.

Filed: April 27, 1981, 2:55 p.m.  
Doc. No. 812750

## Texas Wheat Producers Board

**Tuesday, May 5, 1981, 1:30 p.m.** The Texas Wheat Producers Board of the Texas Department of Agriculture will meet in the executive conference room of the Hilton Inn, Amarillo. According to the agenda, the board will adopt the budget for 1981-1982; consider the financial and collection reports and promotion and research reports; and the crop outlook.

Information may be obtained from Bill Nelson, Suite 600, Texas Commerce Bank, Amarillo, Texas 79109, (806) 352-2191.

Filed: April 23, 1981, 4:27 p.m.  
Doc. No. 812673

## Regional Agencies

### Meetings Filed April 20, 1981

**The Deep East Texas Council of Governments**, Rural Development Committee, met at the Dogwood Country Club, Woodville, on April 30, 1981, at 10 a.m. Information may be obtained from Ivy Mays, P.O. Drawer 1170, Jasper, Texas 75951, (713) 384-5704.

**The Henderson County Appraisal District**, Board of Directors, met in Room 202, 101 East Corsicana, Athens, on April 30, 1981, at 7:30 p.m. Information may be obtained from A. K. Monroe, 101 East Corsicana, Room 202, Athens, Texas 75751, (214) 675-9296.

**The Panhandle Regional Planning Commission**, Texas Panhandle Employment and Training Advisory Council, held an emergency meeting in the Panhandle Regional Planning Commission conference room, first floor of the Amarillo Building, Third and Polk Streets, Amarillo, on April 21, 1981, at 2:30 p.m. The Project Notification and Review Committee System met at the same location on April 23, 1981, at 1:30 p.m. Information may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

**The Parmer County Tax Appraisal District** will meet in the board room, 305 Third Street, Bovina, on May 4, 1981, at 8 p.m. Information may be obtained from Patsy Nance, P.O. Box 56, Bovina, Texas, (806) 238-1405.

**The Texas Municipal Power Agency**, Audit and Budget Committee, met in the fourth floor conference room, Garland City Hall, 200 North Fifth Street, Garland, on April 23, 1981, at 5 p.m. Information may be obtained from Joel T. Rodgers, 2225 East Randol Mill Road, Arlington, Texas 76011, (817) 461-4400.

**The Trinity River Authority of Texas**, Utility Services Committee, held an emergency meeting in the executive conference room, 5300 South Collins, Arlington, on April 22, 1981, at 9 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

Doc. No. 812577

## Meetings Filed April 22, 1981

**The Central Texas MH/MR Center**, Board of Trustees, met at 308 Lakeway Drive, Brownwood, on April 28, 1981, at 4:30 p.m. Information may be obtained from Janie Clements, P.O. Box 250, Brownwood, Texas 76801, (915) 646-9574, ext. 35.

**The Golden Crescent Council of Governments**, Board of Directors, met in the Stephen F. Austin Room, Victoria Bank and Trust, 115 South Main, Victoria, on April 29, 1981, at 5 p.m. Information may be obtained from Robert W. Burr, P.O. Box 2028, Victoria, Texas 77901, (512) 578-1587.

**The Middle Rio Grande Development Council**, A-95 Review Committee, held an emergency meeting in the city council chambers, city hall, Uvalde, on April 22, 1981, at 2 p.m. Information may be obtained from Hector Jimenez, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

**The Nolan County Appraisal District**, Board of Directors, met in the city commission room, city hall, Sweetwater, on April 29, 1981, at 1:30 p.m.

Doc. No. 812598

## Meetings Filed April 23, 1981

**The Ark-Tex Council of Governments**, Executive Committee, will meet at the Alps Restaurant and the Titus County Convention Center, Mount Pleasant, on May 7, 1981, at 5:30 and 7:30 p.m., respectively. Information may be obtained from Vivienne Arvin, P.O. Box 5307, Texarkana, Texas, (501) 774-3481.

**The Bell County Appraisal District** will meet in the commissioners' courtroom, second floor of the Bell County Courthouse, Belton, on May 6, 1981, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513, (817) 939-3521, ext. 294.

**The Hansford County Appraisal District**, will meet in the Pittman-Shieldknight Building, 511 West 11th Street, Spearman, on April 29, 1981, at 3 p.m. Information may be obtained from Alice Peddy, P.O. Box 650, Gruver, Texas, (806) 733-2821.

**The Lubbock Regional MH/MR Center** met at 3800 Avenue H, Lubbock, on April 28, 1981, at 4:30 p.m. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213.

**The North Plains Water District**, Board of Directors, will meet in the district office, 702 East 1st Street, Dumas, on May 4, 1981, at 10 a.m. Information may be obtained from Orval E. Allen, Box 935, Dumas, Texas 79029, (806) 935-6401.

**The South Texas Development Council**, Advisory Committee on Aging, will meet in the conference room, 600 South Sandman, Laredo, on May 20, 1981, at 2 p.m. Information may be obtained from Kathy Henderson, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

**The West Central Texas Council of Governments**, Aging Department, met at the Little Theater, Amy Graves Ryan Center for Fine Arts, South 14th and Sayles Boulevard, McMurry College, Abilene, on April 30, 1981, at 10 and 11

a.m. Information may be obtained from Bobbie T. Gallagher, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

Doc. No. 812649

## Meetings Filed April 24, 1981

**The Amarillo MH/MR Regional Center**, Executive Committee of the Board of Trustees, met in Room G-14 of the Psychiatric Pavilion, 7201 Evans Street, Amarillo, on April 30, 1981, at noon. The Board of Trustees met at the same location, on April 30, 1981, at 1 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

**The Education Service Center, Region VII**, Board of Directors, will meet at the Holiday Inn, Highway 259 South, Henderson, on May 12, 1981, at 7 p.m. Information may be obtained from Don J. Peterz, P.O. Box 1622, Kilgore, Texas (214) 984-3071.

