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TEXAS REGISTER

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TEXAS DOCUMENTS

In This Issue...

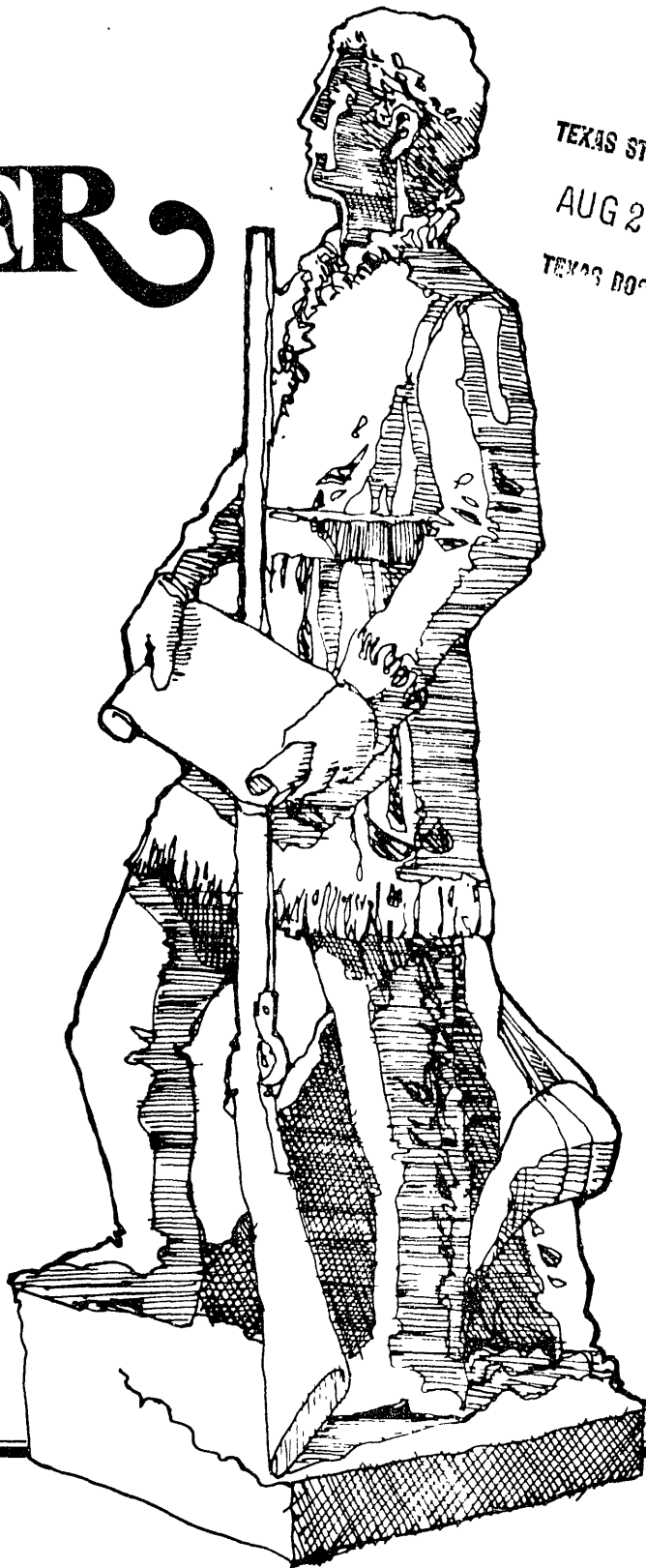
Texas Parks and Wildlife Department adopts on an emergency basis sections concerning packaging and labeling of imported redfish; effective date—August 14. 3055

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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, 19, 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 1 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)

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 6, July 81

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

TEXAS REGISTER



George W. Strake, Jr.
Secretary of State

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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.

CODIFIED

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter Y. Special Rules of Practice and Procedure in Rail Rate Cases

The Railroad Commission of Texas renews the effectiveness of the emergency amendments to §§5.551-5.559 (051.03.30.001-009), concerning special rules of practice and procedure in rail rate cases. The renewal is effective August 28, 1981, for a 60-day period. The text of the amended sections appeared in the May 6, 1981, issue of the *Texas Register* (6 TexReg 1592).

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

Doc. No. 815527 Walter Earl Lillie
 Special Counsel
 Railroad Commission of Texas

Effective Date: August 28, 1981

Expiration Date: October 27, 1981

For further information, please call (512) 445-1186.

The Railroad Commission of Texas renews the effectiveness of the emergency amendments to §§5.561-5.563 (051.03.30.011-.013), concerning special rules of practice and procedure in rail rate cases. The renewal is effective August 28, 1981, for a 60-day period. The text of the amended sections appeared in the May 6, 1981, issue of the *Texas Register* (6 TexReg 1592).

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

Doc. No. 815528 Walter Earl Lillie
 Special Counsel
 Railroad Commission of Texas

Effective Date: August 28, 1981

Expiration Date: October 27, 1981

For further information, please call (512) 445-1186.

TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 37. Organization and Operation of the State Board of Education

Subchapter C. Committees of the Board

The Texas Education Agency adopts amendments to §37.41 (226.91.03.010) on an emergency basis. This section concerns the delegation of committee authority for committees of the State Board of Education. These amendments are adopted on an emergency basis to be in effect for the beginning of the 1981-82 school year.

The amendments show the proposed new standing committees of the State Board of Education. The proposed new committees reflect the proposed new Texas Education Agency organizational structure.

The amendments also delete the requirement that all board committees have at least six members. The words "following reorganization of the board" are also proposed for deletion so that changes in the board's committee structure will not be restricted to those after election of officers in January of each odd-numbered year, but may also include appointments made when the structure of the board committees is changed by board rule.

These emergency amendments are adopted under the authority of Texas Education Code, §11.23 and §11.26(a)(9).

§37.41 (226.91.03.010). *Delegation of Committee Authority.*

(a) All decisions (except as provided in Subchapter C of Chapter 33 of this title (relating to Investment of the Permanent School Fund)) are made by the board in open session and are not delegated to any committee of the board. The volume and complexity of matters coming before the board require the use of committees to investigate, study, and report to the board. The chairman of the board appoints the following committees: [Programs and Personnel Development;] Policy, Budget, and Finance, *Special Populations; Teacher Preparation, School Support Services, and Special Projects; Instruction, Research, and Evaluation; Investments; and Litigation and Appeals* [Investment of

the Permanent School Fund; Priorities, Accountability, and Accreditation; and Special Schools and Athletics.]

(b) [Each committee shall consist of not less than six members. Following reorganization of the board,] The chairman shall appoint for each committee a chairman and co-chairman. [Following reorganization of the board,] At the first meeting of the committees, each committee shall elect a vice-chairman who will serve in the *absence* [place] of either the chairman or the co-chairman. Any vacancy on a committee shall be filled by board chairman appointment. The chairman of the board is ex officio a member of all committees.

(c) (No change.)

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815532 Raymon L. Bynum
Commissioner of Education

Effective Date: August 14, 1981

Expiration Date: December 12, 1981

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 57. Fisheries

Imported Redfish and Speckled Sea Trout

The Texas Parks and Wildlife Commission has adopted emergency §§57.371-57.375 of this title relating to packaging and labeling of imported redfish (*Sciaenops ocellata*) and speckled sea trout (*Cynoscion nebulosus*) at a public hearing in Austin on July 23, 1981. These sections were adopted to comply with the provisions of House Bill 1000, passed by the 67th Texas Legislature to insure the continued uninterrupted sale of redfish and speckled sea trout in Texas. Briefly stated, these sections provide for the following:

- (1) description of license,
- (2) requiring packaging accompanied by invoices containing certain information to accompany fish;
- (3) requiring identification of fish by use of labels;
- (4) providing a 60-day period to dispose of native fish purchased before September 1, 1981.

The commission in public hearing found that imminent peril to the public welfare required the adoption of the sections on an emergency basis to allow the importation of red drum and spotted sea trout after September 1, 1981, for the benefit of the public.

The emergency sections are adopted under the authority of Texas Parks and Wildlife Code, §66.201.

§57.371. *Finfish Import License.* A Texas finfish import license is required of any person importing, transporting, or selling for resale dead redfish or speckled sea trout taken, caught, or raised in any other state or country.

§57.372. *Packaging Requirements.*

(a) All packaged shipments of redfish and speckled sea trout by licensees shall be accompanied by an import or intrastate invoice.

(b) An import invoice shall:

- (1) accompany all shipments of redfish and speckled sea trout entering the state for distribution within the state;
- (2) contain information and be of a form prescribed by the executive director of the Texas Parks and Wildlife Department;
- (3) be sequentially numbered; and
- (4) be retained by the licensee for a period of at least one year from the date of receipt of shipment.

(c) An intrastate invoice shall:

- (1) accompany all shipments of redfish and speckled sea trout shipped from within the state to a destination within the state;
- (2) contain information and be of a form prescribed by the executive director of the Texas Parks and Wildlife Department;
- (3) be sequentially numbered; and
- (4) be retained by the recipient for a period of at least one year from the date of receipt of shipment.

(d) One copy of each import and intrastate invoice received or completed by each purchaser during each month shall be submitted to the Texas Parks and Wildlife Department on or before the 10th day of the following month.

§57.373. *Packaged Fish.*

(a) All redfish and speckled sea trout entering this state for sale shall be packaged with heads and tails intact.

(b) Redfish and speckled sea trout lawfully imported into this state and subsequently sold in this state may be possessed or transported without heads and/or tails intact.

§57.374. *Package Labels.*

(a) Each package of redfish or speckled sea trout shall be labeled.

(b) The label shall contain the following information:

- (1) import and intrastate invoice number;
- (2) number and weight of whole fish or fillets by species contained in the package;
- (3) Texas finfish import license number of the shipper (if shipped from within Texas) and the receiver (if fish are to be sold for resale);
- (4) name and address of each shipper and receiver; and
- (5) other information as prescribed by the executive director of the Texas Parks and Wildlife Department.

§57.375. *Possession of Fish Purchased Before September 1, 1981.* Redfish and speckled sea trout lawfully taken for sale from the waters of this state prior to September 1, 1981, may be possessed and sold during the period September 1, 1981, through October 31, 1981, if packaged, labeled, and accompanied by an intrastate invoice as required by these sections.

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815525 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife Department

Effective Date: August 14, 1981

Expiration Date: September 1, 1981

For further information, please call (512) 479-4806.

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.

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CODIFIED

TITLE 10. COMMUNITY DEVELOPMENT

Texas Industrial Commission

Chapter 107. Industrial Projects

General Rules and Industrial Revenue Bond Program Rules

The Texas Industrial Commission proposes to adopt a new chapter as the General Rules of the Commission and Industrial Revenue Bond Program Rules for approval of lease, sale, loan agreements, or bonds issued by an industrial development corporation for projects under the Development Corporation Act of 1979, Texas Civil Statutes, Article 5190.6, as amended, 67th Texas Legislature, Regular Session, Senate Bill 978, effective June 17, 1981.

Section 24 of the amended Act requires that the commission approve the contents of any lease, sale, or loan agreement made under the Act and that the commission prescribe rules and regulations setting forth minimum standards for project eligibility and such agreements and guidelines with respect to financial resources and business experience of the lessee, purchaser, or borrower under any such agreement. The Act also provides that the commission may delegate to its executive director the authority to approve any documents submitted to the commission.

The proposed rules and regulations of the commission require submission of an application for approval of any lease, sale, or loan agreement relating to an industrial, manufacturing, or commercial project to be financed with bonds issued under the Act. The application must contain a description of the project to be financed, information about the private company that will purchase, lease, or otherwise use the project, and about any guarantor of the bonds, information about the nonprofit corporation that will issue the bonds, names and addresses of participants in the transaction, copies of various documents (including the lease, sale, or loan agreement) to be executed in connection with the issuance of the bonds, and information about the purchaser of the bonds. This chapter also requires that in some circumstances at least 20% of the cost of a project must be financed other than from proceeds of the bonds and that an independent financial analysis must be made of the project to be financed. The chapter further requires (in the case of commercial projects) that the city council of the sponsoring city specifically approve the proposed project prior to its submission to the commission. The chapter will also delegate authority to approve lease, sale, loan agreements, or bonds to the executive director of the commission. A filing fee of \$1,500 must accompany each application to the commission.

The commission has determined that the total probable cost of administering the rules and regulations to state government will be as follows: fiscal year 1982, \$99,499; fiscal years 1983-86, \$100,591 per year. Also, approximately \$225,000 will be collected and deposited with the State Treasury in 1982 and \$300,000 in fiscal years 1983-86. No fiscal implications are expected to units of local government.

Written comments on the proposed new chapter are invited and may be submitted to Gerald Brown, executive director, Texas Industrial Commission, P.O. Box 12728, 410 East Fifth Street, Austin, Texas 78711, within 30 days of publication in the *Texas Register*.

These rules are promulgated under the authority of the Development Corporation Act of 1979, Texas Civil Statutes, Article 5190.6, as amended by the 67th Legislature, Regular Session, Senate Bill 978.

§107.1 (103.04.01.001). General Rules.

(a) Introduction. Pursuant to the authority granted by the Administrative Procedure and Texas Register Act, as amended, the Texas Industrial Commission prescribes the following rules regarding practice and procedure before the commission.

(b) Objective. The intent of the commission is to supplant unwritten policies and guidelines with written rules, and to revise existing rules to better reflect the realities of current financial, economic, and statutory principles and practices.

(c) Severability. If any provision of this chapter be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions of this chapter are declared to be severable.

(d) Rules as standards. These rules are regulatory standards adopted and promulgated as required in this chapter and shall be considered the highest level of policy applied by the commission.

(e) Promulgation. Proceedings for the promulgation, adoption, repeal, or revision of rules shall be initiated by the executive director.

(f) Amendment of rules. These rules and regulations may be amended by the commission at any time in accordance with the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, as amended.

(g) Notice. General notice of the adoption, amendment, or repeal of any rule shall be given as required by law and shall be mailed to all persons who have made timely written requests for advance notice of rulemaking proceedings. However, failure to mail such notice will not invalidate any actions taken or rules adopted.

(h) Interested persons. Reasonable opportunity will be afforded all interested persons to submit data, views, arguments, whether oral or in writing. The executive director may use informal conferences and consultations as a means of obtaining the viewpoints and advice of interested persons. Any interested person may petition the executive director requesting the adoption of a rule, and within 60 days the executive director will initiate rulemaking proceedings, or deny the petition in writing, stating his reasons therefore. The petition must set forth the following:

(1) the text of the proposed rule and brief explanation thereof;

(2) a statement of the statutory or other authority under which the rule is proposed;

(3) a statement of the particular statute or statutes and sections thereof to which the proposed rule relates;

(4) a concise statement of the principal reasons for adoption of the rule, and the date submitted and by whom.

(i) Validity. No rule hereafter adopted will be valid unless adopted in substantial compliance with these procedures, and no rule, order, or decision made or issued will be valid until it has been indexed and made available for public inspection as required by law.

(j) Temporary written administrative guidelines. Temporary written administrative guidelines are of the same level of policy as rules. All such guidelines shall be submitted to the commission at its next meeting for adoption, rejection or modification.

(k) Preliminary administrative suggestions. The executive director may also adopt preliminary administrative suggestions which will represent those standards which are newly developed, only recently reduced to writing, in the process of being modified, or otherwise considered by the executive director to be not yet suitable for general application and promulgation and publication as rules or written administrative guidelines. Such preliminary administrative suggestions may be implemented at any time without publication or other notice and may be immediately applied by the executive director in the public interest or for the protection of the citizens of this state. All such preliminary administrative suggestions shall be submitted to the commission at its next meeting for adoption, rejection, or modification.

(l) Opinions. Statements made and opinions expressed orally or in writing by personnel of the Texas Industrial Commission in response to inquiry or otherwise, and not specifically identified and promulgated as rules shall not be considered regulatory standards of the commission and shall not be considered binding upon the executive director in consideration with specific determinations undertaken by the commission or executive director thereafter.

(m) Application of rules. All rules shall be applied collectively, to the extent relevant, in connection with specific determinations made by the executive director in the course of his administrative functions. The executive director will make his determination on the basis of specific characteristics and circumstances of the individual application under consideration, and in light of the basic statutory purposes in the particular area. The executive director may, in his discretion, temporarily waive any requirement of any rule in situations where, in his opinion, such requirement is not necessary for the protection of the public interest. Such temporary waiver shall be submitted to the commission at its next meeting. The captions of the various rules are for convenience only. Should there be a conflict between the caption of the rule and the text of the rule, the text will be controlling.

(n) Precedents. Because rules cannot adequately anticipate all potential application requirements, the failure to satisfy all regulatory standards of the commission will not necessarily foreclose the possibility of a favorable disposition of a matter pending before the executive director, and, similarly, the satisfaction of all such regulatory standards will not necessarily preclude an unfavorable disposition if the specific characteristics and circumstances so warrant. For this reason, the nature of the disposition of any particular matter pending before the executive director is not necessarily of meaningful precedential value, and the executive director shall not be bound by the precedent of any previous determination in the subsequent disposition of any matter pending before him.

(o) Examination of records. Within a request for examination of records pursuant to the Open Records Act, Texas Civil Statutes, Article 6252-17a, the requesting party shall indicate the specific nature of the documents requested for examination or photocopying, and if photocopying is desired, the appropriate fee must accompany the request.

(p) Written communication with the commission. Written communications with and applications to the commission should be addressed to the attention of the executive director of the commission, Box 12728, Austin, Texas 78711.

(q) Delegation of authority to executive director. Pursuant to §24(c) of the Act, by adoption of this chapter, the commission has delegated to its executive director the authority to give approval of a lease, sale, or loan agreement made under this Act or bonds issued by a corporation or any document submitted as provided in the Act and in accordance with this chapter, provided that the commission also reserves the right to act upon any such agreement which has not otherwise been acted upon by the executive director.

§107.2 (103.04.01 002) Industrial Revenue Bond Program.

(a) General

(1) Filing of applications. Applications for approval of lease, sale, and loan agreements, and industrial revenue bonds shall be filed by the applicant with the industrial revenue bond division of the commission. Each application shall be as complete as practicable, and not requiring addendum in order to be conditionally approved.

(2) Filing fee. Each application for approval of an industrial revenue bond financing shall be accompanied by a filing fee in the amount of \$1,500. This fee is payable to the Texas Industrial Commission upon the initial filing of such application.

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

(A) Act—The Development Corporation Act of 1979, Texas Civil Statutes, Article 5190.6, as amended.

(B) Application—The application for approval of a loan, lease, or sale agreement and authority to deliver industrial revenue bonds together with all supporting instruments and documentation.

(C) Blighted area—Those areas and areas immediately adjacent thereto within a city which by reason of the presence of a substantial number of substandard, slum deteriorated, or deteriorating structures, or which suffer from a high relative rate of unemployment, or which have been designated and included in a tax incremental district created under Chapter 695, Acts of the 66th Legislature, Regular Session, 1979, Texas Civil Statutes, Article 1066d, or any combination of the foregoing, which the city finds and determines, after a hearing held pursuant to subsection (b)(9) of this section, substantially impair or arrest the sound growth of the city, or constitute an economic or social liability and/or a menace to the public health, safety, or welfare in the present condition and use.

(D) Board of directors—The board of directors of any corporation organized pursuant to the Act.

(E) Bonds—Bonds, notes, and other evidences of indebtedness.

(F) City—Any municipality of the state incorporated under the provisions of:

(i) any general or special law, or

(ii) the home-rule amendment to the constitution.

(G) Commission—The Texas Industrial Commission.

(H) Conditional approval—The approval of a proposed issue made conditional upon the certain specified future actions by the parties, as determined by the commission.

(I) Corporation—Any industrial development corporation organized pursuant to the Act.

(J) Cost—The cost of acquisition, construction, reconstruction, improvement, and expansion, including the cost of the acquisition of all land, rights-of-way, property rights, easements, and interests, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction whether or not capitalized, necessary reserve funds, cost of estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenue, other expenses necessary or incident to determining the feasibility and practicability of acquiring, constructing, reconstructing, improving, and expanding any such project, administrative expense and such other expense as may be necessary or incident to the acquisition, construction, reconstruction, improvement, and expansion thereof, the placing of the same in operation, and the financing or refinancing of any such project, including the refunding of any outstanding obligations, mortgages, or advances issued, made or given by any person for any of the aforementioned costs.

(K) County—A county of this state.

(L) District—A conservation and reclamation district established under authority of Texas Constitution, Article XVI, §59.

(M) Executive director—The executive director of the Texas Industrial Commission.

(N) Federally assisted new community—Those federally assisted areas which have received or will receive assistance in the form of loan guarantees under Title X, of the National Housing Act and a portion of the federally assisted area has received grants under the Housing and Community Development Act of 1974, §107(a)(1), as amended.

(O) Final approval—The completion of the conditional approval process upon the satisfaction of the conditions expressed in the conditional approval letter, if any, previously issued by the commission

(P) Governing body—The board, council, commission, commissioner's court, or legislative body of the unit.

(Q) Governmental agency:

(i) the United States or any political subdivision, agency, territory, or insular possession thereof; or

(ii) the District of Columbia, or

(iii) the State of Texas or any other state of the United States, or any unit, county, city, municipal corporation, district, political subdivision, or agency of the State of Texas, or of any other state of the United States.

(R) Guarantor

(i) any person that is a party to a contract with the user, if such person is contractually obligated to make payments to or on behalf of the user in amounts at least equal to the payments required to be made by the user under its lease, sale, or loan agreement with the corporation provided the user has assigned to the corporation its contractual rights to receive such payments in order to secure said user's obligations under the lease, sale, or loan agreement;

(ii) any person directly guaranteeing the user's payments in the amounts required under the lease, sale, or loan agreements; or

(iii) any person directly guaranteeing payment of bonds issued to finance the project.

(S) Population—The number of inhabitants within a geographical area as found and determined by the last preceding federal decennial census

(T) Project—The project as defined in the Act.

(U) Resolution—The resolution, order, ordinance, or other official action by the governing body of a unit.

(V) Rules—The rules of the commission

(W) Unit—A city, county, or district which may create and utilize a corporation

(X) User—The private business enterprise which will lease, sublease, purchase, or otherwise operate the project pursuant to a lease, sale, or loan agreement with the corporation. The user is also sometimes referred to as the applicant in this chapter

(4) Fee schedules and bond procedures. Each corporation shall file with the commission a schedule of all fees charged by, collected by, or otherwise involved with the corporation, directly or indirectly, in the application for approval to issue industrial revenue bonds. Further, each corporation shall file on or before September 1 of each year, a complete set of the corporation's written procedures for application of industrial revenue bond projects. Such written procedures shall be updated upon amendment, such update to

be filed with the commission within 30 days from the effective date of such amendment. Proper filing of such fee schedules and bond procedures shall, after September 1, 1981, be a precondition of commission review of industrial revenue bond applications involving such corporation, provided however, a failure to timely file such information may be waived if such information is filed prior to the filing of an application for conditional approval.

(b) Application contents.

(1) Generally.

(A) Project description prepared by user.

(i) A brief description of the project, its location, and intended use.

(ii) Estimates of the number and type of jobs to be created as a result of the project and the estimated annual payroll of employees working at the project. If there is a probability that loss of existing jobs would occur within the unit as a result of the disapproval of the lease, sale, or loan agreement, estimate the number and type of existing jobs which would be lost and the estimated annual payroll of employees currently holding such jobs.