**The Education Service Center, Region XX**, Board of Directors, will meet in Room ESC-20 of the Conference Center, 1314 Hines Avenue, San Antonio, on May 6, 1981, at 2 p.m. Information may be obtained from Dr. Dwain M. Estes, 1314 Hines Avenue, San Antonio, Texas 78208, (512) 271-7611.

**The Heart of Texas Region MH/MR Center**, Board of Trustees, met in the second floor conference room, 110 South 12th Street, Waco, on April 28, 1981, at 11:30 a.m. Information may be obtained from Sue W. Richardson, P.O. Box 1277, Waco, Texas 76703, (817) 752-3451, ext. 290.

**The Panhandle Regional Planning Commission**, Texas Panhandle Employment and Training Alliance, met in the first floor conference room of the Amarillo Building, Third and Polk, Amarillo, on April 29, 1981, at 3 p.m. Information may be obtained from James S. Barrington, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

**The Sabine River Authority of Texas**, Board of Directors, will meet at the Dallas Hilton Hotel, Dallas, on May 1, 1981, at 9:30 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (713) 883-2531.

**The San Antonio River Authority**, Board of Directors, held a special meeting in the San Antonio River Authority conference room, 100 East Guenther Street, on April 30, 1981, at 10 a.m. The San Antonio River Authority Employees Retirement Trust Board of Trustees met at the same location, immediately following the 10 a.m. April 30 special meeting of the Board of Directors. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, Guilbeau Station, 100 East Guenther Street, San Antonio, Texas, (512) 227-1373.

**The Wheeler County Appraisal District** will meet in the district's office, Courthouse Square, Wheeler, on May 4, 1981, at 2 p.m. Information may be obtained from Charles Buzzard, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.

Doc. No. 812674

### Meetings Filed April 27, 1981

**The Coryell County Appraisal Board** will meet in the Coryell County Courtroom, on May 5, 1981, at 7 p.m. Information may be obtained from Jerry (Nub) Donaldson, 500 Littlefield Building, Austin, Texas 78701, (512) 479 0300.

**The East Texas CETA Consortium**, Board of Directors, met at 3800 Stone Road, Kilgore, on April 30, 1981, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984 8641.

**The Education Service Center, Region IV**, Board of Directors, will meet in the Nantucket Room of the Anchorage Restaurant, 2504 North Loop West, Houston, on May 12, 1981, at 6 p.m. Information may be obtained from Dr. Tom Pate, Jr., P.O. Box 863, Houston, Texas 77001, (713) 868-1051.

**The Education Service Center, Region XVII**, Board of Directors, will meet in the board room, 4000 22nd Place, Lubbock, on May 20, 1981, at 1 p.m. Information may be obtained from Ray Lanier, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000.

**The Northeast Texas Health Systems Agency**, Executive Committee, will meet in the Bluebonnet Room of the Marshall Civic Center, 2501 East End Boulevard South, Marshall, on May 5, 1981, at 7 p.m. Information may be obtained from Bayard S. Galbraith, 505 East Travis Street, Suite 201, Marshall, Texas 75670, (214) 938-8331.

**The Panhandle Regional Planning Commission**, Board of Directors, met in the first floor conference room, Amarillo Building, 3rd and Polk, Amarillo, on April 30, 1981, at 1:30

p.m. The Governing Body of the Panhandle Health Systems Agency, will meet in the first floor conference room, Amarillo Building, 3rd and Polk, Amarillo, on May 14, 1981, at 7:30 p.m. Information may be obtained from Polly Jennings and E. L. Melin, respectively, P.O. Box 9257, Amarillo, Texas 79105, (806) 372 3381.

**The South Texas Development Council**, Government Application Review Committee, is rescheduling a meeting to be held at the Community Center, Zapata, on May 5, 1981, at 10 a.m. Information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

**The South Texas Health Systems Agency**, Coastal Bend Subarea Health Advisory Council, will meet at the Greenwood Senior Community Center, 4040 Greenwood Road, Corpus Christi, on May 6, 1981, at 7 p.m. Information may be obtained from Helen Fisher, Station 1, Box 2378, Kingsville, Texas 78363, (512) 595-5545.

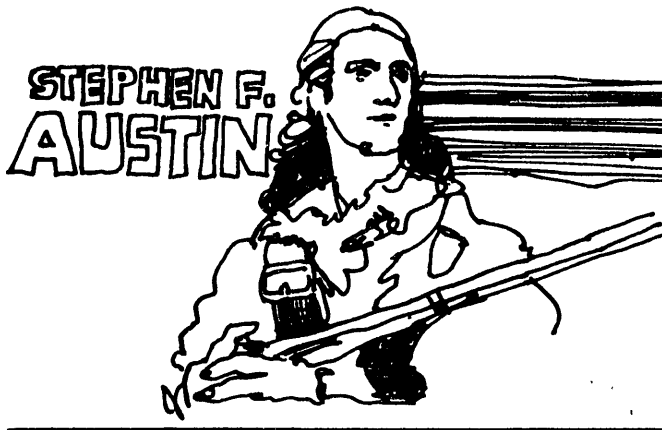
Doc. No. 812716

### Meetings Filed April 28, 1981

**The Education Service Center, Region XVIII**, Joint Committee, will meet at the Education Service Center, Region XVIII, LaForce Boulevard, Midland, on May 14, 1981, at 5:30 p.m. The Board of Directors will meet at the same location on the same day, at 6:30 p.m. Information may be obtained from J. W. Donaldson, P.O. Box 6193, Midland, Texas 79701, (915) 563-2380.

Doc. No. 812798

The following documents are required to be published in the *Register*: applications to purchase control of state banks filed by the Banking Commissioner of Texas pursuant to Texas Civil Statutes, Article 342-401a(B)(6); changes in interest rate filed by the Savings and Loan Commissioner of Texas pursuant to Texas Civil Statutes, Article 5069-1.07; and consultant proposal requests and awards filed by state agencies, regional councils of government, and the Texas State Library pursuant to Texas Civil Statutes, Article 6252-11c. In order to allow agencies to communicate information quickly and effectively, other information of general interest to the public of Texas is published as space allows.



## Governor's Committee on Aging Consultant Contract Award

As required by Vernon's Annotated Civil Statutes, Article 6252-11c, the Governor's Committee on Aging furnishes this notice of consultant contract award which is a continuation of service. The consultant proposal request appeared in the March 10, 1981, issue of the *Texas Register* (6 TexReg 895).

**Description of Project.** Contractor will review and document issues pertaining to the elderly that were developed during the State White House Conference on Aging held in Dallas on March 30 and 31, 1981. He will assist and direct the development and drafting of the final report as the state position document for the Texas delegation to the National White House Conference on Aging.

**Contractor; Total Value of Contract; Contract Period.** Jimmie Choate Parker, 702 San Antonio, Austin. The total value of the contract is approximately \$15,000. The beginning date of the contract was June 16, 1980. The beginning date of the continuation of service of the contract was March 1, 1981. The ending date of the contract is April 30, 1981.

**Due Dates of Reports.** Progress reports have been made monthly as required and a final report is due April 30, 1981.

Issued in Austin, Texas, on April 20, 1981.

Doc. No. 812667      Chris Kyker  
Coordinator of Aging  
Governor's Committee on Aging

Filed: April 23, 1981, 9:46 a.m.  
For further information, please call (512) 475-2717.

## Texas Air Control Board

### Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received during the period of April 13-17, 1981.

Information relative to these applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the Central Office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the Central Office of the Texas Air Control Board at the address stated above and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

### Week Ending April 17, 1981

Dahlstrom Corp., Hays City; base crushing plant; Hays Crushing Plant; 397E; new source

New Rocky Point Foundation, Poly-Cycle Ind., Jacksonville; poly-propylene granulating system; Poly-Cycle Industries; 8764; new source

Seguin Sand and Gravel Co., Seguin; sand and gravel company; Route 2, Box 375; 8765; new source

Rockwell International, Waco; valve manufacturing plant; northeast corner of Old Hewitt and Mars Drive; 8766; new source

CGM Valve, Inc., Houston; remanufactured valves facility; 7224 Lawndale; 8767; new source

Stephenson Steel, Inc., Vidor; sandblasting and painting; 635 West Railroad; 8768; new source

Collins Construction Co., Houston; air curtain—burn trees; Caniff Street; 8769; new source

Ralph Wilson Plastics Co., Temple; fume incinerator/boiler; 600 General Bruce Drive; 8770; new source

Issued in Austin, Texas, on April 22, 1981.

Doc. No. 812687      Ramon Dasch  
Director of Hearings  
Texas Air Control Board

Filed: April 24, 1981, 10:02 a.m.  
For further information, please call (512) 451-5711, ext. 354.

## Contested Case Hearing

*In the matter of Gulf Chemical and Metallurgical Company Contested Case Hearing 154.*

Pursuant to the authority provided in the Texas Clean Air Act, Vernon's Annotated Texas Statutes, Article 4477-5, §§3.15-3.17, hereinafter referred to as the Act, and §103.31

(131.02.04.001), §103.41 (131.02.05.001), and §103.81 (131.02.07.001) of the procedural rules of the Texas Air Control Board, an examiner for the Texas Air Control Board will conduct a hearing to consider an appeal of the issuance of Construction Permit C-8295 by the executive director to Gulf Chemical and Metallurgical Company, hereinafter referred to as the company, for modification of the Kaldo Furnace at its Texas City facility located on FM Road 519, Texas City, Galveston County.

Said company is directed to appear at the time and place shown below and demonstrate by preponderance of evidence why the issuance of Construction Permit C-8295 should be affirmed.

The record of this hearing will be used by the Texas Air Control Board in determining whether to affirm, modify, or overrule the issuance of Construction Permit C-8295 by the executive director of the Texas Air Control Board pursuant to §3.27 of the Act and Regulation VI of the Texas Air Control Board.

Information regarding the application for the permit and copies of the board's rules and regulations are available for public inspection at the Central Office of this agency located at 6330 Highway 290 East, Austin, Texas 78723, the regional office of this agency located at 5555 West Loop, Suite 300, Bellaire, Texas 77401, and the office of the director of environmental control services, Galveston County Health District, 1207 Oak Street, Galveston, Texas 77568.

The examiner has set the date and place for the hearing on the merits concerning Construction Permit C-8295 for 7 p.m. on May 27, 1981, at the Galveston County Health District, 1207 Oak Street, Galveston, Texas 77568.

Parties to the hearing are the Texas Air Control Board staff and the company. Any other persons desiring to be made a party to the hearing may apply in writing to Examiner Nathan Johnson, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. No person will be admitted as a party unless the request is received at the address shown above with a postmark date no later than April 30, 1981. At the hearing on the merits only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. If an interested person desires to give testimony at the hearing on the merits but does not desire to be a party, he or she may call the Legal Division of the Texas Air Control Board at (512) 451-5711, extension 358, to determine the names and addresses of all admitted parties. These parties may then be contacted about the possibility of presenting testimony.