(iii) A statement of the present ownership of the project site describing any liens and encumbrances, together with evidence, satisfactory to the commission, that all necessary interest in real estate required for the construction, installation, and operation of the project has been or can be acquired, that all necessary access roads, utilities, and drainage facilities have been or can be provided, and that all approvals, permits, consents, or authorizations of any governmental or public agency, authority, or person required in connection with the construction, installation, and operation of the project have been or can be obtained.

(iv) A detailed showing of the estimated costs of the project together with a list of the sources from which payment will be made, which statement shall show actual, or if not possible, estimated cost of items as follows:

(I) the acquisition of all land, rights-of-way, property rights, easements and interest acquired or to be acquired; if none, so state;

(II) machinery and equipment, if none, so state;

(III) building costs, if none, so state;

(IV) financing charges, specifically designating fees and expenses of original purchasers, underwriters, financial advisors, placement agents, bond counsel, other legal counsel, bond delivery and printing expenses, the cost of preparing and processing the application, and all other fees and/or expenses in connection with the financing;

(V) interest prior to and during construction and for one year after completion of construction, if applicable, otherwise, state inapplicable;

(VI) any reserve funds, if none, so state;

(VII) fees and expense of the corporation, separately stated, if none, so state;

(VIII) all other expenses, if none, so state; and

(IX) contingencies, if none, so state.

(v) The approximate date of commencement and completion of construction of the project.

(B) List of participants. The name, street, mailing address, and telephone number of each of the following:

(i) The user, the user's representative, counsel, and accounting firm.

(ii) The corporation, the corporation's representative, and counsel.

(iii) The original purchaser, the purchaser's representative, and counsel.

(iv) The guarantor, the guarantor's representative, and counsel, and accounting firm, or a statement that there is no guarantor.

(v) The financial advisor or placement agent, and such advisor's or agent's representative and counsel, or a statement that there is no financial advisor or placement agent.

(vi) The underwriter, the underwriter's representative and counsel, or a statement that there is no underwriter.

(vii) The trustee or depository, and the trustee's or depository's representative and counsel, or a statement that there is no trustee or depository.

(viii) The paying agent, such agent's representative and counsel, or a statement that there is no paying agent.

(2) The corporation.

(A) Description of corporation:

(i) the name, street address, and mailing address of the members of the board of directors of the corporation; and

(ii) a description of any other bonds which have been issued by the corporation to finance a project and a statement as to whether there has been a default in the payment of principal or of premium, if any, or interest on any such bonds.

(B) Resolution of corporation. A certified copy of the resolution of the board of directors of the corporation which describes the proposed project and makes:

(i) the appropriate findings required by §2(10) of the Act; and

(ii) additional findings of:

(I) the impact of the proposed project on employment in the affected area, and

(II) the project sought to be financed is in furtherance of the public purposes of the Act.

(C) Proposed opinion of corporation counsel. A proposed opinion of counsel for the corporation, in substantially the form to be delivered at closing, as to the incorporation and existence of the corporation and the authority, the actions and other proceedings of the corporation in connection with the project and the bonds, and further stating that the lease, sale, or loan agreement constitutes a legal and binding obligation of the corporation.

(3) The unit. A certified copy of the resolution of the governing body of the unit satisfying the requirements of §25(f) of the Act.

(4) The user.

(A) Description of the user.

(i) The name and address of the user.

(ii) The state or other jurisdiction of incorporation or organization, the form of organization, and a complete description of the organizational structure, including parent, subsidiaries and affiliates.

(iiv) A statement of the history and type of business engaged in by the user.

(iv) The names and ages of executive or managing officers and directors of the user, an account of the business experience of each such officer or director, including his principal occupation and employment and the name and principal business of the corporation or other organization in which such occupation and employment was carried on.

(v) A statement of the user's debt security rating

or listing by any published rating agency, or, if none, such fact shall be noted.

(vi) Financial statements as available for the previous three years.

(vii) In lieu of clause (ii)-(vi) of this subparagraph, the user's Form 10-K for each of the three preceding fiscal years, together with the user's most recent Form 10-Q.

(B) Certificate of user. A certificate signed by an officer of the user to the same effect as the finding required to be made by the board of directors of the corporation under paragraph (2)(B) of this subsection.

(C) Proposed opinion of user counsel. A proposed opinion of counsel to the user, in substantially the form to be delivered at closing, as to the creation and existence of the user and the authority, actions and other proceedings of the user in connection with the project and the bonds, and stating that the lease, sale, or loan agreement constitutes a legal and binding obligation of the user.

(5) Guarantor.

(A) Description of guarantor. As to each guarantor, the same information required of the user in paragraph (4)(A) of this subsection.

(B) Proposed opinion of guarantor counsel. A proposed opinion of counsel to each guarantor, in substantially the form to be delivered at closing, as to the creation and existence of the guarantor and the authority, the actions and other proceedings of the guarantor in connection with the project and the bonds, and stating that the instrument of guarantee constitutes a legally binding obligation of the guarantor.

(6) The bonds.

(A) Description of the bonds.

(i) The amount of bonds proposed to be issued.

(ii) A proposed debt service schedule for the bonds and the net effective interest rate for the bonds as defined by Texas Civil Statutes, Article 717k-2, §1(d).

(iii) The proposed date of closing and delivery of the bonds.

(iv) If the bonds have been rated by any published rating agency, or if application for such rating has been made, such fact shall be noted with the ratings assigned.

(v) The security for the bonds.

(vi) A proposed opinion of bond counsel, in substantially the form to be delivered at closing, as to the effect that the bonds have been duly issued and delivered by the corporation in compliance with the Act.

(B) Proposed investment letters. Proposed investment letters from the original purchasers of the bonds, or the purchasers of the bonds from the underwriter, in the form to be delivered at closing, substantially to the effect that said purchaser:

(i) is a financial institution such as a bank or insurance company, engaged in the business of investing in securities like the bonds;

(ii) has been furnished with all necessary information that it desires in order to enable it to make an informed decision concerning investment in the bonds; and

(iii) intends to purchase the bonds for its own account (subject to certain rights to sell, pledge, transfer, convey, hypothecate, mortgage, or dispose of such bonds at some future date) The proposed investment letter is not required if the letter regarding bonds in subparagraph (C) of this paragraph is provided

(C) Letter regarding bonds. A letter from the underwriter, and/or a letter from the placement agent or financial advisor that the bonds are marketable; provided however, that delivery of the investment letter described in subparagraph (B) of this paragraph shall constitute compliance with this requirement.

(7) Proposed agreements.

(A) A proposed counterpart of an agreement between the user or guarantor and the corporation to which the user or guarantor agrees:

(i) to pay all project costs which are not or cannot be paid or reimbursed from the proceeds of bonds, and

(ii) at all times, to indemnify and hold harmless the corporation and commission against all losses, costs, damages, expenses, and liabilities of whatsoever nature (including but not limited to attorney's fees, litigation and court costs, amounts paid in settlement, and amounts paid to discharge judgments) directly or indirectly resulting from, arising out of, or related to the issuance, offering, sale, delivery, or payment of the bonds, and interest thereon, or the design, construction, installation, operation, use, occupancy, maintenance, or ownership of the project.

(B) Copies of proposed leases, sales or loan agreements, instruments of guarantee, if any, and all other agreements between or among the participants relating to the use of the project or to the bonds.

(C) The agreements shall also include:

(i) provision for written notification of the commission by the trustee, depository, or lender as appropriate, in the event of a default in the timely payment of monies due in payment of the bonds or interest coupons or upon notification of the trustee by the Internal Revenue Service that the interest is, or may be, subject to federal income taxation;

(ii) provision that no additional or refunding bonds will be issued or delivered without prior commission approval; and

(iii) provision that, by virtue of the project being financed under the Act, the user has not and will not maintain that it is entitled to an exemption from Texas sales or use taxes on personal property acquired in connection with the project.

(8) Project approval standards—Generally.

(A) The proposed project will contribute to the economic growth or stability of the unit by:

(i) increasing or stabilizing employment opportunity;

(ii) significantly increasing or stabilizing the property tax base, and

(iii) promoting commerce within the unit and the state;

(B) the user has no present intention of disposing of or abandoning the proposed project;

(C) the user has no present intention of directing the proposed project to a use other than the purposes represented to the commission and, if appropriate, the city or county.

(9) Special rules for commercial projects in blighted or economically depressed areas.

(A) Establishment of eligible blighted areas Under the Act, the financing of projects for commercial uses is confined to, among others, geographical areas found by the governing body of a city to be a blighted area. The provisions of this section govern the method of establishing blighted areas for the purpose of administering the Act by the com-

mission. The commission will not approve the financing of projects, which are to be used for commercial purposes, except in or adjacent to eligible blighted areas established under this section, and subject to other limitations contained in the rules of the commission

(i) To establish an eligible blighted area, the governing body of a city shall notify the commission of its intention to hold a public hearing under the Act and this chapter for the purposes of establishing one or more eligible blighted areas. The notice to the commission shall be given in writing not less than 15 days prior to the date of the public hearing. Notice of such hearing shall be given to the public by publishing once a week for two consecutive weeks in a newspaper of general circulation in the city and posting a copy of the same at the city hall not later than 15 days prior to the date thereof. Such notice shall contain a description of the area or areas proposed by the city to be designated as eligible blighted areas, and the date, time, and location of such hearing.

(ii) The commission may but shall not be required to suggest limitations to the city as to amount or type of projects to be financed for commercial uses under the Act and this chapter in or adjacent to the proposed eligible blighted area.

(iii) If the governing body of the city shall conclude to request the commission to approve projects for commercial uses, it shall adopt a resolution, citing the Act and this chapter, and further containing:

(I) a description and map of the boundaries of the eligible blighted area with such adequacy as would permit the boundaries to be properly located on the ground;

(II) detailed findings of the governing body of the city as to the reasons for such designation by the city, together with a description of the overall objectives of the city for redevelopment and recovery of the eligible blighted area;

(III) a finding and representation to the commission that the availability of financing of projects for commercial uses under the Act will contribute significantly to the alleviation of the blighted conditions found to exist in the designated area or areas;

(IV) a description of the type of projects for commercial uses desired and authorized by the city to enhance its redevelopment efforts in the eligible blighted area together with a description of any exclusions or limitations by type or amount of commercial uses which the city would consider detrimental to its efforts to redevelop the area designated;

(V) a representation on the part of the governing body of the city that it will review all project descriptions for approval of specific projects for commercial uses in order to determine whether such projects are consistent with the city's objectives for redevelopment of the eligible blighted area;

(VI) based upon the city's best estimates at the time of adoption of the resolution, a description of proposed public improvements, if any, to be made in the eligible blighted area, the estimated commencement date for such public improvements, the approximate schedule for such improvements and the sources of funds the city will use for such purposes.

(v) Unless the city shall be notified by the commission to the contrary in writing within 30 days from the date of receipt of such resolution, the eligible blighted area described in such resolution shall be deemed accepted by the

commission. After final acceptance of a resolution under this provision, the commission will approve projects for commercial uses in and adjacent to the eligible blighted area only after the applicant demonstrates to the satisfaction of the commission that:

(I) the specific project conforms with any limitations specified in the resolution as provided in this section;

(II) the city has approved the project and has made the determinations and findings required by this chapter,

(III) the specific project to be financed for commercial uses will significantly contribute to the fulfillment of the overall redevelopment objectives of the city for the eligible blighted area; and the project conforms to the project approval standards specified in paragraph (8) of this subsection and subparagraph (B) of this paragraph.

(v) The designation of an eligible blighted area under this section shall continue for a period ending on the date of the earlier of:

(I) notice to the commission by the governing body of the city of the termination of such designation; or

(II) five years from the effective date of such designation, notice of which is given in writing to the commission by the city. If a designation is terminated or lapses under this provision, the city may revive the designation by following the procedures prescribed in this section for the original designation.

(vi) New or additional designations of eligible blighted areas may be made by a city by following the same procedures prescribed in this section for the original designation.

(B) Commercial project approval standards. The applicant shall provide evidence satisfactory to the commission in addition to the evidence required by paragraph (8) of this subsection that,

(i) The proposed project is located within or adjacent to a designated blighted area.

(ii) The city has approved the proposed project and has found that the project to be financed will:

(I) contribute significantly to the fulfillment of the redevelopment objectives of the city for the blighted or economically depressed area; and

(II) is in furtherance of the public purposes of the Act.

(iii) The user will not, during the life of the bonds, direct the proposed project to a use not authorized within the eligible blighted area as defined by the Act and this chapter.

(10) Special rules for commercial projects in economically depressed counties. The commission will not approve the financing of projects which are to be used for commercial projects in counties except in conformity with this section and the project approval standards set forth in paragraph (8) of this subsection.

(A) To establish an eligible county, the commissioners' court of the county (the "governing body") shall provide evidence satisfactory to the commission that:

(i) the county is a federally designated economically distressed county, and

(ii) the population of the county is less than 50,000 according to the last federal decennial census.

(B) The commission may but shall not be required to suggest limitations as to the amount or type of projects to

be financed for commercial purposes under the Act and this chapter within such county.

(C) If the governing body of the county shall conclude to request the commission to approve projects for commercial uses, it shall adopt a resolution citing the Act and these rules, and further containing:

(i) a description or a map of the boundaries of the county, and if practicable, the location of any proposed project;

(ii) a description of the overall objectives of the county for redevelopment and recovery of the county, if any;

(iii) a finding and representation to the commission that the availability of financing of projects for commercial uses under the Act will contribute significantly to the alleviation of the economically depressing conditions found to exist in the county;

(iv) a description of the type of projects for commercial uses desired and authorized by the county to enhance its redevelopment efforts together with a description of any exclusions or limitations by type or amount of commercial project uses which the county would consider detrimental to its efforts to redevelop the county;

(v) an agreement on the part of the governing body of the county to review all project descriptions for approval by resolution of the governing body of specific projects for commercial uses within the county in order to determine whether such projects are consistent with the county's objectives, if any, for alleviation of the economically depressed condition of the county;

(vi) based upon the county's best estimates at the time of adoption of the resolution, a description of proposed public improvements, if any, to be made within reasonable proximity to the proposed commercial project, the estimated commencement date of such public improvements, the approximate schedule for such improvements, and the sources of funds which the county will use for such purposes.

(D) Upon certification of the eligibility of the affected county as set forth in subparagraph (C) of this paragraph, the commission will approve projects for commercial uses in the county only after the applicant demonstrates that:

(i) the specific project conforms with any limitations specified in the resolution as provided in this section;

(ii) the governing body of the county has approved the project and made the determinations and findings required by this chapter;

(iii) the specific project to be financed for commercial uses will significantly contribute to the fulfillment of the overall redevelopment objectives of the county, if any; and the project conforms to the project approval standards specified in paragraphs (8) and (9)(B) of this subsection.

(11) Miscellaneous information.

(A) Proposed closing information. Each application shall contain the proposed time, date, and location for the proposed closing of the transaction and delivery of the bonds.

(B) Proposed conditional approval letter. Each application shall contain the proposed conditional approval letter in the same form and content to which it is desired the commission give its conditional approval.

(12) Supplemental information. In addition to the other requirements of this subsection, if an application is one in which:

(A) neither the user nor any guarantor has a current rating on any of its outstanding securities from Moody's Investors Service of Ba or higher or from Standard and Poor's Corporation of BB or higher; or

(B) the bonds sought to be issued have not received a rating from either Moody's or Standard and Poor's of at least Baa or BBB, respectively; or

(C) an investment letter satisfying the requirements of paragraph (6)(B) of this subsection is not provided, then such application for conditional approval must also contain the following:

(i) Independent analysis. A report of an independent financial analyst or other consultant, approved by the commission, analyzing the other information contained in the application, which report may, at the request of the commission, also contain a feasibility analysis of the industrial project; the cost of preparing such report shall be borne by the user, but may be reimbursed from the proceeds of the bonds.

(ii) Project costs to be paid by user. Evidence, satisfactory to the commission, that:

(I) not more than 80% of the cost of the project will be financed out of bond proceeds;

(II) either the user has paid or will pay the remaining cost of the project which will not be financed out of bond proceeds; and

(III) if the bonds are secured by a lien against the project, such lien is superior to any lien(s) against the project securing a borrowing by the user for the purpose of paying the remaining cost of the project in accordance with subclause (II) of this clause.

(c) Final approval.

(1) Executed documents. If the commission gives conditional approval to a bond issue, the approval of the lease, sale, or loan agreement(s) shall become final upon delivery to an authorized representative of the commission, for inclusion in the final transcript of proceedings, of such opinions, evidence, certificates, instruments, or other documents as the commission may require as a condition of its final approval, and of the following:

(A) Certificate of user. A certificate signed by an officer of the user substantially to the effect that:

(i) as of the closing date there has been no material adverse change in the affairs of the user from that described in the application for conditional approval or otherwise disclosed to and approved by the commission; and

(ii) the instruments provided to the commission pursuant to subsection (b)(2)(B) of this section, as executed and delivered by the respective parties, are substantially in the form previously approved by the commission.

(B) Certificate of guarantor. A certificate for each guarantor signed by an officer of the guarantor substantially to the effect that as of the closing date there has been no material adverse change in the affairs of the guarantor from that described by the application or otherwise disclosed to and approved in writing by the commission.

(C) Opinions of counsel. Executed opinions of counsel, in substantially the forms previously approved by the commission in accordance with subsection (b)(2)(C), (b)(4)(C), (b)(5)(B), and (b)(6)(A)(vi) of this section.

(D) Investment letter. As appropriate, executed investment letters from the original purchasers of the bonds, or the purchasers of the bonds from the underwriter, in substantially the form previously approved by the commission in

accordance with subsection (b)(6)(B) of this section, or if appropriate, subsection (b)(6)(C) of this section.

(E) Other agreements. Executed copies of all agreements in substantially the same form as originally submitted in the application in compliance with subsection (b)(7) of this section.

(F) Additional information. The commission may require additional information at any time as a precondition to conditional or final approval, or otherwise, and the costs thereof shall be borne by the user.

(2) Transcript of proceedings. The commission requires a complete transcript of all proceedings relating to the authorization, issuance, sale and delivery of the bonds to be bound as a permanent record, spine labeled as to issue, amount and date, and submitted to it within 60 days after the bond closing. This requirement is not a precondition to final approval by the commission. The binding shall be of such quality as will preserve the enclosures for the term of the bonds. In the event the transcript cannot be delivered within the 60-day period, a waiver may be granted upon request.

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

Doc. No. 815569 Gerald R. Brown
Executive Director
Texas Industrial Commission

Proposed Date of Adoption: September 21, 1981
For further information, please call (512) 472-5059.

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter B. Operating Certificates, Permits, and Licenses

The Railroad Commission of Texas is instituting a rulemaking proceeding to determine whether or not it should adopt §5.40 (051.03.02.027) which defines the term "specialized motor carrier;" describes the treatment of applications which do not conform to the definition of a specialized motor carrier; and deals with the proper construction of applications to serve named shippers.

The Transportation Division staff has determined that this proposed new section will have no fiscal implication for any unit of state or local government.

Public comment on the proposed section is invited and may be submitted in writing to Owen T. Kinney, director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

This section is proposed under the authority of Texas Civil Statutes, Article 911b, §4 (Vernon's 1964).

§5.40 (051.03.02.027). Common Carrier Obligation of Specialized Motor Carriers.

(a) Definition of a specialized motor carrier. The term specialized motor carrier, when used in certificates, orders, or other correspondence of the commission issued after the effective date of this section, shall mean a motor carrier

which is obligated to transport property requiring specialized equipment in the transportation and the handling thereof:

- (1) over irregular routes, on irregular schedules;
- (2) on a call and demand basis;
- (3) in specialized equipment;

(4) for all members of the shipping and/or receiving public within a geographically described service area, without discrimination.

(b) Applications for specialized motor carrier authority.

(1) Treatment of applications which do not conform to the definition of a specialized motor carrier.

(A) Docketing and publication of applications. Applications for authority to provide service on terms which do not conform to the definition of a specialized motor carrier in subsection (a) of this section shall not be docketed or published as specialized motor carrier applications.

(B) Return or denial of nonconforming applications. Except as provided in paragraph (2) of this subsection, applications for specialized motor carrier authority which do not conform to the definition of a specialized motor carrier in subsection (a) of this section shall:

(i) be returned to the applicant with a statement that the application has been rejected for failure to comply with this section if the application has not proceeded to hearing, or

(ii) if the application has proceeded to hearing, be denied.

(2) Proper construction of applications to serve named shippers. Applications which, on their face, request specialized motor carrier authority shall be construed to be, in fact, applications for contract carrier authority where the applicant proposes:

(A) to provide service for the account of an identified shipper or receiver;

(B) to provide service from the facilities of an identified shipper or receiver; or

(C) to otherwise restrict its service in a manner calculated to allow service only to a single shipper or receiver.

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

Doc. No. 815529 Owen T. Kinney, Director
Transportation Division
Railroad Commission of Texas

Proposed Date of Adoption: September 21, 1981
For further information, please call (512) 445-1186.

Chapter 9. Liquefied Petroleum Gas Division

Subchapter B. Basic Rules

The Railroad Commission of Texas is initiating rulemaking proceedings to amend §9.51 (051.05.03.041) dealing with maximum vapor pressure and container working pressure. These amendments are necessary in order to bring the LP-Gas licensees in compliance with the present day safety rules and regulations.

The LP-Gas Division staff has determined that the amendments will have no fiscal implications for any unit of state or local government.

Public comments on the proposed amendments may be submitted in writing to Hugh F. Keepers, director, LP-Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

These amendments are proposed under the authority of Texas Civil Statutes, Texas Natural Resources Code, Article 113.051, (Vernon's 1978).

§9.51 (051.05.03.041). *Maximum Vapor Pressure and Container Working Pressure.*

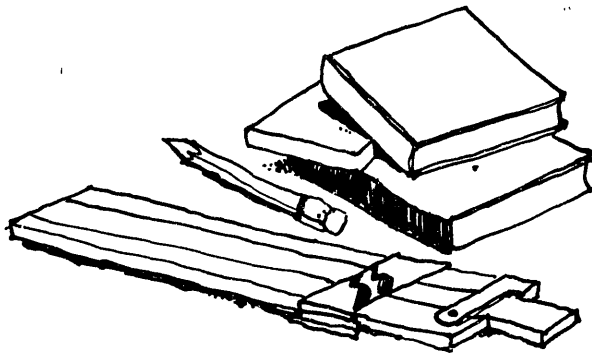
(a) The maximum vapor pressure of the product at 100°F which may be transferred to a container shall not exceed the design working pressure of the container.

(b) **Exception:** 200 psig working pressure vessels in service in Texas prior to September 1, 1981, may be continued, in service for (commercial) propane, provided that they are fitted with relief valves set for 250 psig normal start to discharge and are used in compliance with the other rules of this chapter. For the purpose of this exception, "commercial propane" is defined as having a vapor pressure not in excess of 210 psig at 100°F.

Issued in Austin, Texas, on August 3, 1981.

Doc. No. 815530 Hugh F. Keepers, Director
LP-Gas Division
Railroad Commission of Texas

Proposed Date of Adoption: September 21, 1981
For further information, please call (512) 445-1186.



TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 37. Organization and Operation of the State Board of Education

Subchapter A. Membership of the Board

The Texas Education Agency proposes amendments to §37.3 (226.91.01.030) concerning election requirements for members of the State Board of Education.

The proposed amendment to this section implements House Bill 1214, 67th Legislature, which repealed Texas Education Code, §11.22(d), concerning the spending limit on campaigns

for a position on the State Board of Education. References to the Texas Election Code are proposed for inclusion in paragraph (1).

The Texas Education Agency anticipates that the proposed amendments will have no fiscal implications for the state or 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 sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These amendments are proposed under the authority of Texas Education Code, §11.22.

§37.3 (226.91.01.030). *Election Requirements.* Persons seeking election to the State Board of Education at biennial general elections for places which become vacant on December 31 of that year are subject to the following statutory requirements:

[(1) Campaign expenses must not exceed \$1,500.]

(1)(2) Request for placing a candidate's name on the official ballot and amount of filing fee must be in accordance with provisions of the Texas Election Code (*Reference Texas Election Code, Articles 13.08 and 13.12*).

(2)(3) Financial contributions toward campaign expenses from persons or organizations in the textbook or bond selling business are prohibited. Violations are punishable under the Texas Penal Code (Reference Texas Education Code, §11.21 and §11.22); and Texas Election Code, Articles 13.12 and 13.08.)

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815533 Raymon L. Bynum
Commissioner of Education

Proposed Date of Adoption: October 10, 1981
For further information, please call (512) 475-7077.

Subchapter C. Committees of the Board

(Editor's note: The Texas Education Agency proposes for permanent adoption the emergency amendments it adopts in this issue. The text of the amendments appears in the Emergency Rules section.)

The Texas Education Agency proposes amendments to §37.41 (226.91.03.010) concerning delegation of committee authority for committees of the State Board of Education.

The proposed amendments show the proposed new standing committees of the State Board of Education. The proposed new committees reflect the proposed new Texas Education Agency organizational structure.

The proposed amendments also delete the requirement that all board committees have at least six members. The words "following reorganization of the board" are also proposed for

deletion so that changes in the board's committee structure will not be restricted to those after election of officers in January of each odd-numbered year, but may also include appointments made when the structure of the board committees is changed by board rule.

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 sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendments are adopted on an emergency basis in this issue of the *Register*.

The amendments are proposed under the authority of Texas Education Code, §11.23 and §11.26(a)(9).

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815534 Raymon L. Bynum
Commissioner of Education

Proposed Date of Adoption: October 10, 1981
For further information, please call (512) 475-7077.

Chapter 77. Comprehensive Instruction

Subchapter D. State Board for Vocational Education

The Texas Education Agency proposes to amend §77.62 (226.32.31.020) concerning the Advisory Council for Technical-Vocational Education in Texas.

Senate Bill 305, 67th Legislature, increased the membership on the council from 24 to 25. The proposed amendment deletes statutory language from the rule. Consistent use of the names "State Board for Vocational Education" and "Advisory Council for Technical-Vocational Education" is also proposed. In subsection (b), the phrase "and other supporting services" is proposed for deletion. Currently, the Texas Education Agency provides office space for the council. The proposed amendment to subsection (c) provides that the council must be given an opportunity to advise the State Board of Education on the State Plan for Vocational Education. The present rule requires that the council "concur" in the plan or any amendment made to it.

The Texas Education Agency anticipates that the addition by law of a new member to the advisory council will cost the state an additional \$1,000 per year for fiscal years 1982-86. The proposed amendments have no fiscal implications 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 sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These amendments are proposed under the authority of Texas Education Code, §§31.12, 31.13, and 31.33.

§77.62 (226.32.31.020). Relationship with the Advisory Council for Technical-Vocational Education.

(a) [Policy.] *The* [A 24-member representative] Advisory Council for Technical-Vocational Education in Texas *shall be* [is] appointed by the State Board for Vocational [of] Education *in accordance with Texas Education Code, §31.12.* [after recommendation by the governor and subject to confirmation by the senate. This council shall make independent studies of manpower needs and job opportunities within the state, provide information and planning, and be responsible for data needed for evaluating, planning, and making recommendations regarding the coordination and implementation of technical-vocational education at all levels to the board, which will accept or reject the recommendations made by the council.]

(b) Administrative procedure.

[(1) Membership of council. The State Board of Education appoints members of the Advisory Council for Vocational-Technical Education, in the numbers indicated in this subsection, from a list of persons recommended by the governor and representing the following membership:

[(A) one member familiar with vocational needs and the problems of management in the state;

[(B) one member familiar with vocational needs and the problems of labor in the state;

[(C) one member representing state industrial and economic development agencies;

[(D) one member representing community or junior colleges;

[(E) one member actively engaged in technical training institutes;

[(F) one member representing and familiar with public programs of vocational education in comprehensive secondary schools;

[(G) one member having special knowledge, experience, or qualifications with respect to vocational education, but who is not involved in the administration of state or local vocational education programs;

[(H) one member who is currently serving as superintendent or other administrator of a local educational agency;

[(I) one member who is currently serving on a local school board;

[(J) one member who is familiar with the programs of teachers' training for technical-vocational teachers in the postsecondary institutions;

[(K) one member who is familiar with postsecondary baccalaureate technological degree programs;

[(L) one member representing the State Manpower Services Council established pursuant to §107 of the Comprehensive Employment and Training Act of 1973;

[(M) one member representing school systems with large concentrations of persons who have special academic, social, economic, and cultural needs and of persons who have limited English-speaking ability;

[(N) one member having special knowledge, experience, or qualifications with respect to the special educational needs of physically or mentally handicapped persons;

[(O) one member representative of and knowledgeable about the poor and disadvantaged;

[(P) one member representing and familiar with the vocational needs and problems of agriculture in the state;

[(Q) one member representing the general public;

[(R) one member representing proprietary vocational-technical schools of the state;

[(S) one member who is a present or recent vocational education student who is not otherwise qualified for membership;

[(T) one member representing and familiar with vocational guidance and counseling services;

[(U) one member representing and familiar with nonprofit private schools;

[(V) one member representing state correctional institutions;

[(W) one member who is a vocational education teacher presently teaching in a local educational agency; and

[(X) one member who is a woman with a background and experience in employment and training programs, and who is knowledgeable with respect to the special experiences and problems of sex discrimination in job training and employment, of sex stereotyping in vocational education, and of discrimination in job training and employment against women who are members of minority groups.

[(2) Officers. The membership shall elect annually their chairperson and such other officers as may be deemed necessary.]

(b)(3) Provision of facilities and services.] The Texas Education Agency *will provide* [provides] offices [and other supporting services] in Austin, Texas, for the staff of the Advisory Council for *Technical-Vocational* [Vocational-Technical] Education

(c)(4) Working relationship.] The *State Board for Vocational Education shall give* [Texas Education Agency] [gives] due consideration to all recommendations made by the council *and shall accept or reject them in accordance with Texas Education Code, §31.39.* [regarding the planning, development, and evaluation of technical, vocational, and manpower training in public schools and colleges to meet the needs of industrial and economic development in the state. Any recommendations rejected by the State Board of Education are returned immediately to the council.] The council *will be provided an opportunity to advise the State Board for Vocational Education on development of the State Plan for Vocational Education*[concur[s] in any amendment made to the State Plan for Vocational Education before it is placed before the State Board of Education].

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815536 Raymon L. Bynum
Commissioner of Education
Texas Education Agency

Proposed Date of Adoption: October 10, 1981
For further information, please call (512) 475-7077.

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas 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 §77.63 (226.32.31.030), concerning the Joint Committee for Vocational Education. House Bill 201, passed by the 67th Legislature, Texas Education Code, Chapter 31, deleted Subchapter E, which authorized the formation of the Joint Committee for Vocational Education. The proposed repeal of this law was recommended by the State Board of Education to the legislature.

The Texas Education Agency anticipates that the abolition of the committee will save approximately \$3,000 in state funds per year for fiscal years 1982-86. The proposed repeal of §77.63 (226.32.31.030) has no fiscal implications 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 sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of Texas Education Code, §11.24 and §31.81.

§77.63 (226.32.31.030). *Involvement with the Composition and Purpose of a Joint Committee for Vocational Education.*

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815536 Raymon L. Bynum
Commissioner of Education

Proposed Date of Adoption: October 10, 1981
For further information, please call (512) 475-7077.

Chapter 81. Instructional Resources

Subchapter D. State Textbook Program

Process for State Adoption of Textbooks

The Texas Education Agency proposes amendments to §81.103 (226.33.34.012) concerning textbook contract renewal.

The 67th Legislature, House Bill 201, repealed §12.34(e) of the Texas Education Code which required the commissioner of education to ascertain whether school superintendents wanted existing textbooks to be readopted or new texts to be adopted.

The proposed amendment deletes the requirement that the commissioner of education seek the opinion of school superintendents about contract renewals. Reference to the State

Textbook Committee is also deleted since their opinion on contract renewals is no longer requested.

The Texas Education Agency anticipates that the deletion of the requirement to seek the opinions of superintendents on textbook renewals will result in a saving of approximately \$200 per year for fiscal years 1982-1986. This represents the approximate cost of one statewide mailing. The proposed amendment has no fiscal implications 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 sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These amendments are proposed under the authority of Texas Education Code, §12.34.

§1.103 (226.33.34.012). Contract Renewal.

(a) [Policy.] The determination to renew contracts shall be made after the State Board of Education has satisfied itself that renewal would be *in* [to] the best interest of the state and after the following factors *have been* [are] considered:

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

[(3) advice and counsel of the State Textbook Committee;]

(3) [(4)] advice and counsel of professional specialists in the subject fields involved;

[(5) opinions of school superintendents;]

(4) [(6)] the *willingness* [availability] of textbook publishers *to* [who] offer their books for re Adoption and a renewal of their contract; and

(5) [(7)] report of the commissioner of education.

(b) [Administrative procedure. In January of every] **Each** year the commissioner of education *shall* [undertakes to] secure a statement from school district officials of the number of usable books on hand in subjects wherein contracts will expire on August 31 of the year following the then current year. [He also seeks the opinion of school district officials as to whether the contracts for books in these subjects should be renewed or new books adopted. He considers this information, the recommendations of the State Textbook Committee,] **After considering** the recommendations of the Texas Education Agency [Instructional Division] staff, the fiscal aspects, gradual introduction plans, the availability of books offered for re Adoption, and the new books available as well as any other information available to him, [After considering these factors,] the commissioner of education *shall make recommendations* [recommends] to the State Board of Education *of* those contracts which [he feels] should be renewed.

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815537 Raymon L. Bynum
Commissioner of Education

Proposed Date of Adoption: October 10, 1981
For further information, please call (512) 475-7077.

Chapter 105. Foundation School Program

Subchapter C. Allocation of Personnel Units

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas 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 §105.52 (226.41.03.045) concerning the Preschool Non-English Speaking Program. The section is proposed for repeal because the 67th Legislature, House Bill 201, repealed Texas Education Code, §11.11, which required the Preschool Non-English Speaking Program.

The Texas Education Agency anticipates that the proposed repeal of this section 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 sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the Commission 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, §16.005.

§105.52 (226.41.03.045). Preschool Non-English Speaking Program.

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815538 Raymon L. Bynum
Commissioner of Education

Proposed Date of Adoption: October 10, 1981
For further information, please call (512) 475-7077.

Subchapter D. School Year

The Texas Education Agency proposes amendments to §105.72 (226.41.04.020) concerning the school year.

The 67th Legislature, Senate Bill 872, amended Texas Education Code, §16.055 by adding a provision that teachers of vocational agriculture employed for 12 months shall render 226 days of service regardless of pay grade.

The proposed amendments delete statutory material from the section. A provision in subsection (a) concerning vacation for the superintendent is proposed for deletion since superintendents are now covered by the days of service in Texas Education Code, §16.055.

The provision concerning extended service is proposed for deletion from subsection (c) because the same information also appears in subsection (f). It is proposed that subsection (f) be amended to show that all personnel on extended service

must be paid at least the same daily rate for the additional days as the minimum daily rate required for the position. The current rule covers only employees on 10-month contracts.

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 sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These amendments are proposed under the authority of Texas Education Code, §16.005.

§105.72 (226.41.04.020). Service Requirements.

(a) [Policy.] School district personnel shall render services and receive compensation in accordance with Texas Education Code, §16.055(b).

(b) Personnel on 12-month contracts. The allocation of units and funds for personnel on 12-month contracts shall be from July 1 through June 30 in accordance with Texas Education Code, §23.28.

[(1) Superintendents. The allocation of units and funds for the superintendent shall be from July 1 through June 30. Within each 12-month period, a superintendent is entitled to a vacation period to be determined by the local board of school trustees.

[(2) Other personnel. Other school district personnel shall render services and receive compensation as provided in law. (Reference Texas Education Code, §16.055(b) and §23.28).]

~~(c)~~ [(3)] Service agreements. If service agreements are activated for personnel covered by this section, the minutes of the board of school trustees and such service agreements shall clearly indicate the number of days of service required.

[(4) Extended service. School districts may employ personnel covered by this section for more than the minimum number of days required provided that no portion of the Foundation School Program salary allowed for the minimum number of days required is used for this purpose. (Reference Texas Education Code, §§16.052, 16.055, and 23.28.)

[(b) Administrative procedure.

[(1) Days of service. School district personnel are required to be on duty including eligible leave as follows:

Months	Days 1977-78	Days 1978-79	Days 1979-80 and thereafter
10	185	183	183
11	210	210	PG 1-11 202
			PG 12-18 207
12	230	230	PG 1-11 220
			PG 12-18 226

unless the number of days of service required has been reduced by the commissioner of education in this subchapter. When the commissioner has authorized the district to reduce the school calendar year below statutory requirements, such

reduction will not reduce salaries of employees under contract for the school term.]

(d) All personnel assigned for Foundation School Program funding purposes shall [will] be employed during the period the school is in operation. The 10-month contract personnel shall [will] be employed for the days indicated on the school calendar. For 11-month and 12-month contract personnel, the days of employment must encompass the period the school is in operation as indicated by the school calendar.

[(2) Service agreements. The minutes of the board of school trustees and service agreements issued to personnel covered by this section shall clearly indicate the number of days of service required.]

(e) When the commissioner of education has authorized the district to reduce the school calendar year below statutory requirements, the reduction shall not reduce salaries of employees under contract for the school term.

~~(f)~~ [(3)] Extended service. School districts may employ personnel covered by this section for more than the minimum number of days required, provided that no portion of the Foundation School Program salary allowed for the minimum number of days required is used for this purpose. When school districts extend an employee's number of days of employment beyond the number of days specified by state law for that position, the daily rate of pay for the days added must be at least equal to the daily rate specified for the minimum required days for that position. [the regular school year beyond the required number of days, personnel on 10-month contracts will receive additional pay at the same daily rate specified for their 10-month salaries.]

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815539 Raymon L. Bynum
Commissioner of Education

Proposed Date of Adoption: October 10, 1981
For further information, please call (512) 475-7077.

Subchapter M. State Minimum Sick Leave

The Texas Education Agency proposes amendments to §105.256 (226.41.13.060) concerning the State Minimum Sick Leave Program.

The proposed amendment to this section implements 67th Legislature, House Bill 28, which provides for payment for accrued state sick leave for local district personnel who retire. This applies to all personnel covered by the State Minimum Sick Leave Program. Section 105.251 provides that the state sick leave program covers "all professional personnel regularly employed in the public schools of Texas." Paraprofessional personnel do not participate in the State Minimum Sick Leave Program.

The proposed amendment to §105.256 (226.41.13.060) adds a requirement for school districts to report the number of days of accumulated state sick leave for which the district has made payment upon the employee's retirement. Reimbursement for payments made for accumulated sick leave upon employee retirement shall be in accordance with Texas Education Code, §13.904(e).

The Texas Education Agency anticipates that the increased cost to the state for the payment for accrued sick leave for retiring school district personnel will be approximately \$440,000 each year for fiscal years 1982-1986. The proposed amendment will not have fiscal implications 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 sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These amendments are proposed under the authority of Texas Education Code, §13.904.

§105.256 (226.41.13.060). Claiming Funds.

(a) Each school district **shall file** [files] immediately after the close of the school year a report listing all professional personnel, regardless of the source of salary funds, employed during the year. This report **must show** [supplies] for each professional employee listed:

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

(4) the number of days of sick leave used; [and]

(5) **the number of days of accumulated state sick leave for which the district has made payment upon the employee's retirement; and**

(6)[(5)] such other data as may be found necessary for proper administration of the program.

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

(e) **Reimbursement for payments made for accumulated sick leave upon employee retirement shall be in accordance with Texas Education Code, §13.904(e).**

(f)[(e)] Reimbursement to each school district from the foundation school fund for the cost of the State Minimum Sick Leave Program shall be based on the percentage relationship between the state and district financing of the Foundation School Program cost in the district.

(g)[(f)] Reimbursement is not made to any school district which does not qualify for Foundation School Program allocations for transportation or salary and operations.

(h)[(g)] All school district records pertaining to the minimum sick leave program shall be subject to audit by the Field Audit Division, Texas Education Agency.

(i)[(h)] Reimbursement is made in addition to any further benefits from the Foundation School Program fund to which the district may be entitled.

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815540 Raymon L. Bynum
Commissioner of Education.

Proposed Date of Adoption: October 10, 1981
For further information, please call (512) 475-7077.

The Texas Education Agency proposes new §105.257 concerning payment for accrued state sick leave on retirement. The proposed new section implements 67th Legislature

House Bill 28, which provides for payment for accrued state sick leave for local district personnel who retire. The total payment may not exceed the equivalent of 60 days' minimum pay to a substitute teacher. At present this maximum equals \$1,200. This applies to all personnel covered by the State Minimum Sick Leave Program, and the state sick leave program covers "all professional personnel regularly employed in the public schools of Texas." Paraprofessional personnel do not participate in the State Minimum Sick Leave Program.

The Texas Education Agency anticipates that the increased cost to the state for the payment for accrued sick leave for retiring school district personnel will be approximately \$440,000 each year for fiscal years 1982-86. The proposed amendment will not have fiscal implications 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 sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This new section is proposed under the authority of Texas Education Code, §13.904(e).

§105.257. Payment for Accrued State Sick Leave on Retirement. Upon retirement, personnel covered under Texas Education Code, §13.904 and this subchapter shall be paid for accrued state sick leave in accordance with Texas Education Code, §13.904(e). An employee may not be paid for accrued state sick leave in a total amount greater than the equivalent of 60 days' pay to a substitute teacher.

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815541 Raymon L. Bynum
Commissioner of Education

Proposed Date of Adoption: October 10, 1981
For further information, please call (512) 475-7077.

Subchapter R. Local Cooperative Teacher Education Centers

The Texas Education Agency proposes amendments to Chapter 105, Subchapter R, §105.351 (226.41.18.010), concerning funding for student teacher centers. The proposed amendments include changing the title of Subchapter R from "Student Teacher Centers" to "Local Cooperative Teacher Education Centers."

The proposed amendments implement 67th Legislature, House Bill 48, which changed the name of the student teacher centers to "local cooperative teacher education centers." The proposed amendments also refer to "supervisors of student teachers" rather than to "supervisory teachers."

The General Appropriations Act, Article III, §36, limited funding for local cooperative teacher centers to \$2,100,000 for the 1981-82 school year and \$2,200,000 for the 1982-83 school year. The act specified that if the amount appropriated was not sufficient to pay all participants, each teacher will receive \$200 and the payment to school districts and teacher centers will be prorated by the commissioner of education. The proposed amendments to this section provide for the proration of allocations by the commissioner of education.

The Texas Education Agency anticipates that the funding limitations on the Local Cooperative Teacher Center Program, which were placed in the General Appropriations Act, will result in an estimated saving to the state of approximately \$900,000 each year for fiscal years 1982-86. The proposed amendments to §105.351 (326.41.18.010) impose no fiscal requirements upon 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 sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These amendments are proposed under the authority of Texas Education Code, §16.005 and §11.311.

§105.351 (226.41.18.010). Funding.

(a) [Policy.] Funds shall be allocated from the Foundation School Program fund to support *local cooperative* [student] teacher *education* centers which meet the *requirements* [procedures] established by *Texas Education Code, §11.311* [law] and Subchapter E, of Chapter 137 of this title (relating to *Local Cooperative* [Student] Teacher *Education* Centers). Allocation shall be in accordance with law [and with procedures established by the commissioner of education].

(b) [Administrative procedure.] The procedures for funding *local cooperative* [student] teacher *education* centers are as follows:

(1) Applications for funds *shall be* [for student teacher center (salary increment and district allocations) are] submitted by school districts to the division of state funding of the Texas Education Agency on forms provided by the Texas Education Agency.

(2) The number of *supervisors of student* [supervising] teachers is the basis of *the* funding allocation to the school district. The number of *supervisors of student* [supervising] teachers may not exceed 70% of the total annual number of students participating in the program in the state. It is the responsibility of the participating colleges, [and] universities, and school districts to assign more than one student teacher to enough *supervisors of student* [supervising] teachers during the school year to ensure that the 70% limitation is not exceeded.

(3) A student teacher may be assigned to more than one *supervisor* [supervising teacher]. However, the identification for payment of *supervisors of student* [supervising] teachers involved in any assignment permitting a student teacher to work with more than one *supervisor*

[supervising teacher], such as two secondary teaching fields, team teaching, assignments to work with librarians, counselors, supervisors, or other professional instructional personnel, must be within 70% allocation cooperatively established by the college or university and the public school district. When the Texas Education Agency standards require a student teacher to be assigned to two *supervisors of student* [supervising] teachers, the student shall be counted for each assignment.

(4) The financial accounting procedures (Chapter 109 of this title (relating to Budgeting, Accounting, and Auditing)) apply to funds which support *local cooperative* [student] teacher *education* centers. The *receipt* [reception] and expenditure of these funds *shall be* [are] clearly identified and *the funds shall be* [are] used only to support the centers. The full \$200 *provided under Texas Education Code, §11.311(d), shall be* [is] paid as an increment to the actual annual salary of each *supervisor of student teachers*. [supervising teachers.] *Other funds allocated to the district under Texas Education Code, §11.311, shall be retained and used or further allocated by the district in accordance with law.* [The \$50 payment to the district for each supervising teacher is used to operate the student teacher center and to support the inservice improvement program for supervising teachers.] Any payment for travel, per diem, or consultants relating to *local cooperative* [student] teacher *education* centers *shall be* [is] paid in accordance with the school district policy.

(5) *Should sufficient funds not be appropriated in any biennium to fully fund the provisions of Texas Education Code, §11.311, the commissioner of education shall proportionately reduce the allocation for each eligible school district. The \$50 per each supervisor of student teachers which is designated by law for allocation to the local cooperative teacher education center shall be reduced first, then the \$50 per supervisor, which by law is to be retained by the district, then the \$200 salary increment allocation for each supervisor of student teachers.*

(6) *Nothing in this subchapter shall prohibit local districts from supporting local cooperative teacher education centers from local or other funding sources.*

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815542 Raymon L. Bynum
Commissioner of Education

Proposed Date of Adoption: October 10, 1981
For further information, please call (512) 475-7077.

Subchapter U. Special Education Funding

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas 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 §105.415 (226.41.21.050) concerning Texas School for the Blind and Texas School for the Deaf.

The 67th Legislature, Senate Bill 29, transferred authority for the governance of the Texas School for the Blind and the

Texas School for the Deaf to the governing boards of these schools. The provisions of §105.415 (226.41.21.050) reflect the State Board of Education's previous responsibility for certain budget approvals, biennial requests for funds for the schools, and approval for the handling of trust funds and legacy funds.

The Texas Education Agency anticipates that 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 sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of Texas Education Code, §§11.03, 11.052, 11.06-11.10, 16.002, 16.104, and 16.161.

§105.415 (226.41.21.050). Texas School for the Blind and Texas School for the Deaf.

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815543 Raymon L. Bynum
Commissioner of Education

Proposed Date of Adoption: October 10, 1981
For further information, please call (512) 475-7077.

Chapter 137. Teacher Education

Subchapter E. Local Cooperative Teacher Education Centers

The Texas Education Agency proposes amendments to Chapter 137, Subchapter E, §137.91 (226.61.05.010) concerning student teacher centers. The proposed amendments include changing the title of Subchapter E from "Student Teacher Centers" to "Local Cooperative Teacher Education Centers."

These proposed amendments implement 67th Legislature, House Bill 48. The proposed amendments change the name of "student teacher centers" to "local cooperative teacher education centers" and refers, as does the law, to "supervisors of student teachers," rather than to "supervising teachers."

The Texas Education Agency anticipates that the proposed amendments will have no fiscal implications for the state or 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, §11.311.

§137.91 (226.61.05.010). The Program in General.

(a) [Policy.] Student teacher centers shall provide, through formalized contract procedures between colleges and universities and public school districts, student teaching programs in accordance with applicable law and teacher certification requirements, Chapter 141 of this title (relating to Teacher Certification) *and Subchapter R of Chapter 105 of this title (relating to Local Cooperative Teacher Education Centers)*. The student teaching program of the *local cooperative* [student] teacher *education* centers shall provide professional laboratory and field experiences cooperatively designed and administered by colleges and universities and public school districts. [Student teacher centers shall be operated in accordance with applicable law and with procedures established by the commissioner of education (Subchapter R of Chapter 105 of this title (relating to Student Teacher Centers)).]

(b) [Administrative procedure. The Texas Education Agency responsibility for the coordination of the student teaching centers is provided by the state coordinator for professional laboratory and field experiences of the Division of Teacher Education.] The *requirements* [procedures] for operation of *local cooperative teacher education* [student teaching] centers by colleges and universities and public school districts are as follows:

(1) The [student teacher] center *shall submit to the Division of Teacher Education by August 1 of each year* [submits and files, with each participating college or university and public school district,] its plan for professional field experiences for the school year. [before August 1 of each year to the state coordinator.] *Copies of the plan shall be filed with each participating college or university and public school district.* The suggested outline for the student teacher center plan is as follows:

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

(D) Criteria for selection of *supervisors of student* [supervising] teachers.

(E) In-service improvement plan for *supervisors of student* [supervising] teachers.

(F) (No change.)

(2) Each college or university approved for teacher education *shall submit* [submits] official lists of students enrolled in student teaching in the fall and spring semesters of each school year to the *Division of Teacher Education* [state coordinator] no later than April 1 of each year. The student *must be* [is] enrolled fulltime in student teaching as required in Chapter 141 of this title (relating to Teacher Certification), and *must be* [is] working toward an initial Texas teacher certificate.

(3) Each *supervisor of student teachers must agree* [supervising, teacher agrees] to serve each semester of the school year and *must serve* [serves] each semester, if necessary, in order to insure the required ratio of supervising teachers to student teachers (Subchapter R of Chapter 105 of

this title (relating to *Local Cooperative* [Student] Teacher Education Centers).

(4) Summer student teaching programs *shall be* [are] annually approved by the *Division of Teacher Education* [state coordinator] before April 1. Summer student teaching programs *must* meet all the requirements of the regular session programs. The application *for approval shall include* [includes] an estimate of the number of student teachers to be in the summer program. Official lists *shall be* [are] provided at the end of the official add and drop period designated by the college or university. Summer student teachers *shall be* [are] counted in the state fiscal year, September 1-August 31, in which they are enrolled. Applications for funds for summer student teaching programs *must be* [are] submitted on or before August 1 of each year.

(5) The *requirements* [procedures] for *local cooperative teacher education* [student teaching] centers apply to all degree programs for teacher certification, Chapter 141 of this title (relating to Teacher Certification).

(6) Each college or university *shall designate* [designates] one person to be responsible for administration of this program and *shall submit* [submits] his or her name to the *Division of Teacher Education* [state coordinator].

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815544 Raymon L. Bynum
Commissioner of Education

Proposed Date of Adoption: October 10, 1981
For further information, please call (512) 475-7077.

Chapter 141. Teacher Certification

Subchapter I. Requirements for Special Education Certificates

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the office 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 §141.161 (226.62.12.010) concerning certificates for teaching in the Texas Schools for the Blind and Deaf. Texas Education Code §13.043 was repealed; therefore, §141.161 (226.62.12.010), which implemented that statute, is no longer needed. Teachers in the Texas Schools for the Blind and the Deaf comply with the same certification requirements as those for teachers in other districts in the state.

The Texas Education Agency anticipates that 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 sections submit-

ted 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, §13.032.

§141.161 (226.62.12.010). *Certificates for Teaching in the Texas Schools for the Blind and Deaf.*

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815545 Raymon L. Bynum
Commissioner of Education

Proposed Date of Adoption: October 10, 1981
For further information, please call (512) 475-7077.

Chapter 169. Texas School for the Blind and Texas School for the Deaf

Governance

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas 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 Chapter 169, §§169.1-169.5 (226.81.01.010-.050) concerning Texas School for the Blind and Texas School for the Deaf. Senate Bill 29, enacted by the 67th Legislature, transferred authority for governance of the Texas School for the Blind and the Texas School for the Deaf to the governing boards of these schools.

The sections in Chapter 169 reflected the State Board of Education's previous responsibilities for nominating members for the governing boards of the schools, for central services, and for general oversight of the schools.

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 sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of Texas Education Code, §§11.03, 11.031, and 11.061.

§169.1 (226.81.01.010). *Authorization in General.*
§169.2 (226.81.01.020). *Purpose for the Schools.*

§169.3 (226.81.01.030). *Central Services.*
 §169.4 (226.81.01.040). *Appeals and Review.*
 §169.5 (226.81.01.050). *Organizational Meetings.*

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815546 Raymon L. Bynum
 Commissioner of Education

Proposed Date of Adoption: October 10, 1981
 For further information, please call (512) 475-7077.



TITLE 25. HEALTH SERVICES

Part VII. Texas Medical Disclosure Panel

Chapter 1. Informed Consent

Medical Treatment and Surgical Procedures Established by the Texas Medical Disclosure Panel

(Editor's note: The two lists and form proposed for adoption by reference in the following sections are published on pages 3074-3088 of this issue.)

The Texas Medical Disclosure Panel was created to determine which risks and hazards related to medical care and surgical procedures must be disclosed by health care providers or physicians to their patients or persons authorized to consent for their patients and to establish the general form and substance of such disclosure.

To the extent feasible, the panel shall identify and make a thorough examination of all medical treatments and surgical procedures in which physicians and health care providers may be involved in order to determine which of those treat-

ments and procedures do and do not require disclosure of the risks and hazards to the patients or person authorized to consent for the patient.

The panel shall prepare separate lists of those medical treatments and surgical procedures that do and do not require disclosure and for those treatments and procedures that do require disclosure shall establish the degree of disclosure required and the form in which the disclosure will be made.

Sections 601.1-601.3 (319.01.03.001-.003) being proposed at this time include a partial list of the procedures and their risks and hazards that require full disclosure (List A in §601.1 (319.01.03.001), a partial list of the procedures that do not require disclosure (List B in §601.2 (319.01.03.002) and the informed consent form in which the disclosure will be made §601.3 (319.01.03.003). The panel will be publishing other such procedures in the future.

There are no known fiscal implications of these proposed sections to the State of Texas or units of local government (source: Texas Medical Disclosure Panel).

Written comments may be submitted no later than 30 days from the date of this issue of the *Texas Register* to E. P. Tottenham, M.D., Texas Medical Disclosure Panel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7528.

These sections are being proposed under authority of Texas Civil Statutes, Article 4590i.

§601.1 (319.01.03.001). *Procedures Requiring Full Disclosure (List A).* The Texas Department of Health adopts by reference the treatments and procedures requiring full disclosure, which is indexed and filed in the office of the Texas Medical Disclosure Panel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and are available for public inspection during regular working hours.

§601.2 (319.01.03.002). *Procedures Requiring No Disclosure (List B).* The Texas Department of Health adopts by reference the treatments and procedures requiring no disclosure, which is indexed and filed in the office of the Texas Medical Disclosure Panel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and are available for public inspection during regular working hours.

§601.3 (319.01.03.003). *Disclosure and Consent Form.* The Texas Department of Health adopts by reference the form to be used by the physician or health care provider to the patient or person authorized to consent for the patient of the possible risks and hazards involved in the medical treatments and surgical procedures named in the form. This form is indexed and filed in the office of the Texas Medical Disclosure Panel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and is available for public inspection during regular working hours.

Issued in Austin, Texas, on August 12, 1981.

Doc. No. 815470 James H. Duke, Jr., M.D.
 Chairman
 Texas Medical Disclosure Panel

Proposed Date of Adoption: February 21, 1982
 For further information, please call (512) 458-7236.

.001 Procedures requiring full disclosure (List A). The following treatments and procedures require full disclosure by the physician or health care provider to the patient or person authorized to consent for the patient.

(1) Anesthesia.

(A) Epidural.

(i) Risks are enumerated in the informed consent form in rule .003.

(B) General.

(i) Risks are enumerated in the informed consent form in rule .003.

(C) Spinal.

(i) Risks are enumerated in the informed consent form in rule .003.

(2) Digestive system treatments and procedures.

(A) Cholecystectomy with or without common bile duct

exploration.

(i) Pancreatitis.

(ii) Injury to the tube between the liver and the bowel.

(iii) Retained stones in the tube between the liver and the bowel.

(iv) Narrowing or obstruction of the tube between the liver and the bowel.

(v) Injury to the bowel and/or intestinal obstruction.

(3) Ear treatments and procedures.

(A) Stapedectomy.

(i) Diminished or bad taste.

(ii) Total or partial loss of hearing in the operated ear.

(iii) Brief or long-standing dizziness.

- (iv) Eardrum hole requiring more surgery.
- (v) Ringing in the ear.
- (B) Reconstruction of auricle of ear for congenital deformity or trauma.
 - (i) Less satisfactory appearance compared to possible alternative artificial ear.
 - (ii) Exposure of implanted material.
- (C) Tympanoplasty with mastoidectomy.
 - (i) Facial nerve paralysis.
 - (ii) Altered or loss of taste.
 - (iii) Recurrence of original disease process.
 - (iv) Total loss of hearing in operated ear.
 - (v) Dizziness.
 - (vi) Ringing in the ear.
- (4) Endocrine system treatments and procedures.
 - (A) Thyroidectomy.
 - (i) Injury to nerves resulting in hoarseness or impairment of speech.
 - (ii) Injury to parathyroid glands resulting in low blood calcium levels that require extensive medication to avoid serious degenerative conditions, such as cataracts, brittle bones, muscle weakness and muscle irritability.
 - (iii) Lifelong requirement of thyroid medication.
- (5) Eye treatments and procedures.
 - (A) Advancement or recession of eye muscles (correction of strabismus).

- (i) Decrease in vision.
- (ii) Double vision.
- (B) Extraction of lens for cataract with or without implantation of intraocular lens.
 - (i) Partial or total loss of vision.
 - (ii) Complications requiring additional treatment.
 - (iii) Need for glasses or contact lenses.
 - (iv) Complications requiring the removal of implanted lens.
- (C) Retinal detachment surgery.
 - (i) Recurrence of detachment.
 - (ii) Partial or total loss of vision.
 - (iii) Complications requiring additional treatment.
- (6) Female genital system treatments and procedures.
 - (A) Abdominal hysterectomy (total)
 - (i) Uncontrollable leakage of urine.
 - (ii) Injury to bladder.
 - (iii) Sterility.
 - (iv) Injury to the tube between the kidney and the bladder.
 - (v) Injury to the bowel and/or intestinal obstruction.
 - (B) Vaginal hysterectomy.
 - (i) Uncontrollable leakage of urine.
 - (ii) Injury to bladder.
 - (iii) Sterility.
 - (iv) Injury to the tube between the kidney and the bladder.
 - (v) Injury to the bowel and/or intestinal obstruction.
 - (vi) Completion of operation by abdominal incision.

(C) Removal of fallopian tube(s) and ovary(ies) with possible hysterectomy.

- (i) Uncontrollable leakage of urine.
- (ii) Injury to bladder.
- (iii) Sterility.
- (iv) Injury to the tube between the kidney and the bladder.
- (v) Injury to the bowel and/or intestinal obstruction.
- (vi) Loss of normal ovarian hormonal function.

(D) Abdominal endoscopy (peritoneoscopy, laparoscopy).

- (i) Puncture of the bowel or blood vessel.
- (ii) Abdominal infection.
- (iii) Abdominal incision and operation to correct injury.

(7) Integumentary system treatments and procedures.

(A) Radical or modified radical mastectomy. (Simple mastectomy excluded.)

- (i) Limitation of movement of shoulder and arm.
- (ii) Swelling of the arm.
- (iii) Loss of the skin of the chest requiring skin graft.
- (iv) Recurrence of malignancy, if present.
- (v) Decreased sensation or numbness of the inner aspect of the arm and chest wall.

(B) Cosmetic surgical operations of face and neck.

- (i) Worsening or unsatisfactory appearance.
- (ii) Creation of several additional problems, such as:
 - (I) Poor healing or skin loss.
 - (II) Nerve damage.

- (III) Painful or unattractive scarring.
- (IV) Impairment of regional organs, such as, eye or lip function.
 - (iii) Recurrence of the original condition.
- (8) Male genital system treatments and procedures.
 - (No procedures assigned at this time.)
- (9) Musculoskeletal system treatments and procedures.
 - (A) Arthroplasty of all joints with mechanical device.
 - (i) Impaired function such as shortening or deformity of an arm or leg, limp or foot drop.
 - (ii) Blood vessel or nerve injury.
 - (iii) Pain or discomfort.
 - (iv) Fat escaping from bone with possible damage to a vital organ.
 - (v) Failure of bone to heal.
 - (vi) Bone infection.
 - (vii) Removal or replacement of any implanted device or material.
 - (B) Mechanical internal prosthetic device.
 - (i) Impaired function such as shortening or deformity of an arm or leg, limp or foot drop.
 - (ii) Blood vessel or nerve injury.
 - (iii) Pain or discomfort.
 - (iv) Fat escaping from bone with possible damage to a vital organ.
 - (v) Failure of bone to heal.
 - (vi) Bone infection.

- (III) Painful or unattractive scarring.
- (IV) Impairment of regional organs, such as, eye or lip function.
 - (iii) Recurrence of the original condition.
- (8) Male genital system treatments and procedures.
 - (No procedures assigned at this time.)
- (9) Musculoskeletal system treatments and procedures.
 - (A) Arthroplasty of all joints with mechanical device.
 - (i) Impaired function such as shortening or deformity of an arm or leg, limp or foot drop.
 - (ii) Blood vessel or nerve injury.
 - (iii) Pain or discomfort.
 - (iv) Fat escaping from bone with possible damage to a vital organ.
 - (v) Failure of bone to heal.
 - (vi) Bone infection.
 - (vii) Removal or replacement of any implanted device or material.
 - (B) Mechanical internal prosthetic device.
 - (i) Impaired function such as shortening or deformity of an arm or leg, limp or foot drop.
 - (ii) Blood vessel or nerve injury.
 - (iii) Pain or discomfort.
 - (iv) Fat escaping from bone with possible damage to a vital organ.
 - (v) Failure of bone to heal.
 - (vi) Bone infection.

- (iii) Degenerative arthritis.
- (iv) Continued pain.
- (v) Increased stiffening.
- (vi) Blood vessel or nerve injury.
- (vii) Cosmetic and/or functional deformity.

- (F) Children's orthopedics (bone, joint, ligament or muscle).
 - (i) Growth deformity.

- (10) Nervous system treatments and procedures.
 - (A) Craniotomy (craniectomy) for excision of brain tissue, tumor, vascular malformation and cerebral revascularization.
 - (i) Additional loss of brain function including memory.
 - (ii) Recurrence or continuation of the condition that required this operation.
 - (iii) Stroke.
 - (iv) Blindness, deafness, inability to smell, double vision, coordination loss, seizures, pain, numbness and paralysis.

 - (B) Craniotomy (craniectomy) for cranial nerve operation including neurectomy, avulsion, rhizotomy or neurolysis.
 - (i) Numbness, impaired muscle function or paralysis.
 - (ii) Recurrence or continuation of the condition that required this operation.
 - (iii) Seizures.

 - (C) Spine operation. Including: laminectomy, decompression, fusion, internal fixation or procedures for nerve root or spinal cord compression; diagnosis; pain; deformity; mechanical instability;

injury; removal of tumor, abcess or hematoma. (Excluding coccygeal operations.)

- (i) Pain, numbness or clumsiness.
 - (ii) Impaired muscle function.
 - (iii) Incontinence or impotence.
 - (iv) Unstable spine.
 - (v) Recurrence or continuation of the condition that required the operation.
 - (vi) Injury to major blood vessels.
- (D) Peripheral nerve operation; nerve grafts, decompression, transposition or tumor removal; neurorrhaphy, neurectomy or neurolysis.
- (i) Numbness.
 - (ii) Impaired muscle function.
 - (iii) Recurrence or persistence of the condition that required the operation.
 - (iv) Continued; increased or different pain.
- (E) Correction of cranial deformity.
- (i) Loss of brain function.
 - (ii) Seizures.
 - (iii) Recurrence or continuation of the condition that required this operation.
- (F) Transphenoidal hypophysectomy or other pituitary gland operation.
- (i) Spinal fluid leak.
 - (ii) Necessity for hormone replacement.

(iii) Swelling, pain, tenderness or bleeding at the site of the blood vessel perforation.

(iv) Aggravation of the condition that necessitated the procedure.

(I) Myelography.

(i) Chronic pain.

(ii) Transient headache, nausea, vomiting.

(iii) Numbness.

(iv) Impaired muscle function.

(11) Respiratory system treatments and procedures.

(A) Excision of lesion of larynx, vocal cords, trachea,
No risks or hazards assigned at this time.

(B) Rhinoplasty or nasal reconstruction with or without
septoplasty.

(iii) Recurrence or continuation of the condition that
required this operation.

(iv) Nasal septal deformity or perforation.

(G) Cerebral spinal fluid shunting procedure or revision.

(i) Shunt obstruction or infection.

(ii) Seizure disorder.

(iii) Recurrence or continuation of brain dysfunction.

(H) Angiography, aortography, arteriography (arterial
injection of contrast material -diagnostic-).

(i) Injury to artery.

(ii) Damage to parts of the body supplied by the artery,
with resultant loss of function.

- (i) Deformity of skin, bone or cartilage.
- (ii) Creation of new problems, such as, septal perforation or breathing difficulty.
- (C) Submucous resection of nasal septum or nasal septoplasty.
 - (i) Persistence, recurrence or worsening of the obstruction.
 - (ii) Perforation of nasal septum with dryness and crusting.
 - (iii) External deformity of the nose.

.002 Procedures requiring no disclosure (List B). The following treatments and procedures require no disclosure by the physician or health care provider to the patient or person authorized to consent for the patient.

- (1) Anesthesia.
 - (A) Local.
 - (B) Other forms of regional anesthesia.
- (2) Cardiovascular system.

No procedures assigned at this time.

- (3) Digestive system.
 - (A) Appendectomy.
 - (B) Hemorrhoidectomy with fistulectomy or fissurectomy.
 - (C) Hemorrhoidectomy.
 - (D) Incision or excision of perirectal tissue.
 - (E) Local excision and destruction of lesion, anus and rectum.
 - (F) Operations for correction of cleft palate.
 - (G) Repair of inguinal hernia.

- (H) Repair and plastic operations on anus and rectum.
 - (I) Resection of colon (segmental).
 - (J) Tonsillectomy with adenoidectomy.
 - (K) Tonsillectomy without adenoidectomy.
- (4) Ear.
- (A) Myringotomy.
 - (B) Reconstruction of auricle of ear for skin cancer.
 - (C) Tympanoplasty without mastoidectomy.
- (5) Eye.
- (A) Corneal transplant.
 - (B) Fluorescein angiography (ocular).
- (6) Female genital system.
- (A) Conization of cervix.
 - (B) Dilation and curettage of the uterus (diagnostic and therapeutic).
 - (C) Removal of fallopian tube(s) and one ovary without hysterectomy.
- (7) Hematic and lymphatic system.
- (A) Biopsy of lymph nodes
- (8) Integumentary system.
- (A) Biopsy of breast.
 - (B) Cutting and preparation of skin grafts or pedicle flaps.
 - (C) Excision of local skin or subcutaneous lesion for other than cosmesis.
 - (D) Excision of pilonidal sinus or cyst.

- (E) Suture of skin.
 - (F) Wide or radical excision of skin lesion with or without graft.
 - (G) Z plasty without excision.
- (9) Male genital system.
- No procedures assigned at this time.
- (10) Maternity and related cases.
- (A) Delivery (cesarean section).
 - (B) Delivery (vaginal).
- (11) Musculoskeletal system.
- (A) Arthrotomy.
 - (B) Closed reduction without internal fixation.
 - (C) Excision of lesion, muscle, tendon, fascia, bone.
 - (D) Excision of semilunar cartilage of knee joint.
 - (E) Needle biopsy or aspiration, bone marrow.
 - (F) Partial excision of bone.
 - (G) Removal of internal fixation device.
 - (H) Traction or fixation without manipulation for reduction.
- (12) Nervous system.
- (A) Cranioplasty.
 - (B) Lumbar puncture.
 - (C) Closure of meningomyelocele.
 - (D) Ventricleostomy with or without air ventriculogram.
 - (E) Cysternal puncture (diagnostic).
 - (F) Craniectomy or craniotomy for intracranial hematoma, abscess or penetrating injury.
 - (G) Stereotaxic surgery for dystonia.

(H) Insertion of skeletal tongs.

(I) Intravenous cut-down.

(J) Elevation of depressed skull fracture.

(K) Injection of contrast material or imaging material

into the spinal canal for diagnostic pneumoencephalography
cisternography.

(L) Discography.

(M) Cervical 1-2 puncture (diagnostic).

(13) Respiratory system.

(A) Aspiration of bronchus.

(B) Biopsy of lesion of larynx, trachea, bronchus, esophagus.

(C) Lung biopsy.

(D) Needle biopsy, lung.

(E) Segmental resection of lung.

(F) Thoracotomy.

(G) Thoracotomy with drainage.

(H) Reduction of nasal fracture.

(I) Tracheostomy.

(14) Urinary system.

No procedures assigned at this time.