Pursuant to §103.46 (131.02.05.006) of the procedural rules of the Texas Air Control Board, the examiner has scheduled a prehearing conference on May 5, 1981, at 7 p.m. at the Galveston County Health District, 1207 Oak Street, Galveston, Texas 77568.

All persons wishing to be admitted as parties must attend the conference and are required to submit a list of disputed issues for consideration at the hearing on the merits. In addition, any requests for official notice should be made at the prehearing conference. At this conference, a specific date prior to the hearing on the merits will be established for the exchange of witness lists, short summaries of their prospective testimony, and copies of written and documentary evidence pursuant to §103.46(2) (131.02.05.006(2)).

Interested members of the general public who plan to attend the hearing are encouraged to telephone the Central Office of the Texas Air Control Board in Austin at (512) 451-5711, extension 358, a day or two prior to the hearing date in order to confirm the setting since continuances are granted from time to time.

Issued in Austin, Texas, on April 16, 1981.

Doc. No. 812594 Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Filed: April 20, 1981, 10:07 a.m.

For further information, please call (512) 451-5711, ext. 354.

## Interagency Contract

This contract was not filed under the provisions of Vernon's Annotated Civil Statutes, Article 6252-11c.

After publication of a proposal request in the December 19, 1980, issue of the *Texas Register* (5 TexReg 5001), the Texas Air Control Board executed an interagency contract effective on March 23, 1981, with the Department of Agricultural Engineering of the Texas A&M University System, College Station, Texas 77343, to conduct studies on the feasibility of using the Butanol-Referencing Method for quantifying ambient odorant intensities. The total amount of the contract is \$100,000. The beginning date of the contract is March 23, 1981, and will end on August 31, 1981, which will include delivery of the final report to the Texas Air Control Board on this date.

Issued in Austin, Texas, on April 17, 1981.

Doc. No. 812686 Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Filed: April 24, 1981, 10:02 a.m.

For further information, please call (512) 451-5711, ext. 354.

## Professional Services Contracts

### Assessment of Significant VOC Emissions Not Covered by Existing TACB Regulations

This contract was not filed under the provisions of Vernon's Texas Civil Statutes, Article 6252-11c.

Pursuant to the proposal request published in the November 11, 1980, issue of the *Texas Register* (5 TexReg 4515), the Texas Air Control Board (TACB), 6330 Highway 290 East, Austin, Texas 78723, contracted with Radian Corporation, P.O. Box 9948, Austin, Texas 78766, for assessment of significant VOC emissions not covered by existing TACB regulations. The contract became effective February 13, 1981, and will terminate on September 15, 1981. The total costs of the contract will not exceed \$150,000. The contractor will submit to the TACB interim reports on dates specifically contained in the contract and, on or before August 31, 1981, a final report.

Issued in Austin, Texas, on February 13, 1981.

Doc. No. 812683 Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Filed: April 24, 1981, 10:01 a.m.

For further information, please call (512) 451-5711, ext. 354.

### Photochemical Dispersion Model Sensitivity Analysis

This contract was not filed under the provisions of Vernon's Texas Civil Statutes, Article 6252-11c.

Pursuant to the proposal request published in the November 11, 1980, issue of the *Texas Register* (5 TexReg 4516), the Texas Air Control Board (TACB), 6330 Highway 290 East, Austin, Texas 78723, contracted with Radian Corporation, P.O. Box 9948, Austin, Texas 78766, for photochemical dispersion model sensitivity analysis. The contract became effective February 13, 1981, and will terminate on July 31, 1981. The total costs of the contract will not exceed \$157,000. The contractor will submit to the TACB interim reports on dates specifically contained in the contract and, on or before June 15, 1981, a final report. The model will be implemented by the contractor on or before July 1, 1981.

Issued in Austin, Texas, on February 13, 1981.

Doc. No. 812682 Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Filed: April 24, 1981, 10:01 a.m.  
For further information, please call (512) 451-5711, ext. 354.

### Supplemental Ambient Air Quality and Meteorological Monitoring and Airborne Ambient Monitoring in Harris County

This contract was not filed under the provisions of Vernon's Texas Civil Statutes, Article 6252-11c.

Pursuant to the proposal request published in the November 11, 1980, issue of the *Texas Register* (5 TexReg 4516), the Texas Air Control Board (TACB), 6330 Highway 290 East, Austin, Texas 78723, contracted with Engineering-Science, Inc., 3109 IH 35 North, Austin, Texas 78722, and Radian Corporation, P.O. Box 9948, Austin, Texas 78766, for supplemental ambient air quality and meteorological monitoring and airborne ambient monitoring in Harris County. The contract became effective February 13, 1981; the airborne monitoring portion will terminate on December 31, 1981, and the ambient and meteorological monitoring will terminate on January 31, 1982. The total costs of the contracts will not exceed \$1,015,953. The contractors will submit to the TACB interim reports on dates specifically contained in the contract and, on or before the termination dates, a final report.

Issued in Austin, Texas, on February 13, 1981.

Doc. No. 812685 Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Filed: April 24, 1981, 10:01 a.m.  
For further information, please call (512) 451-5711, ext. 354.

### Office of the Attorney General Solid Waste Enforcements

Notice is hereby given by the State of Texas of the following resolutions of Texas Solid Waste Disposal Act enforcement lawsuits. Thirty days from the date of this notice agreed final

judgments will be submitted to the courts indicated below for entry. The identities of the subject litigation and the terms of the agreed judgments are as follows:

Case Title: State of Texas v. County of Montgomery, and Western Refuse of Texas, Inc.