D I S C L O S U R E A N D C O N S E N T

Medical and Surgical Procedures

***TO THE PATIENT:** You have the right, as a patient, to be informed about your condition and the recommended surgical, medical, or diagnostic procedure to be used so that you may make the decision whether or not to undergo the procedure after knowing the risks and hazards involved. This disclosure is not meant to scare or alarm you; it is simply an effort to make you better informed so you may give or withhold your consent to the procedure.

I (we) voluntarily request Dr. _____ as my physician, and such associates, technical assistants and other health care providers as they may deem necessary, to treat my condition which has been explained to me as: _____

I (we) understand that the following surgical, medical, and/or diagnostic procedures are planned for me and I (we) voluntarily consent and authorize these procedures: _____

I (we) understand that my physician may discover other or different conditions which require additional or different procedures than those planned. I (we) authorize my physician, and such associates, technical assistants and other health care providers to perform such other procedures which are advisable in their professional judgment.

I (we) (do) (do not) consent to the use of blood and blood products as deemed necessary.

I (we) understand that no warranty or guarantee has been made to me as to result or cure.

Just as there may be risks and hazards in continuing my present condition without treatment, there are also risks and hazards related to the performance of the surgical, medical, and/or diagnostic procedures planned for me. I (we) realize that common to surgical, medical, and/or diagnostic procedures is the potential for infection, blood clots in veins and lungs, hemorrhage, allergic reactions, and even death. I (we) also realize that the following risks and hazards may occur in connection with this particular procedure: _____

I (we) understand that anesthesia involves additional risks and hazards but I (we) request the use of anesthetics for the relief and protection from pain during the planned and additional procedures. I (we) realize the anesthesia may have to be changed possibly without explanation to me (us).

I (we) understand that certain complications may result from the use of any anesthetic including respiratory problems, drug reaction, paralysis, brain damage or even death. Other risks and hazards which may result from the use of general anesthetics range from minor discomfort to injury to vocal cords, teeth or eyes. I (we) understand that other risks and hazards resulting from spinal or epidural anesthetics include headache and chronic pain.

I (we) have been given an opportunity to ask questions about my condition, alternative forms of anesthesia and treatment, risks of nontreatment, the procedures to be used, and the risks and hazards involved, and I (we) believe that I (we) have sufficient information to give this informed consent.

I (we) certify this form has been fully explained to me, that I (we) have read it or have had it read to me, that the blank spaces have been filled in, and that I (we) understand its contents.

DATE: _____ TIME: _____ A.M.
P.M.

 PATIENT/OTHER LEGALLY RESPONSIBLE PERSON SIGN
 (Minor patient and parent/guardian to sign)

WITNESS:

 Name

 Address (Street or P. O. Box)

 City, State, Zip Code

*(It is suggested that the first paragraph be offset or in italics.)



TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter Q. Business Tax Division—Franchise Tax

The Comptroller of Public Accounts is proposing to amend §3.392 (026.02.12.002). The proposed amendment eliminates the requirement that a taxpayer wishing to file an amended franchise tax return to convert from the long form to the short form, or vice versa, had to do so on or before September 15 of the report year. The rule has also been amended to make clear that a corporation electing to use the alternate rates provided in Texas Taxation—General Annotated, Article 12.19, does so by filing an optional short form report.

There are no fiscal implications expected from the proposed amendment (source: revenue estimating staff, Comptroller of Public Accounts).

Public comment on the proposed amendment to §3.392 is invited and may be submitted in writing to Carolyn Busch, P.O. Box 13528, Austin, Texas 78711.

This amendment is proposed under the authority of Texas Taxation—General Annotated, Article 12.12.

§3.392. *Optional Short Form Report.*

(a) Eligibility to use optional short form report. *A corporation qualifying for and electing to use the alternate rates provided in Texas Tax Code, §171.004 (Texas Taxation—General Annotated, Article 12.19) may do so by filing an optional short form report.* A short form annual franchise tax report may be filed by a corporation whose total assets are less than \$1 million. The optional short form may not be used in a corporation's first-year report.

(b) Income tax return must accompany report. A signed copy of the corporation's federal income tax return (i.e., Form 1120 or 990) which contains a balance sheet showing total assets and liabilities, must be furnished with the short form report. If a consolidated federal income tax return is filed, the corporation also must furnish copies of all supporting schedules pertaining to the ending balance sheet for each corporation included in the consolidated return. The phrase "total assets" includes all items that are *reportable* [reported or should have been reported] in the balance sheet on the federal return, or in the balance sheet schedule filed with a consolidated return, as of the last day of the corpora-

tion's income tax reporting period ending in the preceding calendar year [of the year in which the short form report is filed]. In computing such total assets for short form reporting purposes, a cash deficit balance or some other asset account with a credit balance, may not be used to reduce total assets.

(c) Amended reports. A corporation may file an amended report for the purpose of changing a long form report to an optional short form report or vice versa, provided the amended report is filed on or before September 15 of the year in which the report is due. The comptroller will require the filing of an amended report on the long form by a corporation which has used the short form in its first-year franchise tax report, or whose total assets are \$1 million or more, or in instances in which the corporation fails or refuses to submit with its short form report a copy of the federal income tax return and/or schedules as [hereinabove] required *in subsection (b) of this section.*

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

Doc. No. 815566

Bob Bullock

Comptroller of Public Accounts

Proposed Date of Adoption: September 21, 1981

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

TITLE 43. TRANSPORTATION

Part III. Texas Aeronautics Commission

Chapter 61. Practice and Procedure

The Texas Aeronautics Commission proposes to amend §61.64 (105.01.00.064) of its chapter on practice and procedure. The purpose of this amendment is to amend commission policy to allow payment of fees directly to a reporter by an air carrier applicant for a hearing transcript instead of paying through the agency.

The commission staff has determined that there will be no known fiscal implication to the state or units of local government as a result of the proposed amendment.

Public comment is invited and may be submitted by telephoning Thomas L. Butler, staff attorney, at (512) 477-6518, or by mailing comments to P.O. Box 12607, Austin, Texas 78711.

This amendment is proposed under the authority of the Texas Aeronautics Act, Article 46c-6.

§61.64. *Reporters and Transcripts.*

(a) The administrator shall designate an official reporter to make and transcribe a stenographic record of the hearing in each proceeding. The official reporter shall deliver the original transcript directly to the agency. Copies of the transcript shall be provided by the reporter to each party so requesting at the outset of the hearing. Division of the total cost shall be as announced by the examiner and agreed to by all parties at the time of the hearing. Normally, the costs will be split equally between the two sides of the docket. To insure fair, just, and equitable treatment of all concerned, the administrator or the examiner, in his discretion, may re-

quire an interested person to bear the cost of that portion of the record which that person is responsible for having generated. The official reporter shall bill the total cost of making and transcribing the record directly to the agency. The agency shall then bill each of the parties their respective portion of the total cost. Each of the parties shall make prompt remittance of the amount due directly to the *reporter* [agency].

(b) (No change.)

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815503 Thomas L. Butler
Staff Attorney
Texas Aeronautics Commission

Proposed Date of Adoption: September 21, 1981
For further information, please call (512) 477-6518.

Chapter 65. Aviation Facilities Development and Financial Assistance Rules

The Texas Aeronautics Commission proposes to bring in new §65.22 and amend §§65.1-65.21 inclusive, to reflect certain necessary changes brought about by amendments by the regular session of the 67th Legislature to the Texas Aeronautics Act, Texas Civil Statutes, Article 46c-1, et seq., (the Act). The amendments to the Act provided for a loan program in addition to the grants previously available for local airport development, making it necessary to change the section implementing the act accordingly.

The commission staff has determined that there will be no known fiscal implications to the state or units of local governments as a result of the amendments.

Public comment is invited and may be submitted by telephoning Thomas L. Butler, staff attorney, at (512) 477-6518, or by mailing comments to P.O. Box 12607, Austin, Texas, 78711.

These amendments are proposed under the authority of the Texas Aeronautics Act, Article 46c-6.

§65.1. Purpose of Rules. The purpose of these rules is to set forth in a clear and concise manner the procedures, guidelines, and standards utilized to administer the Texas *Financial Assistance* [Airport Aid] Program. These rules shall be construed liberally, with a view toward the purpose for which they were adopted.

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

The Act—The Texas Aeronautics Act, Texas Civil Statutes, Article 46c-1, et seq., *as amended*.

Engineer-director of airports [Chief airport engineer]—The member of the staff responsible for administering the details of the program.

Grant contract application—A formal written application for state aid which imposes certain obligations on the applicant if a grant offer is later accepted.

Grant contract [agreement]—A formal written agreement between a sponsor and the agency which imposes certain obligations on both the sponsor and the agency.

Loan application—A formal written application for a state loan which imposes certain obligations of the applicant if a loan offer is later accepted.

Loan agreement—A loan from the agency to a sponsor for airport improvements which imposes certain obligations on both the sponsor and the agency.

Program—The Texas Financial Assistance Program. [Program—The Texas Airport Aid Program.]

Request for aid—A preliminary statement submitted by an applicant to indicate the applicant's desire to be included in the program and to provide a basis for programming available funds and approving grant [grants] **contracts or loans**.

Sponsor—An applicant who has accepted a grant **contract or loan** offer from the agency and has executed a grant **contract or loan** agreement.

§65.4. Eligibility.

(a) Political subdivisions. Any city, town, county, community, or other governmental entity in the State of Texas is eligible for *financial assistance through loan agreements or grant contracts* [state aid under the program.]

(b) (No change.)

§65.5. Amount of Grant Contract or Loan.

(a) **Grant contract.** The commission may award grant **contracts** of up to 90% of the cost of a project with a maximum limit at any one location being that set by the legislature in its biennial appropriation bill. However, if federal funds are used on the project, the commission may participate by funding up to 50% of the applicant's share of the total project funding. For example, if federal funds account for 80% of a project's costs, the commission may fund up to 1/2 of the remaining 20% or 10% of the total project cost. The total cost of the project, the amount of need of the applicant, and sources of other funds (e.g. federal assistance) may be used to determine the percentage of the project to be funded by the commission. An applicant's contribution may be in cash, in kind, or a combination of both.

(b) **Loans.** The commission may make a loan of up to 90% of the cost of a project with a maximum loan limit of \$50,000. All loans shall bear interest at the rate of at least 3.0% per annum and have a term of not longer than 20 years. The commission shall retain title to the land, project, or facility constructed or obtained with the funds loaned. Loans shall be made in lieu of grant **contracts** whenever feasible, and in particular in lieu of grant **contracts** for revenue-producing improvements.

§65.6. Requests for Aid. Prior to the approval of any grant **contract or loan** by the commission, the applicant shall submit a request for aid in the form promulgated by the staff. The submission of a request for aid neither ensures inclusion of the proposed project in the program nor obligates the applicant to perform any service or to expend any funds. A request for aid indicates an applicant's desire to be included in the program and provides a basis for programming available funds and approving **grant contracts or loans** [grants]. Requests for aid remain current for an indefinite period unless the applicant indicates it no longer seeks state funds. New or updated requests for aid may be submitted at any time.

§65.7. Evaluation and Determination of Need.

(a) Upon receipt of a request for aid, the staff shall initiate an investigation to evaluate all facts pertinent to the proposed project. After such investigation, the staff shall make a preliminary determination as to whether the proposed project should be included in the aviation facilities capital improvement program. That determination shall

be based on: the following priority schedule for individual projects; the overall needs of the state as specified in the Texas airport system plan (TASP); and the timing of the proposed project in relation to requests by other applicants. [or not a need exists for the project, including a determination of what priority, if any, the requests for aid should have over other requests for state aid.]

(b) In addition to the requirements imposed by statutes, the need for a project shall be assessed in light of existing airports or air navigational facilities in the area and the overall needs of the state as specified in the Texas airport system plan with due emphasis being placed on the following.]

(1) **Maintenance and reconstruction needed to preserve the functional integrity or operational safety of existing portions of the airport required for current design use.** [Operational Safety.]

(2) **Development required to bring the airport up to recommended standards for current design use.** [Project urgency: How essential or significant is the need for the proposed project at this time in relation to requests of other applicants? Must the project be completed with this year's funds? What will be the consequences if the grant is not approved?]

(3) **Expansion of an existing airport or construction of a new airport to relieve congestion on the airport or in a specific geographic area.** [Preservation of existing facilities: Will the project prevent damage, deterioration, or loss of an existing facility?]

(4) **Development of an existing airport to accommodate longer haul lengths for existing aircraft or larger or higher performance aircraft.** [Reliever capability: Will the proposed project alleviate traffic congestion at existing airports where such a problem exists?]

(5) **Construction of a new airport that will be the only TASP airport serving a community.** [Isolation of the community to be served by the proposed project.]

§65.8. Programming. Prior to any commission meeting at which the allocation of program funds and the approval of **grant contracts and loans** [grants] will be considered, the staff shall provide to the commission [and make available to all applicants]:

(1) **a current capital improvement program;** [list of all current requests for aid with a brief description and explanation of each request] and

(2) **the staff recommendations as to the allocation of funds and approval of grant contracts and loans shall be made upon the aviation facilities capital improvement program and in accordance with priorities under** [grants based upon the evaluations and determinations made pursuant to] §65.7 of this title (relating to Evaluation and Determination of Need).

§65.9. Approval of Grant Contracts or Loans [Grants], **Allocation of Funds, and Grant Contracts and Loan Applications.**

(a) A 2/3 vote of the entire commission is required for the approval of a grant **contract and a majority vote for the approval of a loan** under the Act. Once a grant **contract or loan** has been approved, the funds for such grant **contract or loan** will be encumbered until disbursed to the sponsor or until the grant **contract or loan** is cancelled. [or the project is completed.] After a request for aid has been approved by the commission, the staff shall send each selected applicant an

application for grant **contract or loan** in the form promulgated by the staff. Applicant shall complete and return said grant **contract** application to the agency within 90 days. Upon a showing of good cause, the **engineer-director of airports** [chief engineer] may allow the applicant time to complete and return said grant **contract or loan** application.

(b) The grant **contract or loan** application shall contain covenants that the applicant agrees:

(1) that the airport or air navigational facility will remain under applicant's control for at least 20 years;

(2) that at least 10% of the total project cost will be provided from sources other than the State of Texas; and

(3) that the applicant has the ability to finance and operate the airport or air navigational facility. Additionally, the grant **contract or loan** application shall include a general description of the proposed project, the amount of state aid requested, the estimated date that the project will commence and will be completed, the estimated total cost of the project, the source and availability of funds, and a general description of land involved for the project, including present ownership and the expected means of acquisition if not presently owned.

§65.11. Grant Contracts and Loan Agreements.

(a) Procedure.

(1) After a grant **contract or loan** application has been completed and returned to the agency and all requirements imposed on the applicant have been satisfied, including the submission and approval of plans and specifications, a grant **contract or loan** offer will be issued by the **executive** director. Prior to the disbursement of any funds by the agency, the applicant must accept the grant **contract** offer. Acceptance shall be in the manner provided by law for entering into binding contractual agreements.

(2) Upon execution by the applicant, the offer and acceptance shall constitute a grant **contract or loan** agreement between the agency and the sponsor. The agency and the sponsor shall be bound by all of the terms and conditions of the grant **contract** agreement. The executed grant **contract or loan** agreement and certified proof of lawful acceptance shall be returned to the agency.

(b) Terms and conditions. In addition to all other requirements imposed by law or by these rules, all **grant contracts or loans** [grants] by the commission shall be subject to the following terms and conditions and any additional terms and conditions necessary to effectuate the program;

(1) The period of the grant **contract or loan** agreement shall be 20 years from the date of a sponsor's acceptance.

(2) The airport or navigational facility shall remain under sponsor's control during the period of the **grant contract or loan** agreement.

(3) The airport or navigational facility shall be maintained by sponsor in a safe and serviceable condition during the period of the **grant contract or loan** agreement.

(4) Consistent with safety and security requirements, a sponsor shall make the airport or navigational facility available to all types, kinds, and classes of aeronautical use without discrimination between such types, kinds, and classes and shall provide adequate public access during the period of this **grant contract or loan** agreement.

(5) (No change.)

(6) Land identified in a sponsor's **grant contract or loan** application and attorney's certificate of title shall be pledged to airport use and shall not be removed from such use

without prior written approval by the commission.

(7)-(8) (No change.)

(9) All fees collected for use of an airport or navigational facility constructed with funds *provided* [granted] under the program shall be reasonable and nondiscriminatory. The proceeds of such fees shall be used solely for the development, operation, and maintenance of the airport or navigational facility. Sponsor, however, shall not be required to pledge income received from the mineral estate to airport use unless state funds were used to acquire the mineral estate or any interest thereof.

(10)-(12) (No change.)

(13) Sponsor shall adopt and enforce comprehensive zoning regulations to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities compatible with normal airport operations. Sponsor shall also acquire and retain aviation easements or other interests in or rights to the use of land or airspace unless sponsor can show the acquisition and retention of such interest will be impractical or will result in undue hardship to sponsor. No sponsor shall be eligible for a subsequent grant *contract or loan* under the program unless sponsor has adopted and passed an airport hazard zoning ordinance/order.

(c) Amendments and cancellation. A major amendment to or cancellation of a grant *contract or loan* agreement requires a 2/3 vote of the entire commission. A *major amendment to or cancellation of a loan agreement requires a majority vote of the entire commission*. Minor amendments to a grant *contract or loan* agreement may be made by the director at his discretion. The director shall determine what constitutes a major or minor amendment. A sponsor may appeal the director's determination to the commission by filing with the director a written statement of its specific objections. The director shall forward the statement of appeal to the commissioners.

§65.12. Public Hearings on the Project in the Local Community. Prior to accepting any grant *contract or loan* offer issued by the agency and after sufficient notice of the time and place of such hearing, an applicant shall conduct a public hearing in the community where a project is proposed. Such hearing will afford interested parties an additional opportunity to be heard concerning a proposed project. The staff may be represented at the hearing. Proof that the hearing was held shall be maintained in the agency's files.

§65.13. Supplemental Grant and Loans [Grants]. All airport development funds appropriated by the Legislature for any fiscal year or carried forward from any previous fiscal year, and not encumbered by specific *grant contract or loans* [grants] approved by the commission, shall be available to supplement existing *grant contracts or loans* [grants] to meet unforeseen cost overruns. The *engineer-director of airports* [chief airport engineer] may authorize supplemental *grant contracts or loans* [grants] to cover cost overruns not exceeding 15% of the total grant *contract or loan* approved by the commission. The director may authorize supplemental *grant contracts or loans* [grants] to cover cost overruns not exceeding 25% of the total grant *contract or loan* approved by the commission. In no event shall the total amount of the grant *contract or loan* plus supplements exceed the maximum amount set by the legislature in its biennial appropriation bill in any one fiscal year.

§65.14. Eligible Costs. Only costs necessary and proper for completion of a project will be eligible for reimbursement under a grant *contract or loan* approved by the commission. The staff shall make a preliminary determination as to the allowability of payments for eligible costs. Such determination of allowability shall be final unless appealed by the sponsor to the commission. An appeal shall be filed in writing with the director who shall forward same to the commission for its consideration. Unless specifically authorized by the commission or by these sections, no costs incurred prior to the approval of a grant *contract or loan* will be eligible for reimbursement.

§65.15. Grant Contract and Loan Payments. Grant *contract and loan* payments to the sponsor may be authorized upon application to the agency. Such payments will be in proportion to the amount of the project satisfactorily completed at the time of the payment application. No more than 90% of the total grant *contract or loan* will be paid prior to the completion of the project. The last 10% of the grant *contract or loan* will be paid only after the staff has inspected and approved the completed project and the sponsor has complied with the zoning requirements of §65.16 of this title (relating to Airport Zoning and Compatible Land Use).

§65.16. Airport Hazard Zoning and Compatible Land Use. The sponsor shall adopt and enforce comprehensive zoning regulations to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities compatible with normal airport operations. The sponsor shall also acquire and retain aviation easements or other interests in or rights to the use of land or airspace, unless the sponsor can show that acquisition and retention of such interest will be impractical or will result in undue hardship to the sponsor. To assist the sponsor in implementing these measures, the agency, upon request from a sponsor, will provide assistance with respect to airport hazard zoning pursuant to the Texas Airport Zoning Act, Texas Civil Statutes, Article 46e-1 et seq., including:

- (1) preparation of a zoning map;
- (2) providing a model zoning ordinance/order and procedures for the community to pass such ordinance/order;
- (3) acting as an airport zoning commission. No sponsor shall be eligible for a subsequent grant *contract or loan* under the program unless the sponsor has adopted and passed an airport hazard zoning ordinance/order.

§65.17. Land.

(a) Minimum requirements. No construction project will be considered for a grant *contract or loan* unless the applicant can assure the acquisition of sufficient land for development, operation, and maintenance of the airport or air navigational facility. This requirement shall include the amount of land needed for construction of necessary runways, taxiways, aircraft parking areas, and for initial and future construction of necessary structures, such as hangars. All land adjacent to or in the immediate vicinity of the airport must be clear of obstructions hazardous to aviation or the sponsor shall provide proof that such obstructions will be removed within the time allotted for completion of the project.

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

§65.19. Compliance.

(a) If, after all reasonable attempts to assure compliance have failed, the commission finds that a sponsor is unwilling or unable to comply with any of the terms and conditions of the grant *contract or loan* agreement, the commission will:

(1) require a pro rata refund of money *issued with a grant contract or loaned* [granted] to the sponsor *or immediate payment of any outstanding loan made to the sponsor by the commission*;

(2) deny sponsor's future requests for state aid; or

(3) advise the attorney general to bring suit seeking reimbursement of amounts paid *or loaned* to the sponsor by the state pursuant to the grant *contract or loan* agreement.

(b) To insure that a sponsor is in compliance with the terms and provisions of a grant *contract or loan* agreement, the staff will make periodic inspections at the project site and shall immediately report to both the sponsor and the commission any noncompliance with or violation of the terms and provisions of the grant *contract or loan* agreement.

§65.20. Planning Grant Contracts [Grants]. *Grant contracts* [grants] for planning shall also be available to eligible parties under the Texas *Financial Assistance Program* [Airport Aid Program.] The primary purpose of such planning shall be to determine the facilities required to meet a community's short, intermediate and long-term aviation needs. The need for a planning grant will be evaluated in light of the overall needs of the state as specified in the Texas

airport system plan with due emphasis placed on complex situations such as:

(1) providing service to more than one community or region;

(2) unresolved questions concerning site selection or airspace limitations;

(3) unique environmental conditions;

(4) unusual or unique aviation needs; and

(5) an apparent surplus of facilities and/or land.

§65.22. Loan Repayment. A conditional sales contract will be entered into between the commission and the sponsor before state funds are advanced to the sponsor. The area on which the facility is to be built will be leased by the commission from the sponsor for the length of the term of the conditional sales contract. The funds advanced by the commission to a sponsor must be repaid to the commission normally over a 10-year period in monthly, quarterly, or yearly payments with 5.0% being charged on the use of funds. Should a sponsor wish to repay the remaining amount at any time after the beginning of the repayment schedule, it may do so with no penalty. The commission will retain title to the facility until final payment of state funds has been made.

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815505

Thomas L. Butler
Staff Attorney

Texas Aeronautics Commission

Proposed Date of Adoption: September 21, 1981

For further information, please call (512) 475-6518.

Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 252-13a, an agency may take final action on a rule 30 days after publication of the proposed action in the *Register*. Upon 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."