Cause Number and Court: 32,069, 221st District Court, Montgomery County.

Waste Site: County municipal landfill located on Highway 336 in Conroe.

Injunction: Comply with Vernon's Texas Civil Statutes, Article 4477-7, solid waste rules and regulations of Texas Department of Health, and Permit 781; complete final closure of old landfill site pursuant to solid waste regulations; construct all-weather road from Highway 336 to new landfill site; construct surface and drainage system.

Civil Penalty: In lieu of civil penalties, both defendants expend \$117,000 for cover material, Western Refuse expend \$103,000 for closure, and county expend \$75,000 for paved road.

Case Title: State of Texas v. J. L. Rose, Sr.

Cause Number and Court: 36,924-A, 240th District Court, Fort Bend County.

Waste Site: Type IV Municipal Site, Danover and Stockdick Road in Katy

Injunction: Comply with Vernon's Texas Civil Statutes, Article 4477-7, rules and regulations of Texas Department of Health and Permit 972.

Civil Penalty: \$1,250.

This agreed judgment will be submitted in resolution of alleged violations of the Texas Solid Waste Disposal Act and agency regulations promulgated thereunder. Comments and requests for copies/inspection of the judgment may be directed to Texas Attorney General's Office, Environmental Protection Division, 1220 Dallas, Suite 202, Houston, Texas 77002, (713) 650-0670.

Issued in Austin, Texas, on April 21, 1981.

Doc. No. 812721- J. Stephen Buchanan  
812722 Assistant Attorney General

Filed: April 27, 1981, 9:10 a.m.  
For further information, please call (713) 650-0670.

### Banking Department of Texas Applications To Purchase Control of State Banks

Vernon's Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On April 20, 1981, the banking commissioner received an application to acquire control of First State Bank in Pittsburg, by Pilgrim Industries, Inc., Profit Sharing Retirement Plan, and Lonnie A. Pilgrim, Pittsburg. Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on April 20, 1981.

Doc. No. 812665 Gary K. Pool  
Deputy Banking Commissioner

Filed: April 23, 1981, 11:08 a.m.  
For further information, please call (512) 475-4451.

On April 22, 1981, the banking commissioner received an application to acquire control of Alvin State Bank in Alvin by Kenneth E. Rolston, T. N. Hunt, Soland Electric Co., (Walter M. Soland, president), Forest Park Memorials, Inc., (J. F. Eubank II, president), Eastern Investment Corp., (George R. Blasingame, president), and Richard M. Mayfield, all of Houston, and W. O. Poole of Alice. Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on April 22, 1981.

Doc. No. 812666 Gary K. Pool  
Deputy Banking Commissioner

Filed: April 23, 1981, 9:42 a.m.  
For further information, please call (512) 475-4451.

## Blanco County Appraisal District Correction of Error

A regional meeting of the Blanco County Appraisal District contained an error as published in the April 10, 1981, issue of the *Texas Register* (6 TexReg 1349). The meeting should have read:

*The Blanco County Appraisal District* met at 519 4th Street, Blanco, on April 7, 1981, at 6:30 p.m. Information may be obtained from Kay Wright, P. O. Box 725, Blanco, Texas 78606, (512) 833-5073.

## Comptroller of Public Accounts Administrative Decision

### Summary of Administrative Decision 11,266

For copies of the following opinion selected and summarized by the administrative law judges, contact the administrative law judges, P.O. Box 13528, Austin, Texas 78711. Copies will be furnished without charge and edited to comply with our confidentiality statutes.

**Summary of Decision:** Although a customer's "order" for special-order goods may be accepted by a retailer before the expense of transporting the goods from his supplier's location

to his own location has been incurred, the "sale" between the retailer and his customer does not occur, according to Article 20.01(K)(1)(a), until after the goods have been delivered to and are segregated at the retailer's location for the purpose of transferring title and possession thereof to the customer. Therefore, the expense of transporting the goods to the retailer's location is incurred before the sale between the retailer and his customer occurs and must be included as part of the sales price subject to sales tax. Article 20.01(D)(1)(c) and (L)(1)(c). Decision rendered December 9, 1980.

Issued in Austin, Texas, on April 22, 1981.

Doc. No. 812625 Bob Bullock  
Comptroller of Public Accounts

Filed: April 22, 1981, 2:55 p.m.  
For further information, please call (512) 475-7000.

## Texas Energy and Natural Resources Advisory Council

### Consultant Contract Award

In compliance with the provisions of Texas Civil Statutes, Article 6252-11c, the Conservation Division of the Texas Energy and Natural Resources Advisory Council furnishes notice of contract award.

**Description of Services.** Pursuant to a consultant proposal request published in the January 20, 1981, issue of the *Texas Register* (6 TexReg 261), a contractor has been selected to furnish commercial outreach assistance to the Texas State Energy Conservation Program. The contractor is responsible for the following:

- (1) to provide materials specific to energy management for commercial facilities, and
- (2) to conduct 40 seminars for commercial businesses throughout the state during 1981.

**Contractor; Total Value; Period of Contract.** The consultant selected is ACR Energy Concepts, Inc., 1704-A Manor Road, Austin, Texas 78722. The total value of the contract is \$120,980. The beginning and ending dates of the contract are April 15, 1981, and December 31, 1981, respectively.

**Due Date of Documents.** A final compilation of all documents produced is due at the agency's office on December 31, 1981.

Issued in Austin, Texas, on April 24, 1981.

Doc. No. 812708 Charles Mueller  
General Counsel  
Texas Energy and Natural Resources  
Advisory Council

Filed: April 24, 1981, 4:12 p.m.  
For further information, please call (512) 475-0414.

### Consultant Proposal Request

This consultant proposal request is filed pursuant to the provisions of Vernon's Annotated Civil Statutes, Article 6252-11c.



**Description of Project.** The Texas Energy and Natural Resources Advisory Council intends to contract for a legal study of the working relationship of the state regulatory agencies and the pertinent federal agencies in the area of environmental regulation particularly with emphasis on the Clean Air and Clean Water Acts and RCRA. Analysis shall address the constraints imposed by federal law and the latitude available to the state to address environmental issues through the state regulatory framework. Analysis shall also address the proposed amendments to the Clean Air and Clean Water Acts and provide an options paper as to the pros and cons of said proposed amendments.

**Preliminary Decision.** The agency has received an unsolicited proposal to address the foregoing legal research from a faculty member of the Texas Tech University School of Law and it is the intention of the agency to award the contract to the referenced proposer unless a substantively better proposal is received in response to this solicitation.

**Selection Criteria; Period of Contract.** Proposals received will be judged on the basis of their substantive content, methodology, time frame for delivery, and proposed cost. The intended work period would be the summer of 1981 with contract execution on or before June 1, 1981.

**Deadline for Submission of Proposals.** In order to be considered, five copies of a proposal must be received by TENRAC, Natural Resources Division, Room 501, Employees' Retirement System Building, 200 East 18th Street, Austin, Texas 78701, no later than 5 p.m. on Friday, May 15, 1981.

**Person To Contact.** For additional information please contact Mark Lawless, acting director, Natural Resources Division, TENRAC, Room 501, 200 East 18th Street, Austin, Texas 78701, (512) 475-0773.

Issued in Austin, Texas, on April 17, 1981.

Doc. No. 812593      Mark Lawless, Acting Director  
Natural Resources Division  
Texas Energy and Natural Resources  
Advisory Council

Filed: April 20, 1981, 3:45 p.m.  
For further information, please call (512) 475-0414.

## Texas Health Facilities Commission

### Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of April 17-24, 1981.

Should any person wish to become a formal party to any of the above-stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25-day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. on the 25th consecu-

tive day after the date said application is accepted. If the 25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party should be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. of the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in §511.5 (315.20.01.050). Failure of a party to supply the minimum necessary information in the correct form will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Texas Civil Statutes, Article 4418(h), §3.02 or §3.03, and §505.81 and §505.82 (315.17.04.010 and .030), §§505.91-505.93 (315.17.05.010, .020, and .030), §§507.81-507.83 (315.18.04.010, .020, and .030), and §§507.91-507.93 (315.18.05.010, .020, and .030).

In the following list, the applicant and date of acceptance are listed first, the file number second, the relief sought third, and description of the project fourth. EC indicates exemption certificate, DR indicates declaratory ruling, TR indicates transfer of ownership of certificate, AMD indicates amendment of certificate, and CN indicates certificate of need.

Medical Arts Hospital of Dallas, Dallas (4/24/81)  
AH81-0415-015  
EC—Request to acquire a Phillips BV-22 Mobile Image Intensifier Surgical C-Arm for use in an existing operating room

Medical Plaza Hospital, Fort Worth (4/24/81)  
AH81-0415-010  
EC—Request to acquire an MK-III Ultrasonographic Real Time Imaging System A for use in the existing radiology department

Medical Plaza Hospital, Fort Worth (4/24/81)  
AH81-0415-005  
EC—Request to acquire an Ohio-Nuclear mobile gamma camera and nuclear medicine computer for use by the existing Nuclear Medicine Division of the radiology department

Kaiser/Prudential Health Plan, Inc., Dallas (4/24/81)  
A081-0413-007  
EC—Request to relocate the administrative offices of applicant HMO from 7777 Forest Lane in Dallas to 12700 Hillcrest in Dallas and increase office space

Issued in Austin, Texas, on April 27, 1981.

Doc. No. 812729      Linda E. Zatopsek  
Assistant General Counsel  
Texas Health Facilities Commission

Filed: April 27, 1981, 9:49 a.m.  
For further information, please call (512) 475-6940.

## Petitions for Certificate of Need Reissuance

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for petitions of reissuance of certificate of need which have been filed with the commission.

The commission may require a hearing on a petition for reissuance of certificate of need when it is determined that good cause exists for such a hearing. A request for a hearing on a petition for reissuance of certificate of need must be submitted to the commission within 15 days after publication of notice and show reason why a hearing should be held. Requests for a hearing are to be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be postmarked no later than the day prior to the last day allowed for filing requests for hearing.

The petition will be approved only if the commission determines that it qualifies under the criteria of Texas Civil Statutes, Article 4418(h), §3.13, and §507.51 §507.53 (315.18.02.010-.030) and §509.21 and §509.22 (315.19.02.010 and .020).

In the following list, the applicant is listed first, the file number second, and the relief sought and description of the project third.

United Healthcare Corporation, Dallas  
A079 1016 006R (041081)  
Reissuance of CN—Petition for reissuance of Certificate of Need A079 1016-006 which authorized United Health Corporation to organize and develop an open-panel HMO; benefits will be offered to employee groups in Dallas County; services will be provided to residents of Dallas County and those residents of Kaufman, Ellis, Tarrant, Denton, Collin, Rockwall, and Johnson Counties who live within 30 miles from participating physicians in Dallas County

Issued in Austin, Texas, on April 27, 1981.