CODIFIED

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter J. Leasing and Interchange of Equipment

The Railroad Commission of Texas has withdrawn from consideration for adoption proposed amendments to §5.161 (051.03.10.001), concerning leasing and interchange of equipment. The text of the amended section as proposed was published in the July 17, 1981, issue of the *Texas Register* (6 TexReg 2475).

Issued in Austin, Texas, on August 12, 1981.

Doc. No. 815531 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Effective Date: August 14, 1981
Proposal Publication Date: July 17, 1981
For further information, please call (512) 445-1186.

TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 69. Proprietary Schools and Veterans Education

Subchapter A. General Provisions

The Texas Education Agency adopts amendments to §69.2 (226.25.01.020) concerning the Proprietary School Advisory Commission.

The amendments were recommended by the Proprietary School Advisory Commission at its meeting May 12, 1981. The amendments set forth a procedure through which members who regularly fail to attend meetings can be recommended for removal from the commission. If a member fails to attend two of the three statutory meetings in a calendar year, possible removal of that member must be considered at the next statutory meeting of the commission.

This amendment is adopted with one change for clarification from the text as proposed. The change added the words "members present and voting" to the last sentence in subsection (c).

These amendments are adopted under the authority of Texas Education Code, §32.23.

§69.2 (226.25.01.020). Proprietary School Advisory Commission.

(a) The Proprietary School Advisory Commission shall function in accordance with applicable statutes (reference Texas Education Code, Chapter 32).

(b) As it functions in an advisory capacity, the Proprietary School Advisory Commission is assisted by the staff of the Division of Proprietary Schools and Veterans Education, the administrator, and the commissioner of education.

(c) If a member fails to attend two of the three statutory meetings in a calendar year, possible removal of that member must be considered at the next statutory meeting. That member may be recommended to the commissioner for removal by a 2/3 vote of the commission members present and voting.

(d) Any change which results in failure to maintain eligibility requirements of a person for a particular position on the commission shall cause a vacancy in that position.

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815547 Raymon L. Bynum
Commissioner of Education

Effective Date: September 4, 1981
Proposal Publication Date: July 3, 1981
For further information, please call (512) 475-7077.

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

The Texas Education Agency adopts amendments to §69.122 and §69.127 (226.25.90.030 and .080) without changes to the proposed text published in the July 3, 1981, issue of the *Texas Register* (6 TexReg 2280). These amendments concern the Guidelines and Minimum Standards for Operation of Texas Proprietary Schools. The amendments make the application process easier for schools which conduct short seminars and workshops which, though dissimilar from other proprietary schools, are not exempt from regulation. These schools will not be required to maintain complete descriptions of a prospective student's previous education and training, nor to maintain detailed attendance and progress records. A simple procedure is included to allow itinerant schools to notify the agency of dates and places of classes to be offered. These amendments were recommended by the Proprietary School Advisory Commission at its statutory meeting May 12, 1981.

These amendments are adopted under the authority of Texas Education Code, §§32.11(5), 32.21, and 32.22.

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815548 Raymon L. Bynum
Commissioner of Education

Effective Date: September 4, 1981
Proposal Publication Date: July 3, 1981
For further information, please call (512) 475-7077.

Chapter 89. Adaptations for Special Populations

Subchapter J. Migrant Education Program

The Texas Education Agency adopts amendments to §89.334 (226.34.66.040) without changes to the proposed text published in the July 3, 1981, issue of the *Texas Register* (6 TexReg 2281). The amendments concern the State Parent Advisory Council for Migrant Education. The amendment permits the committee to have more than one representative from the same congressional district, because of the high concentration of migrant education programs in a few areas of the state. The section has also been reformatted.

These amendments are adopted under the authority of Texas Education Code, §11.25(f).

Issued in Austin, Texas, on August 14, 1981.

Doc No. 815549 Raymon L. Bynum
Commissioner of Education

Effective Date: September 4, 1981
Proposal Publication Date: July 3, 1981
For further information, please call (512) 475-7077.

Chapter 133. Pupil-School Relations

Subchapter E. Eye-Protective Devices

The Texas Education Agency repeals §133.81 (226.52.05.010) concerning the requirement of pupils to wear eye-protective devices. The requirements, concerning eye-protective devices, are adequately set out in Texas Education Code, §21.909, which is referenced both in §61.91 (226.23.04.060), pupil health, safety, and well-being; and in §85.41 (226.34.13.010), Health Services Program.

Notice of the proposed repeal of §133.81 (226.52.05.010) was published in the July 3, 1981, issue of the *Texas Register* (6 TexReg 2282).

This repeal is effected under the authority of Texas Education Code, §11.02(a) and §21.909.

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815550 Raymon L. Bynum
Commissioner of Education

Effective Date: September 4, 1981
Proposal Publication Date: July 3, 1981
For further information, please call (512) 475-7077.

Chapter 141. Teacher Certification

Subchapter B. Certificate Issuance Procedures

The Texas Education Agency adopts new §141.25, concerning teacher certificates, without changes to the proposed text published in the July 3, 1981, issue of the *Texas Register* (6 TexReg 2282). This section provides that fees for teacher certificates, emergency permits, and special assignment per-

mits shall be established based upon a study of the administrative cost of their issuance. After such a study has been completed, the fee schedule will be adopted as a rule in accordance with the Administrative Procedure and Texas Register Act.

This new section is adopted under the authority of Texas Education Code, §13.032.

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815551 Raymon L. Bynum
Commissioner of Education

Effective Date: September 4, 1981

Proposal Publication Date: July 3, 1981

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

TITLE 22. EXAMINING BOARDS

Part XIII. Texas Board of Licensure for Nursing Home Administrators

Chapter 245. Examination

The Texas Board of Licensure for Nursing Home Administrators, during the July 15, 1981, board meeting, adopted an amendment to §245.3 (391.03.00.001). The amendment added a requirement for board approval that the 200-hour course in nursing home administration required of most applicants for a license be offered only by accredited colleges or universities. This will assure that in addition to the existing requirement of approval of the board on submitted curriculum, the actual courses of study will be uniform statewide for all students and will be conducted under generally recognized educational principles employed by colleges or universities.

The amendment is adopted without changes to the proposed text published in the March 31, 1981, issue of the *Texas Register* (6 TexReg 1102).

This amendment is adopted under the authority of Texas Civil Statutes, Article 4442d.

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

Doc. No. 815570 Karl E. Bishop
Executive Director
Texas Board of Licensure for
Nursing Home Administrators

Effective Date: September 4, 1981

Proposal Publication Date: March 31, 1981

For further information, please call (512) 479-0922.

Chapter 247. Education

The Texas Board of Licensure for Nursing Home Administrators, during the July 15, 1981, board meeting, adopted an amendment to §247.2 (391.04.00.002), without changes to the proposed text published in the March 31, 1981, issue of the *Texas Register* (6 TexReg 1102). With the 200-hour course in nursing home administration being offered only by ac-

credited colleges or universities, there will be no jointly sponsored programs of study requiring specific approval of the board. Therefore, subsection (b) of §247.2 (391.04.00.002) is deleted. This subsection is obsolete.

This amendment is made under the authority of Texas Civil Statutes, Article 4442d.

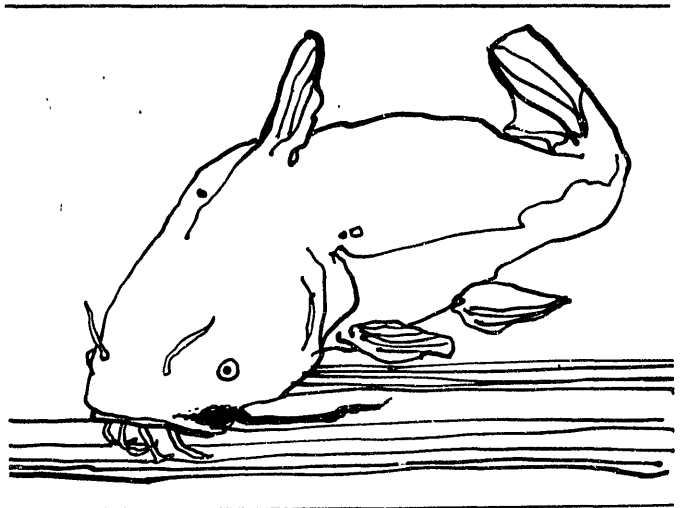
Issued in Austin, Texas, on August 13, 1981.

Doc. No. 815507 Karl E. Bishop
Executive Director
Texas Board of Licensure for
Nursing Home Administrators

Effective Date: September 4, 1981

Proposal Publication Date: March 31, 1981

For further information, please call (512) 479-0922.



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 57. Fisheries

Imported Redfish and Speckled Sea Trout

The Texas Parks and Wildlife Department Commission has withdrawn from consideration for adoption proposed amendments to §§57.371-57.374, concerning imported redfish and speckled sea trout. The text of the amended sections as proposed was published in the July 28, 1981, issue of the *Texas Register* (6 TexReg 2752).

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815526 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife Department

Filed: August 14, 1981, 2:09 p.m.

For further information, please call (512) 479-4806.

TITLE 34. PUBLIC FINANCE

Part III. Teacher Retirement System of Texas

Chapter 25. Membership Credit

Compensation

The Teacher Retirement System of Texas adopts amendments to §25.21 (334.03.03.010) without changes to the proposed text published in the July 14, 1981, issue of the *Texas Register* (6 TexReg 2437). These amendments concern compensation of its members which is subject to deposit and credit. The 67th Texas Legislature, Senate Bill 323, Acts of Regular Session, 1981, §1, amended teacher retirement law to more narrowly define "annual compensation." This reduces both the member contributions to be deducted from salary for deposit in member accounts and the amounts includable in the member's average compensation factor used in determining retirement and death benefits.

The definition of "annual compensation" has been changed in the statute by substituting "salary and wages" for the more general term "compensation." Senate Bill 323 did not define "salary and wages" but stated it to "include regular payments by an employer of monetary compensation made pursuant to an employment agreement" and to "not include, among other items, expenses, allowances, fringe benefits, or payments for unused vacation or sick leave." Annual compensation is still defined as that which is "paid or payable to a member for service during a school year." These changes were a part of legislation changing the standard annuity benefit formula to include a best three-years' average compensation factor rather than a best five-years' average. The more restrictive definition reduces the possibility of manipulating compensation in the final years of service before retirement to give a disproportionately high terminal final average.

Subsection (a) of the amended section generally outlines the significance of the term "annual compensation" and restates the basic statutory definition of the term.

Subsection (b) elaborates on the concept of salary and wages and provides three essential criteria in order for an item of compensation to be considered salary or wages:

- (1) it must be earned proportionally as the service is rendered;
- (2) it must be paid at fixed intervals, generally at the end of each pay period; and
- (3) it must not be an item excluded under subsection (d) of the rule.

Subsection (c) identifies certain specific items as a part of "annual compensation" including deductions for deferred compensation and tax sheltered annuities since statutes require these salary deductions to be included as salary for retirement purposes.

Subsection (d) excludes certain items from "annual compensation" because of the basic definition of the term, the concept of salary and wages, the specific exclusions found in the definition, or other applicable statutory provisions. The items listed are not exhaustive.

Subsection (e) refers to further limitations on annual compensation which Senate Bill 323 requires to be provided by

rule in order to prevent the conversion of excluded compensation to creditable salary in anticipation of retirement. These limitations are to be calculated at retirement.

This amendment is promulgated under the authority of Texas Education Code, §§3.59(a) and (i).

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815554 Bruce Hineman
Executive Secretary
Teacher Retirement System of Texas

Effective Date: September 4, 1981

Proposal Publication Date: July 14, 1981

For further information, please call (512) 477-9711, ext. 213.

The Teacher Retirement System of Texas repeals several sections which will become inoperative because of statutory amendments enacted by the 67th Texas Legislature. Sections 25.22-25.24 (334.03.03.011-.013) describe types of compensation other than salary which are includable in annual compensation for the purposes of determining the amount of member contributions due and credit granted in benefit determinations. Since Acts of the 67th Texas Legislature, Regular Session, 1981, Senate Bill 323, limits "annual compensation" to salary and wages only, these rules will no longer be applicable after the bill's effective date September 1, 1981.

Notice of the proposed repeal was published in the July 14, 1981, issue of the *Texas Register*, (6 TexReg 2439).

The repeal of §§25.22-25.24 (334.03.03.011-.013) is promulgated under the authority of the Texas Education Code, §§3.59(a) and (i).

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815555 Bruce Hineman
Executive Secretary
Teacher Retirement System of Texas

Effective Date: September 4, 1981

Proposal Publication Date: July 14, 1981

For further information, please call (512) 477-9711, ext. 213.

The Teacher Retirement System of Texas amends §25.25(b) (334.03.03.014(b)) by deleting the requirement for deductions from member salary of that portion of member contributions due for compensation in the form of maintenance. Acts of the 67th Texas Legislature, Regular Session, 1981, Senate Bill 323, eliminates maintenance from "annual compensation" subject to member contributions beginning with the 1981-82 school year.

These amendments are adopted without changes to the proposed text published in the July 14, 1981, issue of the *Texas Register* (6 TexReg 2439).

This amendment is promulgated under the authority of the Texas Education Code, §§3.59(a) and (i).

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815556 Bruce Hineman
Executive Secretary
Teacher Retirement System of Texas

Effective Date: September 4, 1981

Proposal Publication Date: July 14, 1981

For further information, please call (512) 477-9711, ext. 213.

The Teacher Retirement System of Texas amends §25.28 (334.03.03.008) to permit a public school employer to obtain a written statement from the system on whether a particular form of compensation is salary and wages and, consequently, subject to deposit and credit with the system. Since Senate Bill 323 enacted by the 67th Texas Legislature defines "annual compensation" much more narrowly than previous law, the system anticipates questions will arise among reporting officials as to which particular forms of compensation are subject to deductions for teacher retirement contributions. The amended section requires the employer to submit the request in writing along with any materials which will assist the system in answering the request. Any individual who contests the application of the system's laws and rules regarding "annual compensation" will not be affected by this section. The proper course of action for such an individual will continue to be use of the administrative procedures of Chapter 23 of the system's rules.

Section 25.28 (334.03.03.008) is adopted without changes to the proposed text published in the July 14, 1981, issue of the *Texas Register* (6 TexReg 2439).

These amendments are promulgated under the authority of the Texas Education Code, §§3.59(a) and (i).

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815557 Bruce Hineman
Executive Secretary
Teacher Retirement System of Texas

Effective Date: September 4, 1981
Proposal Publication Date: July 14, 1981
For further information, please call (512) 477-9711, ext. 213.

Delinquent Report of Service

The Teacher Retirement System of Texas adopts new §25.46 without changes to the proposed text published in the July 14, 1981, issue of the *Texas Register* (6 TexReg 2440), regarding the payment of delinquent deposits. Legislation enacted by the 67th Texas Legislature has more narrowly restricted compensation subject to deposit and credit beginning with the 1981-82 school year. However, compensation for prior years will still be subject to deposit and credit under the broader definition of compensation if deposits have not yet been made. The new section will essentially apply to these prior years only the law and rules on compensation which were in effect before the new legislation.

This section is promulgated under the authority of the Texas Education Code, §§3.59(a) and (i).

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815558 Bruce Hineman
Executive Secretary
Teacher Retirement System of Texas

Effective Date: September 4, 1981
Proposal Publication Date: July 14, 1981
For further information, please call (512) 477-9711, ext. 213.

Joint Service with Employees Retirement System

The Teacher Retirement System of Texas has repealed §§25.101, 25.102, 25.106-25.108 (334.03.08.001, .002,

.006-.008) concerning joint Teacher Retirement System service with Employees Retirement System. The 66th Legislature repealed the mechanism to transfer service effective September 1980. The 66th Legislature, Chapter 267, is the specific law which did away with transferring service.

Rules covering the filing of claims, verification and transfer of service and funds, processing of deposits, transfer of service and funds, and preparation of forms are no longer needed. Notice of the proposed repeal of these rules was published in the July 14, 1981, issue of the *Texas Register*, (6 TexReg 2441).

The repeal of these sections is proposed under the authority of the Texas Education Code, §3.59(i), and the 66th Legislature, Chapter 267.

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815559 Bruce Hineman
Executive Secretary
Teacher Retirement System of Texas

Effective Date: September 4, 1981
Proposal Publication Date: July 14, 1981
For further information, please call (512) 477-9711, ext. 213.

Chapter 29. Benefits

Service Retirement

The Teacher Retirement System of Texas amends §29.9 (334.05.01.010) without changes to the proposed text published in the July 14, 1981, issue of the *Texas Register* (6 TexReg 2441), concerning the survivor benefits available to eligible beneficiaries upon the death of a retired member. The law was changed effective September 1980 to remove the requirement that beneficiaries remain unremarried and to raise monthly benefits from \$75 to \$100 and from \$150 to \$200 and the immediate lump sum payment from \$500 to \$1,500.

The amendment is promulgated under authority of the Texas Education Code, §3.59(i) and House Bill 2083 as passed by the 66th Legislature.

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815560 Bruce Hineman
Executive Secretary
Teacher Retirement System of Texas

Effective Date: September 4, 1981
Proposal Publication Date: July 14, 1981
For further information, please call (512) 477-9711, ext. 213.

Disability Retirement

The Teacher Retirement System of Texas amends §29.25 (334.05.02.005), without changes to the proposed text published in the July 14, 1981, issue of the *Texas Register* (6 TexReg 2441), concerning reduction of disability benefits for excess earnings. The 67th Legislature in Senate Bill 323 amended §3.32(f) of the Texas Education Code to require only persons under 60 years of age to submit earnings reports. Failure to submit a timely report as required by law, will result in a requirement for a medical re-examination or suspension of benefits until the report is filed. Excessive

earnings can result in a required medical examination but reduction of benefits by the amount of excess earnings, since it is no longer required by law, was deleted from the rule.

This amendment is promulgated under authority of the Texas Education Code, §3.59(i).

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815561 Bruce Hineman
Executive Secretary
Teacher Retirement System of Texas

Effective Date: September 4, 1981
Proposal Publication Date: July 14, 1981
For further information, please call (512) 477-9711, ext. 213.

Death Before Service Retirement

The Teacher Retirement System of Texas amends §29.32 (334.05.03.002), without changes to the proposed text published in the July 14, 1981, issue of the *Texas Register* (6 TexReg 2442), concerning the death benefit options for beneficiaries of deceased active members. The law was amended effective September 1980 to remove the requirement that spouse beneficiaries receiving the survivor benefit option remain unmarried and to raise the monthly survivor benefit from \$75 to \$100 and from \$150 to \$200 and the immediate lump sum payment from \$500 to \$1,500. The 66th Legislature provided funding for the benefits.

The amendment is promulgated under authority of the Texas Education Code, §3.59(i), and House Bill 2083 as passed by the 66th Legislature.

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815562 Bruce Hineman
Executive Secretary
Teacher Retirement System of Texas

Effective Date: September 4, 1981
Proposal Publication Date: July 14, 1981
For further information, please call (512) 477-9711, ext. 213.

Post Retirement Increases

The Teacher Retirement System of Texas adopts new §29.40 without changes to the proposed text published in the July 14, 1981, issue of the *Texas Register* (6 TexReg 2442). This section implements the recalculation of benefits provided for retired members and their beneficiaries by Acts of the 67th Texas Legislature, Regular Session, 1981, Senate Bill 322. The act provides that eligible retirees and beneficiaries may elect a recalculation under the laws governing benefit determination being applied on August 31, 1979, in lieu of receiving the post retirement percentage increases which have been enacted by Senate Bill 322 and previous legislation. The new section provides that an eligible retiree or beneficiary will be presumed to have elected recalculation if it provides a greater benefit than the percentage increases, unless the retiree or beneficiary files or has filed a written waiver of the increase.

This section is promulgated under the authority of the Texas Education Code, §§3.59(a) and (i), and Acts of the 67th Texas Legislature, Regular Session, 1981, Senate Bill 322, §1.

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815563 Bruce Hineman
Executive Secretary
Teacher Retirement System of Texas

Effective Date: September 4, 1981
Proposal Publication Date: July 14, 1981
For further information, please call (512) 477-9711, ext. 213.

NONCODIFIED

Texas Department of Human Resources

Family Services

Family Planning Services 326.53.62

The Texas Department of Human Resources has withdrawn from consideration for adoption proposed amendments to Rule 326.53.62.018, concerning family planning services. The text of the amended rule as proposed was published in the June 19, 1981, issue of the *Texas Register* (6 TexReg 2180).

Issued in Austin, Texas, on August 12, 1981.

Doc. No. 815468 Susan L. Johnson, Administrator
Policy Development Support Division
Texas Department of Human Resources

Filed: August 12, 1981, 11:37 a.m.
For further information, please call (512) 441-3355, ext. 2037.

Industrial Accident Board

Procedures for Formal Hearings by the Board 061.05.00

The Industrial Accident Board has withdrawn from consideration for adoption proposed amendments to Rule 061.05.00.080(b), concerning procedures for formal hearings by the board. The text of the amended rule as proposed was published in the August 7, 1981, issue of the *Texas Register* (6 TexReg 2888).

Issued in Austin, Texas, on August 12, 1981.

Doc. No. 815469 William Treacy
Executive Director
Industrial Accident Board

Filed: August 12, 1981, 2:52 p.m.
For further information, please call (512) 475-4538.

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*.

Governor's Committee on Aging

Tuesday, September 1, 1981, 2 p.m. The Governor's Committee on Aging will conduct a public hearing in the first floor conference room of the Texas Department on Aging Building, 210 Barton Springs Road, Austin, on proposed amendments to fiscal year 1981-83 State Plan on Aging. Specifically these amendments will provide for adult protective services and provisions for conduct of studies on employment of the elderly as directed by the 67th Texas Legislature and advocacy objectives. (As of September 1, 1981, the title Governor's Committee on Aging will be changed to Texas Department on Aging.)

Information may be obtained from David Turner, 210 Barton Springs Road, Austin, Texas 78711, (512) 475-2717.

Filed: August 17, 1981, 11:25 a.m.
Doc. No. 815587

Wednesday, September 2, 1981, 10 a.m. The Governor's Committee on Aging will conduct a public hearing in the McLennan County Commissioners Courtroom, Waco, on proposed amendments to fiscal year 1981-83 State Plan on Aging. Specifically these amendments will provide for adult protective services and provisions for conduct of studies on employment of the elderly as directed by the 67th Texas Legislature and advocacy objectives.

Information may be obtained from David Turner, 210 Barton Springs Road, Austin, Texas 78711, (512) 475-2717.

Filed: August 17, 1981, 11:24 a.m.
Doc. No. 815588

State Bar of Texas

Friday, August 21, 1981, 9 a.m. The Board of Directors of the State Bar of Texas will hold an emergency meeting at the Texas Law Center, 1414 Colorado, Austin. According to the agenda, the board will meet in executive session to discuss nominations for executive director. The board will also consider recommendation of the Search Committee for an executive director—Charles L. Smith. The emergency meeting is necessary in order to select an executive director to fill the position immediately.