Doc. No. 812730 Linda E Zatopek  
Assistant General Counsel  
Texas Health Facilities Commission

Filed: April 27, 1981, 9:48 a.m.

For further information, please call (512) 475-6940.

## Texas Department of Human Resources

### Correction of Error

Adopted Rules 326.91.01.026-.051 and 326.91.02.017-.026 filed by the Texas Department of Human Resources and published in the April 17, 1981, issue of the *Texas Register* (6 TexReg 1457 and 1466) contained an error in the preambles. The last sentence of the third paragraph should state:

The proposal would have reduced the required experience for a person with a master's degree in social work to one year, and would have added the option of a person with a master's degree which included graduate level course work in interpersonal helping skills and understanding the needs of children and two years of child-placing experience.

## Texas Advisory Commission on Intergovernmental Relations

### Availability of Publication

A convenient paperback booklet listing the membership of Texas state government agencies and universities is available from the Texas Advisory Commission on Intergovernmental Relations (Texas ACIR). The booklet is published twice a year as a supplement to the State Section of the Handbook of Governments in Texas, a comprehensive guide published by the Texas ACIR since 1973.

The State Section supplement provides a listing of all state agencies, universities, and affiliated advisory committees and councils. Information includes board members and their terms of office, chief administrators, and agency office locations and telephone numbers. A limited supply of State Section supplements may be purchased for \$4.00 each (plus \$.20 state sales tax if applicable). Write the Texas ACIR, P.O. Box 13206, Austin, Texas 78711, or call (512) 475-3728.

Issued in Austin, Texas, on April 17, 1981.

Doc. No. 812559 Lorraine L. Camp  
Publications Manager  
Texas Advisory Commission on  
Intergovernmental Relations

Filed: April 17, 1981, 12:55 p.m.

For further information, please call (512) 475-3728.

## Legislative Information System of Texas

### Toll-Free Telephone Number

The Texas Senate and House of Representatives are providing information on the activities of the 67th Legislature through a toll-free statewide WATS line to the Legislative Information System of Texas (LIST).

Information available includes bill status, schedules and agendas of committee meetings and hearings, and lists of bills by author, committee, and subject.

The LIST statewide toll-free telephone number is **1-800-252-9693** for calls from outside the Austin area. For calls originating in Austin, the telephone number is (512) 475-3026.

## South Texas Health Systems Agency

### Correction of Error

A regional meeting of the South Texas Health Systems Agency contained an error as published in the April 10, 1981, issue of the *Texas Register* (6 TexReg 1350). The meeting should have read:

*The South Texas Health Systems Agency*, Lower Rio Grande Valley Subarea Advisory Council, met at the Holiday Inn, 1901 West Tyler, Harlingen, on April 9, 1981, at 8 p.m. Information may be obtained from Ruben Saenz, Station 1, Box 2378, Kingsville, Texas 78363, (512) 595-5545.

## Texas Tourist Development Agency Consultant Proposal Request

In accord with the provisions of Vernon's Texas Civil Statutes, Article 6252-11c, the Texas Tourist Development Agency serves notice of invitation for offers of services on the project described below. It is the TTDA's intent to award the contract to the firm which previously performed the service (U.S. Travel Data Center, 1899 L Street Northwest, Washington, D.C. 20036) unless a better and more satisfactory offer is received.

**Contact Person.** Persons wishing to make an offer on this project should contact Frank Hildebrand, executive director of the TTDA, Box 12008, Austin, Texas 78711, (512) 475-4326.

**Closing Date.** Notice of interest must be received by May 22, 1981.

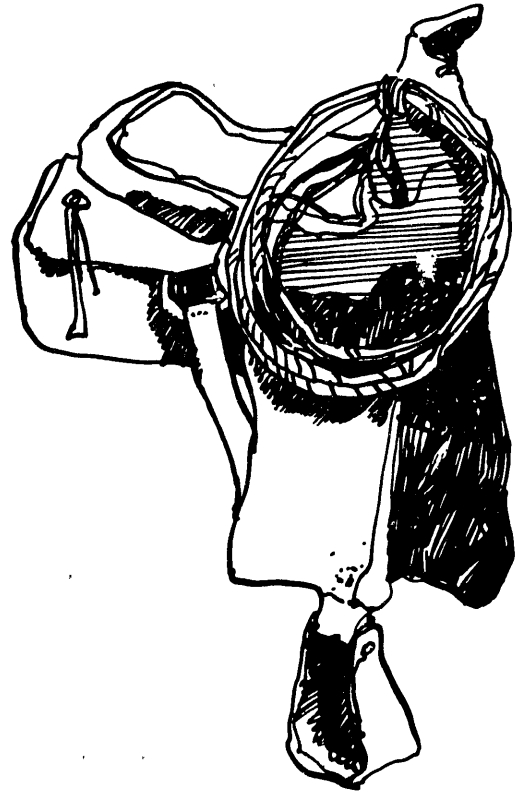
**Method of Selection.** Interested parties will need to demonstrate ability to provide calendar year 1980 estimates of economic impact of travel on each of Texas' counties, including the total travel expenditures, travel-generated payroll, travel-generated employment, state tax receipts, and local tax receipts. Study to be delivered to TTDA not later than mid-September 1981, for the price of \$25,400, or \$100 for each of the 254 counties.

Issued in Austin, Texas, on April 22, 1981.

Doc. No. 812668      Frank Hildebrand  
                                 Executive Director  
                                 Texas Tourist Development Agency

Filed: April 23, 1981, 9:46 a.m.

For further information, please call (512) 475-4326.