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

Filed: August 17, 1981, 9:45 a.m.
Doc. No. 815567

State Commission for the Blind

Friday, September 4, 1981, 8:30 a.m. The board of the State Commission for the Blind will meet at the Americana Hotel, Tandy Center, Trinity East II, 200 Main Street, Fort Worth. According to the agenda, the board will consider the following matters: minutes of April 10, 1981; report of the executive director; report of subcommittee study group appointed to hear complaints of operators within the Business Enterprises Program; and report of subcommittee study group appointed to examine annual award nominees. The board will also make decisions on capital purchases; eligibility and service priorities; Business Enterprises Program matters; lighthouse grant applications; and employment of agency personnel and executive director.

Information may be obtained from Jean Wakefield, 314 West 11th Street, Suite 400, Austin, Texas 78711, (512) 475-6810.

Filed: August 14, 1981, 2:49 p.m.
Doc. No. 815521

Texas Department of Corrections

Monday, September 14, 1981, 8 a.m. The board members of the Texas Department of Corrections will meet in Room 214 of the UTMB Administration Building, 301 University Boulevard, Galveston. According to the summarized agenda, the board will consider matters concerning inmate affairs; personnel; business; agriculture; construction; industries; legal; research, planning, and development; miscellaneous; and the 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: August 17, 1981, 1:14 p.m.
Doc. No. 815580

Texas Commission for the Deaf

Friday, August 21, 1981, 4 p.m. The Board for Evaluation of Interpreters of the Texas Commission for the Deaf is rescheduling a meeting to be held in Suite 106, 510 South Congress, Austin. Items on the agenda include: minutes; recommendation of additional member of Grievance Committee; time requirements between tests; rules of operation as printed in the *Texas Register*; situations recommended for each level of skill; establishing criteria for Level V certification; evaluation procedures and format; executive session to review sample videotape; and chairman's report. The original meeting was scheduled for August 20, 1981, but was canceled because a member was unable to attend and this would have resulted in lack of a quorum.

Information may be obtained from the Texas Commission for the Deaf, 510 South Congress, Austin, Texas 78704, (512) 475-2492.

Filed: August 14, 1981, 9:16 a.m.
Doc. No. 815499

Employees Retirement System of Texas

Monday, August 31, 1981, 9 a.m. The Board of Trustees of the Employees Retirement System of Texas will meet in the Employees Retirement System Building, 18th and Brazos, Austin. According to the agenda, the board will consider the following matters: minutes of Board of Trustees meeting held June 29, 1981, and minutes of emergency Board of Trustees meeting held July 21, 1981; setting rates of interest and approving amount of interest transferred from interest fund to benefit increase reserve fund; action on proposal from Rudd Wisdom, Inc., for continuing actuarial services for fiscal year ending August 31, 1982; action on appointments to Investment Advisory Committee; addition to stock and bond dealer approved list; action on proposal from E. F. Hutton for continuing investment counseling services for fiscal year ending August 31, 1982; certification to State Comptroller and State Treasurer of estimated amounts of state contributions for retirement, insurance, and social security in fiscal year ending August 31, 1982; transfers from interest fund to employees savings fund, retirement annuity reserve fund, and state accumulation fund; repeal of all existing Employees Retirement System rules and adoption of proposed replacement rules; election of Board of Trustees chairman and vice chairman for year ending August 31, 1982; report of Election Committee for election of members to Group Insurance Advisory Committee for terms beginning September 1, 1981, and ending August 31, 1984, and appointment of members to GIAC for terms beginning September 1, 1981, and ending August 31, 1984; construction of additional wall partitions in leased area and in data processing area, proposed operating budget for year ending August 31, 1982, and date of next board meeting being scheduled for September 28, 1981. The board will also meet in Executive Session to discuss personnel matters.

Information may be obtained from Clayton T. Garrison, 18th and Brazos, Austin, Texas, (512) 476-6431.

Filed: August 17, 1981, 2:01 p.m.
Doc. No. 815572

Texas Employment Commission

Tuesday, August 25, 1981, 9 a.m. The Texas Employment Commission will meet in Room 644 of the Texas Employment Commission Building, 15th and Congress, Austin. Items on agenda include the following matters: prior meeting notes; reports on attorney general opinions; recent developments on fiscal year 1982 funding and review of program budget plans; employment service activities; unemployment insurance activities; executive session to discuss personnel, premises, and litigation; reports on JSEC Committee meetings; work search requirements; services to the handicapped; and items for next commission meeting on September 1, 1981.

Information may be obtained from Pat Joiner, Texas Employment Commission Building, Austin, Texas, (512) 397-4514.

Filed: August 17, 1981, 3:50 p.m.
Doc. No. 815593

State Employment and Training Council

Wednesday, August 26, 1981, 9 a.m. The State Employment and Training Council will meet in the Maximilian Room of the Driskill Hotel, Austin. According to the agenda, the council will consider the following matters: minutes of the May 7, 1981, meeting; committee reports; Abilene oil rig training project update, fiscal year 1981 budget discussion; Viticulture Program, ex-offender programs; other proposals; fiscal year 1982 budget discussion; governor's grant funds, and recommendations for fiscal year 1982; vocational education study; prime sponsor review; and other business.

Information may be obtained from Jack Drummond, 1500 West Avenue, Austin, Texas 78701, (512) 472-1433.

Filed: August 14, 1981, 2:08 p.m.
Doc. No. 815523

Texas Health Facilities Commission

Tuesday, August 25, 1981, 2 p.m. The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin. According to the summarized agenda, the commission will consider the repeal of all existing commission rules dealing with certificate of need process; adoption of a new set of commission rules dealing with the certificate of need process; and amendment of Appropriateness Review Rule 315.30.04.020.

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

Filed: August 13, 1981, 4:38 p.m.
Doc. No. 815497

Wednesday, August 26, 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

Park Plaza Hospital, Houston
AH81-0323-047

The Methodist Hospital, Houston
AH81-0401-014

St. Anthony's Hospital, Amarillo
AH81-0303-003

Citizens Memorial Hospital, Victoria
AH80-1230-001

C. W. and Carolin Bohne Memorial Hospital, Brenham
AH81-0206-006

Spohn Hospital, Corpus Christi
AH81-0430-030

Declaratory Ruling

Metropolitan General Hospital, San Antonio
AH81-0303-041

Exemption Certificate

Planned Parenthood Center of San Antonio, Inc.,
San Antonio
AS81-0722-006

Highland Park Hospital, El Paso
AH81-0721-021

Starr County Memorial Hospital, Rio Grande City
AH81-0714-014

Amendment of Declaratory Ruling

Valley Baptist Medical Center, Harlingen
AH75-0811-014A (070181)

Amendment of Certificate of Need

Community Medical Supporters, Inc., Hempstead
AO79-1220-022A (061181)

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

Filed: August 17, 1981, 9:43 a.m.
Doc. No. 815582

University of Houston System

Wednesday, August 19, 1981, 1:30 p.m. The Executive Committee of the University of Houston System Board of Regents met in Room 510 of the Houston United Bank Building, 4600 Gulf Freeway, Houston. According to the agenda, the committee will consider the following matters: renewal of Woodland Institute lease agreement; University of Houston, central campus, architectural addition project program guide; University of Houston, Clear Lake campus, amendment to site agreement between NASA, the Department of Energy and the University of Houston System for solar equipment; University of Houston System tall tower contracts. The committee will also meet in executive session, and consider other business.

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

Filed: August 13, 1981, 3:11 p.m.
Doc. No. 815496

Texas Department of Human Resources

Tuesday, August 25, 1981, 9 a.m. The board of the Texas Department of Human Resources will meet at the Hilton Inn, 1701 Commerce, Fort Worth. According to the summarized agenda, the board will consider the following matters: board procedure manual; adjustments to fiscal year 1981 operating budget; report on fiscal year 1981 reduction in force; implementation of federal budget reconciliation, fiscal year 1982; report on administrative action to restrict hiring, delete vacant jobs, and delay merit pay raises pending revision of fiscal year 1982 operating budget; proposed rules concerning registration of, and disclosure of financial information by, certain retirement homes; final rule on contracting for new beds for intermediate care of the mentally retarded; proposed increase in fees for dispensing of hearing aids; proposed policy changes and fee increases in the Eyeglasses Program; proposed interim dispensing fee increase in the Vendor Drug Program; appointments to advisory committees; technical amendments to program policies and procedures; commissioner's report; and regional report.

Information may be obtained from Bill Woods, P.O. Box 2960, Austin, Texas 78769, (512) 441-3355.

Filed: August 17, 1981, 3:23 p.m.
Doc. No. 815583

State Board of Insurance

Tuesday, August 25, 1981, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance is rescheduling a public hearing to be held in Room 342, 1110 San Jacinto, Austin, in Docket 6462—application for charter amendment of State Reserve Life Insurance Company, Fort Worth, to increase its capital stock. The hearing was originally scheduled for July 27, 1981, at 2:30 p.m.

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

Filed: August 17, 1981, 1:37 p.m.
Doc. No. 815573

Tuesday, August 25, 1981, 3 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 6497—application for American Exchange Life Insurance Company, Dallas, to acquire from an affiliate, Fritz L. Lyne, shares of its own corporate stock.

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

Filed: August 17, 1981, 1:38 p.m.
Doc. No. 815574

Wednesday, August 26, 1981, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto, Austin. According to the agenda, the board will consider the status of the Grandfathered Partnership Managing General Agency.

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

Filed: August 17, 1981, 9:29 a.m.
Doc. No. 815577

Wednesday, August 26, 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 indicated:

9 a.m. Docket 6496—application for admission of New American Agency Life Insurance Company, Atlanta, Georgia.

10 a.m. Docket 6467—application for original charter of U.S. Life Insurance Company of Texas, Waco.

1:30 p.m. Docket 6482—application for original charter of United Employers Casualty Insurance Company of Texas, Houston.

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

Filed: August 17, 1981, 1:38 p.m.
Doc. Nos. 815575, 815576, and 815578

Monday, August 31, 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 6447—concerning whether Max Martinez Funeral Insurance Company, San Antonio, has complied with Commissioner's Order 81-2521.

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

Filed: August 17, 1981, 1:38 p.m.
Doc. No. 815579

Texas Commission on Jail Standards

Wednesday, August 26, 1981, 8:30 a.m. The Texas Commission on Jail Standards will meet in Room 206 of the Law Center, 1414 Colorado, Austin. According to the summarized agenda, the commission will consider the following matters: minutes of the June 24, 1981, meeting; director's report; old business concerning Angelina, LaSalle, Val Verde, Hopkins, and Dallam Counties; adopted Rules 217.08.05.006, 217.18.00.002, and 217.22.00.001; tabled variances for Childress, Coke, Dallam, Dickens, Martin, Mitchell, Motley, Stephens, Val Verde, Zavala, Hays, Cass, Crockett, Franklin, Sterling, and Tyler Counties; new business concerning proposed rules to Chapter 217.18.00, letters of noncompliance for Coke, Culberson, Kinney, Oldham, Potter, and Starr Counties; and applications for variances for Armstrong, Calhoun, Collin, Deaf Smith, El Paso, Guadalupe, King, Lipscomb, Marion, Pecos, San Saba, Terry, Uvalde, Val Verde, and Wichita Counties. The commission will also meet in executive session.

Information may be obtained from Robert O. Viterna, 411 West 13th, Austin, Texas, (512) 475-2716.

Filed: August 14, 1981, 3:41 p.m.
Doc. No. 815552

Merit System Council

Tuesday, August 25, 1981, 8:30 a.m. and 1:30 p.m. The Merit System Council will meet in Room 507 of the Brown Building, Eighth and Colorado Streets, Austin. According to the agendas, the council will conduct appeal hearings.

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

Filed: August 13, 1981, 10:23 a.m.
Doc. Nos. 815476 and 815477

Texas Municipal Retirement System

Saturday, September 12, 1981, 9 a.m. The Board of Trustees of the Texas Municipal Retirement System will meet in the Hilton Palacio Del Rio Hotel, San Antonio. According to the summarized agenda, the board will consider the following matters: minutes of June regular meeting and July special meeting; service retirements; disability retirements; supplemental disability retirements; supplemental death benefits payments; financial statements, report on cities adopting additional benefits; amending rules regarding actuarial tables; adopting rules relating to military service credit; report on future computer requirements, selecting actuary for year 1982; reports of actuary, legal counsel, and director; and any other business.

Information may be obtained from Jimmie L. Mormon, 1200 IH 35 North, Austin, Texas 78768-2225, (512) 476-7577.

Filed: August 17, 1981, 4:15 p.m.
Doc. No. 815622

Texas Optometry Board

Saturday, August 22, 1981, 5 p.m. The Investigation-Enforcement Subcommittee of the Texas Optometry Board will meet at the University of Houston Hotel, Houston. According to the agenda, the subcommittee will hold three informal conferences with three licensees of this board in regard to possible violations of the Texas Optometry Act.

Information may be obtained from Lois Ewald, 5555 North Lamar, Building H-101, Austin, Texas 78751, (512) 458-2141 or Tex-An 820-1493.

Filed: August 14, 1981, 2:08 p.m.
Doc. No. 815520

Board of Pardons and Paroles

Monday-Friday, August 31-September 4, 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 the 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: August 18, 1981, 9:14 a.m.
Doc. No. 815626

Texas Parks and Wildlife Department

Thursday, September 10, 1981, 8:30 a.m. The Parks Division of the Texas Parks and Wildlife Department will conduct a hearing in Room A-1 of the Parks and Wildlife Department Headquarters Building, 4200 Smith School Road, Austin. The hearing will be held in accordance with Texas Civil Statutes, Article 5421q to receive comments regarding an application by the City of Blanco, Blanco County, for an easement to place an eight-inch water pipeline through a portion of the Blanco State Recreation Area near Highway Loop 163.

Information may be obtained from Loyd K. Booth, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4909.

Filed August 13, 1981, 1:54 p.m.
Doc No 815494

Tuesday, September 15, 1981, 2 p.m. The Fisheries Division of the Texas Parks and Wildlife Department Resource Protection Branch will conduct a hearing in Room A-200, 4200 Smith School Road, Austin. The hearing concerns an application by Robert E. Bailey, doing business as Rob Bailey's Fishcamp, for a marl permit to remove approximately 14,800 cubic yards of marl (total from Sabine Lake (Old River Cove) by means of dragline or hydraulic dredge for the purpose of maintenance dredging an existing channel. The dredged material will be placed on adjacent private property. The work site would be located approximately four miles south of Bridge City and nine miles northeast of Port Arthur, Orange County. The adjacent property owner is Nelda Stalk. (Corps of Engineers Public Notice 12543).

Information may be obtained from Chester Harris, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4800, ext. 2310.

Filed: August 14, 1981, 2:09 p.m.
Doc. No. 815522

Texas Department of Public Safety

Tuesday, August 25, 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 minutes; budget matters; personnel matters; other unfinished business; and adopt the department's insignia for black and white vehicles.

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

Filed: August 14, 1981, 8:44 a.m.
Doc. No. 815500

Public Utility Commission of Texas

Wednesday, August 26, 1981. The Hearings Division of the Public Utility Commission of Texas will conduct prehearing conferences in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in the following dockets at the times indicated:

10 a.m. Docket 3978—application of Consumer Waters, Inc., for a rate increase within Harris and Montgomery Counties.

2:30 p.m. Dockets 3983 and 3990—petition of Texas Power and Light Company for review of rate ordinances passed by the Cities of Colleyville, Farmers Branch, Lindale, and Blooming Grove.

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

Filed: August 17, 1981, 9:32 a.m. and 2:36 p.m.
Doc. Nos. 815584 and 815585

Monday, September 14, 1981, 9:30 a.m. The Hearings Division of the Public Utility Commission of Texas is rescheduling a hearing on the merits of Docket 3868 to be held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The hearing, which concerns an application of Arroyo Doble Water System, Inc., for authority to increase rates within Travis County, was previously scheduled for August 14, 1981.

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

Filed: August 17, 1981, 9:32 a.m.
Doc. No. 815586

Monday, November 16, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3957—petition of General Telephone Company of the Southwest to amend the intrastate toll revenue agreement with Southwestern Bell.

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

Filed: August 13, 1981, 1:53 p.m.
Doc. No. 815495

Railroad Commission of Texas

Monday, August 24, 1981, 9 a.m. The Administrative Services Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from H. Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: August 14, 1981, 11:09 a.m.
Doc. No. 815506

Monday, August 24, 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. According to the agenda, the division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters. The division will also consider an interagency contract with the State Property Tax Board.

Information may be obtained from Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: August 14, 1981, 11:08 a.m.
Doc. No. 815507

Monday, August 24, 1981, 9 a.m. The Flight Division of the Railroad Commission of Texas will meet in Room 107, 1124 IH 35 South, Austin. According to the agenda, the division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: August 14, 1981, 11:07 a.m.
Doc. No. 815508

Monday, August 24, 1981, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 107, 1124 IH 35 South, Austin. According to the summarized agenda, the division will consider Gas Utilities Dockets 1472, 3118, 3141, 3173, 3177, 3178, 3179, 3180, 3181, 3182, 3188, 3189, 3190, 3191, 3196, 3086, 3136, 3142, and the director's report.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1126.

Filed: August 14, 1981, 11:10 a.m.
Doc. No. 815509

Monday, August 24, 1981, 3:30 p.m. The Gas Utilities Division of the Railroad Commission of Texas is making an addition to the agenda of a meeting to be held in Room 107, 1124 IH 35 South, Austin. The addition concerns an oral argument in Docket 2690—petition of certain industrial customers of Moran Utilities Company to investigate the legality and reasonableness of rates implemented on September 1, 1976.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1126.

Filed: August 14, 1981, 11:10 a.m.
Doc. No. 815510

Monday, August 24, 1981, 9 a.m. The Office of Information Services of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the commission will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1231.

Filed: August 14, 1981, 11:08 a.m.
Doc. No. 815511

Monday, August 24, 1981, 9 a.m. The Liquefied-Petroleum Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Hugh F. Keepers, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301.

Filed: August 14, 1981, 11:08 a.m.
Doc. No. 815513

Monday, August 24, 1981, 9 a.m. The Oil and Gas 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 oil and gas regulatory jurisdiction.

Information may be obtained from Jan Burriss, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: August 14, 1981, 11:13 a.m.
Doc. No. 815514

Monday, August 24, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas 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: August 14, 1981, 11:11 a.m.
Doc. No. 815515

Monday, August 24, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas 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 the following dockets:

Docket 3-76729—complaint of General Production Corporation with respect to the Humble Exploration Company, Inc.'s, Ruth Gallip 1 Well, Giddings (Austin Chalk) Field, Lee County

Docket 3-76730—complaint of General Production Corporation with respect to the Humble Exploration Company, Inc.'s, Teresa Garrett 1 Well, Giddings (Austin Chalk, Gas) Field, Lee County.

Information may be obtained from Susan Cory Kovar, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1286.

Filed: August 14, 1981, 4:34 p.m.
Doc. No. 815553

Monday, August 24, 1981, 9 a.m. The Personnel Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: August 14, 1981, 11:11 a.m.
Doc. No. 815516

Monday, August 24, 1981, 9 a.m. The Office of Special Counsel of the Railroad Commission of Texas will meet in the third floor conference room, 1124 IH 35 South, Austin. According to the agenda, the counsel will consider and act on the director's report relating to pending litigation, Sunset Review procedures, and other budget, administrative, and personnel matters.

Information may be obtained from Walter Earl Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: August 14, 1981, 11:07 a.m.
Doc. No. 815517

Monday, August 24, 1981, 9 a.m. The Surface Mining and Reclamation Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider bond approval and permit issuance to Texas Municipal Power Agency (Docket 6) for its lignite mining operation in Grimes County; application approval for Texas Utilities Generating Company for its big brown (Docket 3) lignite mining operation in Freestone County. The division will also consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas 78704, (512) 475-8751.

Filed: August 14, 1981, 11.12 a.m.
Doc. No. 815518

Monday, August 24, 1981, 9 a.m. The Transportation Division of the Railroad Commission of Texas will meet in Room 107, 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 transportation regulatory jurisdiction.

Information may be obtained from Owen T. Kinney, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: August 14, 1981, 11:09 a.m.
Doc. No. 815519

Texas Tech University

Thursday, August 20, 1981, 9:30 a.m. The Campus and Building Committee of the Texas Tech University Board of Regents met in Committee Room A, board suite, Administration Building, Lubbock. According to the summarized agenda, the committee met in executive session. The committee also considered the following matters: administrative actions; acceptance dates for residence halls renovated; Jones Stadium, baseball field, utilities distribution systems; appointment of project architect for renovation of campus buildings, fire safety system and electrical system in campus buildings, appointment of project engineer for heating, ventilation, and air conditioning modifications in campus buildings; and easement to City of Lubbock.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 13, 1981, 1 56 p.m.
Doc No. 815481

Thursday, August 20, 1981, 9:30 a.m. The Campus and Building Committee of the Texas Tech University Health Sciences Center Board of Regents met in Committee Room A, board suite, Administration Building, Lubbock. According to the agenda, the committee met in executive session. The committee also considered the following matters: administrative actions; acceptance date for construction of Phase II, Texas Tech Regional Academic Health Center at Amarillo; and authorization for president and CEO to proceed with planning and appointment of a project architect for construction of Texas Tech Regional Academic Health Center at the Permian Basin at Odessa.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 13, 1981, 1:59 p.m.
Doc. No. 815482

Thursday, August 20, 1981, 11 a.m. The Finance Committee of the Texas Tech University Board of Regents met in Committee Room B, board suite, Administration Building, Lubbock. According to the agenda, the committee met in executive session. The committee also considered the following matters: administrative actions and ratification, authority to president and CEO to contract with additional variable interest rate investment depository banks; contract with additional investment depository banks on a bid as required basis; renew contracts with State National Bank of El Paso and First City National Bank of Houston; purchase of twin engine aircraft; amendment of traffic and parking regulations; holiday schedule, furnishing utilities to Lubbock General Hospital of LCHD, change and increase graduation fee to diploma fee; contract for printing and binding yearbook for 1982-83; increasing university center fee; fiscal year 1982 budget for Texas Tech University and museum, contracts between Texas Tech University and various support groups; operations of center for professional development of College of Business Administration; list of interagency contracts; investment portfolio audit report by internal audits; funding for instructional equipment and research equipment; and audit of campus print shops.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 13, 1981, 1:56 p.m.
Doc. No. 815483

Thursday, August 20, 1981, 11 a.m. The Finance Committee of the Texas Tech University Health Sciences Center Board of Regents met in Committee Room B, board suite, Administration Building, Lubbock. According to the agenda, the committee met in executive session. The committee also considered the following matters: ratification and review of administrative actions; purchase of twin engine aircraft; amendment of traffic and parking regulations, 1981-82; schedule of holidays 1981-82 fiscal year; amendment to agreement to furnish utilities to Lubbock General Hospital of LCHD; fiscal year 1982 budget; contract with El Paso County Hospital District, doing business as R. E. Thomason General Hospital for 1981-82; clinical faculty base salary and augmentation report for fiscal year 1982; appropriating \$300,000 from E & G unappropriated balances to fund construction of

staging area for health professional school in Thompson Hall; employment of CPA firm for special operation audit on campus print shops; authorization of president and CEO to—contract with additional variable interest rate cash investment depository banks; contract with additional investment depository banks on a bid as required basis; renew contracts with State National Bank of El Paso and First City National Bank of Houston; transfer among campuses appropriated items of faculty salaries and department operation expense; and list of interagency contracts and investment portfolio audit report.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 13, 1981, 1:59 p.m.
Doc. No. 815484