Each issue of the *Register* includes a conversion table of *Texas Administrative Code* titles affected for that issue. Once a month a guide to agency activity for the previous month is published, as well as a cumulation of TAC titles affected for the previous month. Quarterly and annual indexes to the *Texas Register* are published separately and bound in light blue for distinction.

## TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

**TITLE 7. BANKING AND SECURITIES**  
**Part IV. Texas Savings and Loan Department**  
 7 TAC §69.9 (056.10.00.009) ..... 1544, 1545

**TITLE 19. EDUCATION**  
**Part II. Texas Education Agency**  
 Noncodified (226.21.02.012, .021-.025, .030, .042-.046, .060, .070, .080, .090) ..... 1551  
 Noncodified (226.21.03.010) ..... 1555  
 Noncodified (226.23.01.010) ..... 1556  
 Noncodified (226.23.02.010, .020, .030, .040, .050) ..... 1556  
 Noncodified (226.23.03.010) ..... 1556  
 Noncodified (226.23.04.080) ..... 1557  
 Noncodified (226.33.31.040) ..... 1562  
 Noncodified (226.33.31.110) ..... 1562  
 Noncodified (226.34.90.030) ..... 1563  
 Noncodified (226.37.15.340) ..... 1563  
 Noncodified (226.62.13.010) ..... 1558

**TITLE 22. EXAMINING BOARDS**  
**Part XII. Board of Vocational Nurse Examiners**  
 22 TAC §235.10 (390.03.01.010) ..... 1545

**TITLE 25. HEALTH SERVICES**  
**Part V. Texas Health Facilities Commission**  
 25 TAC §521.18 (315.30.02.080) ..... 1560

**TITLE 28. INSURANCE**  
**Part I. State Board of Insurance**  
 Noncodified (059.05.01.005) ..... 1564

**TITLE 31. NATURAL RESOURCES AND CONSERVATION**  
**Part I. General Land Office**  
 31 TAC §13.11 (126.18.02.001) ..... 1546

**TITLE 34. PUBLIC FINANCE**  
**Part I. Comptroller of Public Accounts**  
 34 TAC §3.283 (026.02.20.003) ..... 1560  
 34 TAC §3.293 (026.02.20.013) ..... 1560  
 34 TAC §3.321 (026.02.20.041) ..... 1547

**TITLE 37. PUBLIC SAFETY AND CORRECTIONS**  
**Part IX. Commission on Jail Standards**  
 37 TAC §259.63 (217.05.02.053) ..... 1550  
 37 TAC §259.156 (217.05.03.046) ..... 1550  
 37 TAC §259.159 (217.05.03.049) ..... 1550  
 37 TAC §261.52 (217.07.01.052) ..... 1551  
 37 TAC §261.148 (217.07.02.048) ..... 1551

**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**  
**Part I. Texas Department of Human Resources**  
 Noncodified (326.15.35.014) ..... 1558  
 Noncodified (326.15.35.019) ..... 1559  
 Noncodified (326.15.41.039, .059) ..... 1559  
 Noncodified (326.15.42.009) ..... 1559  
 Noncodified (326.15.54.001-.004) ..... 1559  
 Noncodified (326.15.57.002, .010) ..... 1559  
 Noncodified (326.29.10.001) ..... 1563  
 Noncodified (326.29.12.001-.020) ..... 1563  
 Noncodified (326.29.14.001-.004) ..... 1563  
 Noncodified (326.29.16.001-.008) ..... 1563  
 Noncodified (326.29.20.001-.019) ..... 1563  
 Noncodified (326.29.22.001-.007) ..... 1563  
 Noncodified (326.29.30.001-.007) ..... 1563  
 Noncodified (326.29.31.001-.012) ..... 1563  
 Noncodified (326.29.32.001-.006) ..... 1563  
 Noncodified (326.29.33.001-.011) ..... 1563  
 Noncodified (326.29.34.001-.005) ..... 1563  
 Noncodified (326.29.35.001-.006) ..... 1563  
 Noncodified (326.29.36.001-.007) ..... 1563  
 Noncodified (326.29.39.001-.007) ..... 1563  
 Noncodified (326.29.40.001-.006) ..... 1563  
 Noncodified (326.29.42.001-.003) ..... 1563  
 Noncodified (326.29.50.001-.009) ..... 1563  
 Noncodified (326.29.52.001, .002) ..... 1563  
 Noncodified (326.29.60.001-.003) ..... 1563  
 Noncodified (326.29.62.001-.018) ..... 1563  
 Noncodified (326.29.72.001-.005) ..... 1563  
 Noncodified (326.29.99.201-.205) ..... 1563  
 Noncodified (326.50.75.052-.054) ..... 1563

**Part IX. Governor's Committee on Aging**  
 Noncodified (348.10.05.001-.009) ..... 1561

---



---

## Table of TAC Titles

TITLE 1. ADMINISTRATION  
 TITLE 4. AGRICULTURE  
 TITLE 7. BANKING AND SECURITIES  
 TITLE 10. COMMUNITY DEVELOPMENT  
 TITLE 13. CULTURAL RESOURCES  
 TITLE 16. ECONOMIC REGULATION  
 TITLE 19. EDUCATION  
 TITLE 22. EXAMINING BOARDS  
 TITLE 25. HEALTH SERVICES  
 TITLE 28. INSURANCE  
 TITLE 31. NATURAL RESOURCES AND CONSERVATION  
 TITLE 34. PUBLIC FINANCE  
 TITLE 37. PUBLIC SAFETY AND CORRECTIONS  
 TITLE 40. SOCIAL SERVICES AND ASSISTANCE  
 TITLE 43. TRANSPORTATION

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