Thursday, August 20, 1981, 1 p.m. The Executive Committee of the Texas Tech University Board of Regents met in Committee Room A, board suite, Administration Building, Lubbock. According to the agenda, the committee met in executive session and reviewed administrative actions.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 13, 1981, 1:54 p.m.
Doc. No. 815488

Thursday, August 20, 1981, 1 p.m. The Executive Committee of the Texas Tech University Health Sciences Center Board of Regents met in Committee Room A, board suite, Administration Building, Lubbock. According to the agenda, the committee met in executive session and also reviewed administrative actions.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 13, 1981, 1:58 p.m.
Doc. No. 815485

Thursday, August 20, 1981, 1 p.m. The Public Affairs, Development, and University Relations Committee of the Texas Tech University Board of Regents met in Committee Room B, board suite, Administration Building, Lubbock. According to the agenda, the committee met in executive session. The committee also considered the following matters: administrative actions, appointment of new members to Board of Directors of Texas Tech University Foundation for three-year terms; reappointment of present members of Texas Tech University Foundation for three year term; and report on legislative matters.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 13, 1981, 1:55 p.m.
Doc. No. 815489

Thursday, August 20, 1981, 1 p.m. The Public Affairs, Development, and University Relations Committee of the Texas Tech University Health Sciences Center Board of Regents met in Committee Room B, board suite, Administration Building, Lubbock. According to the agenda, the committee met in executive session; reviewed administrative actions; and heard report on legislative matters.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 13, 1981, 1:59 p.m.
Doc. No. 815487

Thursday, August 20, 1981, 2:30 p.m. The Athletic Affairs Committee of the Texas Tech University Board of Regents met in Committee Room B, board suite, Administration Building, Lubbock. According to the agenda, the committee met in executive session. The committee also reviewed administrative actions and considered revision of Board of Regents Policy 01-02-25.021, Athletic Council, to restructure the membership and terms of appointment of members of Athletic Council.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 13, 1981, 1:55 p.m.
Doc. No. 815490

Thursday, August 20, 1981, 3 p.m. The Student Affairs Committee of the Texas Tech University Board of Regents met in Committee Room A, board suite, Administration Building, Lubbock. According to the agenda, the committee met in executive session. The committee also considered the following matters: administrative actions; Texas Tech University Tuition Scholarship Program; granting academic tenure with appointment; granting emeritus status, appointment of individual over age 70 for visiting status, ratification of leaves of absence; reports on National Merit Scholarship Program and CEEB and ACT test scores of entering students.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 13, 1981, 1:57 p.m.
Doc. No. 815491

Thursday, August 20, 1981, 3 p.m. The Academic and Student Affairs Committee of the Texas Tech University Health Sciences Center Board of Regents met in Committee Room A, board suite, Administration Building, Lubbock. According to the agenda, the committee met in executive session. The committee also considered the following matters: administrative actions; granting academic tenure with appointment; and ratification of leaves of absence.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 13, 1981, 2 p.m.
Doc. No. 815486

Friday, August 21, 1981, 8:30 a.m. The Texas Tech University Board of Regents will meet in the board room, of the Administration Building, Lubbock. According to the summarized agenda, the board will meet in executive session. The board will also hear reports and take action on the following matters: minutes; academic and student affairs; campus and building; public affairs, development, and university relations, finance, and Committee of the Whole.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 13, 1981, 1:57 p.m.
Doc. No. 815493

Friday, August 21, 1981, 8:30 a.m. and 11:40 a.m. The Texas Tech University Health Sciences Center Board of Regents will meet in the board room of the Administration Building, Lubbock. According to the summarized agenda, the board will meet in executive session. The board will also hear reports and take actions on the following matters: minutes; finance, academic and student affairs, campus and building, public affairs, development, and university relations; and Committee of the Whole.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 13, 1981, 2 p.m.
Doc. No. 815492

Texas Turnpike Authority

Thursday, August 27, 1981, 10:30 a.m. The Board of Directors of the Texas Turnpike Authority will meet in the Summit Room of the Sheraton Houston Hotel, 777 Polk Street, Houston. According to the summarized agenda, the board will consider the following matters: minutes of the July 15, 1981, meeting, the Houston Ship Channel bridge project—award of Contract HSC-25; supplemental agreements to Contracts HSC-7, HSC-19, and HSC-39; construction progress report; and ratification of execution of interagency cooperation contracts with State Department of Highways and Public Transportation and Texas Department of Public Safety. The board will also meet in executive session to discuss pending or contemplated litigation, personnel matters, and purchase or value of real property.

Information may be obtained from Harry Kabler, P.O. Box 19327, Dallas, Texas 75219, (214) 522-6200.

Filed: August 18, 1981, 8:39 a.m.
Doc. No. 815625

Texas Water Commission

Thursday, September 17, 1981, 10 a.m. The Texas Water Commission is making an addition to the agenda of a meeting to be held in Room 618 of the Stephen F. Austin Building, 1700 North Congress, Austin. According to the summarized agenda, the commission will consider an application by Texas Aluminum Industries, Inc., for Permit 12348-01 to authorize a discharge of 1,600 gallons per day of treated domestic sewage effluent from its manufacturing plant in Harris County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: August 17, 1981, 3:11 p.m.
Doc. No. 815589

Monday-Friday, September 21-25, 1981, 2 p.m. Monday, 9 a.m. Tuesday-Friday. The Texas Water Commission will meet in the meeting room of Lower Neches Valley Authority, 7850 Eastex Freeway, Beaumont. According to the agenda, the commission will conduct adjudication hearings on the Lower Neches and Angelina Rivers Segment.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: August 17, 1981, 3:11 p.m.
Doc. No. 815590

Texas Department of Water Resources

Tuesday, August 18, 1981, 8:30 a.m. The Texas Water Development Board of the Texas Department of Water Resources made an emergency addition to the agenda of a meeting held in Room 118 of the Stephen F. Austin Building, Austin. The addition concerned the appointment of three board members to the Lower Neches Valley Authority for six-year terms and the approval of rules of Milam County for private sewage facilities, pursuant to Texas Water Code, §26.032. The terms for the former board members expired on July 28, 1981. It was imperative that the board consider the appointment of three directors to the board of the Lower Neches Valley Authority to provide for an orderly continuance of business. Before the rules of Milam County became effective, the approval of the board had to be obtained. The county was desirous of having the rules effective as soon as possible in order to effectively manage the installation and use of private sewage facilities in recently proposed developments in the county.

Information may be obtained from Harvey Davis, P.O. Box 13087, Austin, Texas 78711, (512) 475-3187.

Filed: August 17, 1981, 3:11 p.m.
Doc. No. 815581

Regional Agencies

Meetings Filed August 13, 1981

The Brazos Valley Region MH/MR Center, Board of Trustees, met in Suite 225-C, 707 Texas Avenue South, College Station, on August 20, 1981, at 1:30 p.m. Information may be obtained from Ann Pye Shively, Ph.D., 707 Texas Avenue South, Suite 225-C, College Station, Texas 77840, (713) 696-8585.

The Central Texas Criminal Justice Advisory Board met at 302 East Central, Belton, on August 20, 1981, at 2 p.m. Information may be obtained from Lindell R. Bishop, 302 East Central, Belton, Texas 76513.

The East Texas CETA Consortium, Board of Directors, met in the ETCOG conference room of the Stoneridge Plaza Building, 3800 Stone Road, Kilgore, on August 18, 1981, at 2 p.m. Information may be obtained from Wendell Holcombe, 3800 Stone Road, Kilgore, Texas, (214) 984-8641.

The Lower Colorado River Authority, Finance and Audit Committee, met at 3700 Lake Austin Boulevard, Austin, on August 19, 1981, at 9:30 a.m. The Personnel, Compensation, Safety, Pension Trust, and Benefit Committee met at the same location and on the same day at 10:30 a.m. The Parks, Lands, and Security Committee met at the same location and on the same day at 2 p.m. The Water and Flood Control Committee met at the same location and day at 2:30 p.m. The Power and Energy Committee met at the same location and on the same day at 3 p.m. The Board of Directors met at the same location, on August 20, 1981, at 9 a.m. Information may be obtained from Charles Herring, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

Doc No 815478

Meetings Filed August 14, 1981

The Education Service Center, Region VI, Board of Directors, met at 3332 Montgomery Road, Huntsville, on August 20, 1981, at 5 p.m. Information may be obtained from M.W. Schlotter, 3332 Montgomery Road, Huntsville, Texas 77340, (713) 295-9161.

The Education Service Center, Region XV, Board of Directors, met in Room 310, 100 North Magdalen Street, San Angelo, on August 20, 1981, at 1:30 p.m. Information may be obtained from Clyde Warren, Box 5199, San Angelo, Texas 76902, (915) 655-6551.

Education Service Center, Region XII, Board of Directors and Joint Committee, will meet at 401 Franklin Avenue, Waco, on August 27, 1981, at 2 p.m. Information may be obtained from Mack W. Mullins, P.O. Box 1249, Waco, Texas 76703.

The Heart of Texas Council of Governments, Executive Committee, will meet at 320 Franklin Avenue, Waco, on August 27, 1981, at 12:30 p.m. Information may be obtained from Mary A. McDow, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631.

The Houston-Galveston Area Council, Board of Directors, met in the large conference room, 3701 West Alabama, Houston, on August 18, 1981, at 9:30 a.m. Information may be obtained from Martha Pawley Grady, 3701 West Alabama, Houston, Texas 77027, (713) 627-3200, ext. 336.

The Lamb County Appraisal District, Board of Directors, will meet at 318 Phelps Avenue, Littlefield, on August 27, 1981, at 8 p.m. Information may be obtained from Pat Brownd, P.O. Box 552, Littlefield, Texas.

The Palo Pinto Appraisal District met at 603 South Oak, Mineral Wells, on August 20, 1981, at 7 p.m. Information may be obtained from H. H. Quillen, 100 Southeast Fifth Street, Mineral Wells, Texas 76067, (817) 325-6871

The San Antonio River Authority, Board of Directors, met in the conference room, 100 East Guenther Street, San Antonio, on August 19, 1981, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

The West Central Texas Council of Governments, Private Industry Council, will meet in the central office meeting room, 1025 East North 10th Street, Abilene, on August 21, 1981, at 10 a.m. Information may be obtained from Kathy Hawkins, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

The West Texas Council of Governments, Board of Directors, will meet in Suite 700 of the Mills Building, 303 North Oregon, El Paso, on August 21, 1981, at 9:30 a.m. Information may be obtained from Bernie Guy, 303 North Oregon, Suite 700, El Paso, Texas 79901.

Doc No 815501

Meetings Filed August 17, 1981

The Deep East Texas Regional MH/MR Services, Board of Trustees, will meet in the Ward R. Burke Community Room—Day Treatment/Administrative Facility, 4101 South Medford Drive, Lufkin, on August 25, 1981, at 5:30 p.m. Information may be obtained from Wayne Lawrence, Ph.D., 4101 South Medford Drive, Lufkin, Texas 75901, (713) 639-1141.

The Eastland County Appraisal District, Board of Directors, will meet in the commissioner's courtroom, Eastland County Courthouse, Eastland, on August 26, 1981, at 3 p.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597.

The Gillespie County Appraisal District, Board of Directors, will meet in the county courtroom, county courthouse, Fredericksburg, on Thursday, August 27, 1981, at 9 a.m. Information may be obtained from Fredolin Kaderli, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-7655.

The Harris County Appraisal District, Board of Directors, held an emergency meeting at 1750 Seamist, Houston, on August 19, 1981, at 2 p.m. Information may be obtained from Searcy German, P.O. Box 10975, Houston, Texas 77292, (713) 861-2530.

The Hockley County Appraisal District, Board of Directors, will meet in the South Plains College board room, Levelland, on September 14, 1981, at 7:30 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas, (806) 894-9654.

The Lee County Appraisal District, Board of Directors, will meet at 218 East Richmond Street, Giddings, on August 25, 1981, at 8:30 a.m. Information may be obtained from James L. Dunham, 218 East Richmond Street, Giddings, Texas, (713) 542-5027.

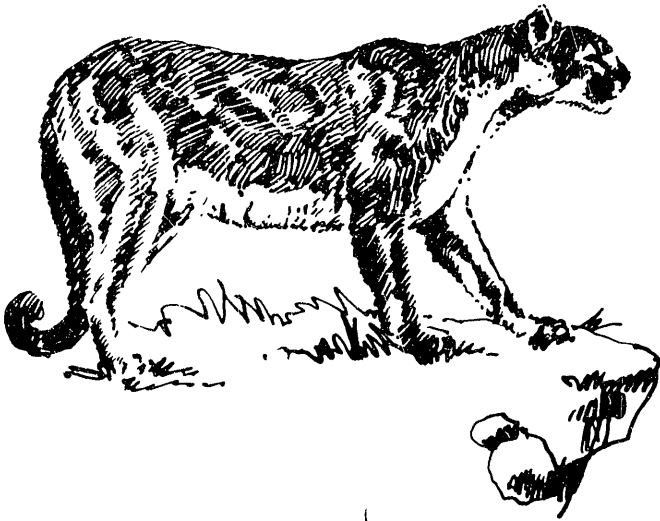
The Lower Rio Grande Valley Development Council, Board of Directors, will meet in the Harlingen Chamber of Commerce conference room, 311 East Tyler, Harlingen, on August 27, 1981, at 1 p.m. Information may be obtained from Robert A. Chandler, 207 First National Bank Building, McAllen, Texas 78501, (512) 682-3481.

The Middle Rio Grande Development Council, A-95 Project Review Committee, will meet at the Civic Center, Uvalde, on August 26, 1981, at 1 p.m. Information may be obtained from Paul Edwards, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The Pecan Valley MH/MR Region, Board of Trustees, held an emergency meeting in the First United Methodist Church, 204 East Pearl Street, Granbury, on August 19, 1981, at 8 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas, (817) 965 7806.

The Trinity River Authority of Texas, Basin Planning Committee, held an emergency meeting in the executive conference room, Trinity River Authority's general office, 5300 South Collins, Arlington, on August 18, 1981, at 9 a.m. The Administration Committee held an emergency meeting at the same location, on August 19, 1981, at 9 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

Doc No 815571



Meetings Filed August 18, 1981

The Central Texas Council of Governments, Executive Committee, will meet in the Little River Switch Restaurant, Little River Academy, Texas, on August 27, 1981, at 1 p.m. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513.

The Middle Rio Grande Development Council, Criminal Justice Advisory Committee, will meet in the Uvalde City Council Chambers, Uvalde, on August 24, 1981, at 2 p.m. The Board of Directors will meet at the Uvalde Civic Center, Uvalde, on August 26, 1981, at 2 p.m. Information may be obtained from Ramon S. Johnston and Paul A. Edwards, respectively, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The Northeast Texas Municipal Water District, Board of Directors, will meet at 1003 Linda Drive, Daingerfield, on August 24, 1981, at 7 p.m. Information may be obtained from Homer Tanner, P.O. Box 680, Daingerfield, Texas 75638, (214) 645-2241.

The Upper Leon River Municipal Water District, Board of Directors, will meet in the general office, Lake Proctor, Comanche, on Thursday, August 27, 1981, at 6:30 p.m. Information may be obtained from the Upper Leon River Municipal Water District, P.O. Box 67, Comanche, Texas 76442.

The West Central Texas Council of Governments, Executive Committee, will meet at 1025 East North 10th Street, Abilene, on August 26, 1981, at 12:45 p.m. Information may be obtained from Bobbie T. Gallagher, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

Doc. No. 815627

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.

Texas Department of Community Affairs

Request for Proposal

Notice of Invitation for Program Proposals. The Texas Department of Community Affairs (TDCA), as administrator of §105 "Governor's Coordination and Special Services" funds under the auspices of the Comprehensive Employment and Training Act announces a request for proposal (RFP) under the negotiation method to deliver manpower services in accordance with Department of Labor regulations pertaining to such funds. The department is soliciting proposals to administer and deliver services according to one or more of the project formats described herein.

Qualifications Desired by TDCA. Offeror must evidence its capability to accomplish the requested services. Offeror may be requested to include specific items and documents which attest to the applicant's capability to provide the desired services. Offeror may be requested to include documentation of legal authority to contract with TDCA to provide these services.

Deadline For Submission of RFP's. The RFP will close at 5 p.m., Tuesday, September 15, 1981, except for those received postmarked on or before Friday, September 11, 1981.

Provision for Instructional Meeting. A meeting will be held to discuss and distribute RFP instructions on Monday, August 24, 1981, at 1:30 p.m. in the first floor auditorium of the TDCA Building, 210 Barton Springs Road, Austin. The project formats which are the basis for this RFP are as follows:

(1) Long-term vocational training designed to address the employment and training needs of the unemployed, underemployed, and economically disadvantaged citizens of Texas through long-term vocational training in demand occupations. It is anticipated that the training can best be provided through a statewide institutional setting which offers employment and training services as well as supportive services. The contract amount shall not exceed \$1 million with the period of contract performance to begin on or about November 1, 1981, and extend through September 30, 1982, at the option of TDCA.

(2) Oil rig skills training designed to address the occupational shortage of entry level skilled workers currently in demand within the oil field industry in Texas through customized skills training in conjunction with on-site experience. The contract amount shall not exceed \$195,000

with the period of contract to begin on or about October 15, 1981, and extend through September 30, 1982, at the option of TDCA.

(3) Adult ex-offender program is designed to address the employment and training needs of adult ex-offenders in the State of Texas through various services such as but not limited to: career and personal counseling, pre-employment skills, occupational skills training, on-the-job training, job development, and job placement. The contract amount shall not exceed \$500,000 with the period of contract performance to begin on or about November 1, 1981, and extend through September 30, 1982, at the option of TDCA.

(4) Minority and women-owned business development conference/opportunity fair is designed to create new jobs by promoting entrepreneurship/business growth of minority and women-owned business throughout the State of Texas. The means by which this project may be accomplished would be through sponsoring a statewide conference and opportunity fair for minority and women-owned businesses which would offer a series of business development workshops addressing topics such as financial planning, venture capital, tax credits, marketing, and personnel management to foster business growth. The opportunity fair provides a forum for business owners to meet with corporate buyers to discuss products/services and conduct business. The contract amount shall not exceed \$180,000 with the period of contract performance to begin on or about November 1, 1981, and extend through September 30, 1982, at the option of TDCA.

(5) Aid for families with dependent children (AFDC)/displaced homemakers project is designed to address the employment and training needs of AFDC recipients/displaced homemakers in the following proposed geographic areas of the state: San Antonio, Houston, Dallas, El Paso, and Laredo. Services may include but not be limited to pre-employment skills, occupational skills training, life skills, on-the-job training, personal and career counseling, job development, and job placement. The contract amount shall not exceed \$600,000 with the period of contract performance to begin on or about October 1, 1981, and extend through September 30, 1982 at the option of TDCA.

Additional information regarding the project formats will be set forth in the request for proposal instructions. Additional information may also be presented during the instructional meetings.

General Information. TDCA reserves the right to accept or reject any (or all) proposals submitted. TDCA is under no legal requirement to execute a resulting contract on the basis of this advertisement, and intends the material provided herein only as a means of identifying the various contractor alternatives and the general cost of the services desired by TDCA. TDCA intends to use responses hereto as a basis for further negotiation of specific project details with potential contractors. In the event that TDCA selects a contractor to provide the delivery of service provided herein, TDCA will base its choice on demonstrated competence and qualifications and the reasonableness of the fee for services. Where other considerations are equal, preference in selection will go to an in-state offeror. The request does not commit TDCA to pay for any costs incurred prior to execution of a contract and is subject to availability of funds from the United States Department of Labor for this procurement. Issuance of this material in no way obligates TDCA to award a contract or to

pay any costs incurred in the preparation of a response hereto. TDCA specifically reserves the right to vary all provisions set forth herein at any time prior to execution of a contract where TDCA deems such variances to be in the best interest of the State of Texas, and to otherwise act as it determines in its sole discretion.

Person To Contact. For further information regarding this notice, please contact Pat Herron at (512) 475-6216.

Issued in Austin, Texas, on August 12, 1981.

Doc. No. 815498 Douglas C. Brown
Acting General Counsel
Texas Department of Community Affairs

Filed: August 13, 1981, 4:07 p.m.
For further information, please call (512) 475-6903.

Office of Consumer Credit Commissioner

Rate Ceilings

Pursuant to the provisions of the 67th Legislature of Texas, Regular Session, 1981, House Bill 1228, the Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Article 1.04, Title 79, as amended (Texas Civil Statutes, Article 5069-1.04).

Type of Rate Ceiling	Effective Period ⁽¹⁾	Type of Transaction	
		Consumer ⁽²⁾ / Commercial ⁽³⁾ through \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated rate (weekly rate)	8/24/81-8/30/81	24%	28%
Monthly (variable commercial only)	8/1/81-8/31/81	24%	28%
Quarterly	7/1/81-9/30/81	24%	27.73%
Annual ⁽⁶⁾	7/1/81-9/30/81	24%	24.10%

(1) Dates set out above are inclusive.

(2) Credit for personal, family, or household use.

(3) Credit for business, commercial, investment, or other similar purpose.

(4) Same as ⁽³⁾ above, except excluding credit for agricultural use.

(5) Only for open end as defined in Texas Civil Statutes, Article 5069-1.01.

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

Doc. No. 815565 Sam Kelley
Consumer Credit Commissioner

Filed: August 17, 1981, 8:47 a.m.
For further information, please call (512) 475-2111.

Texas Education Agency Consultant Proposal Request

Description. The Texas Education Agency is requesting proposals from entities not affiliated with the state vocational-occupational enterprise system for a study to make recommendations regarding a comprehensive state occupational education program. A bidder's conference is scheduled for August 31, 1981. A contract is expected to be awarded no earlier than October 10, 1981. The last day for receipt of proposals will be September 21, 1981. The right to reject any or all proposals is reserved.

Procedure for Selecting Consultant. The respondent deemed by a review panel to be best qualified by knowledge, experience, capacity to perform well and timely, quality of personnel, and reputation for excellence of performance will be selected for cost and contract negotiations.

Contact. Further information and copies of the request for proposals may be obtained by writing or calling Dr. Thomas E. Anderson, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701, (512) 475-4324.

Issued in Austin, Texas, on August 14, 1981.

Doc. No. 815564 Raymon L. Bynum
Commissioner of Education
Texas Education Agency

Filed: August 14, 1981, 4:18 p.m.
For further information, please call (512) 475-7077.

Employees Retirement System of Texas

Correction of Error

A proposal submitted by the Employees Retirement System of Texas contained an error as published in the August 4, 1981, issue of the *Texas Register* (6 TexReg 2838). Section §67.4 (335.04.00.104), concerning executive sessions, was inadvertently omitted from the list of proposed repeals.

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 August 11-17, 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 consecutive 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, §505.82 (315.17.04.010-.030), §§505.91-505.93 (315.17.05.010-.030), §507.81, §507.83 (315.18.04.010-.030), and §§507.91-507.93 (315.18.05.010-.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.

Memorial Medical Center, Corpus Christi (8/17/81)
AH80-0320-003A (081381)

AMD/CN—Request to extend the completion deadline and to increase the cost of the project in Certificate of Need AH80-0320-003 which authorized the purchase of replacement radiographic equipment for Rooms 7 and 8 in the special procedures suite, and expansion of the suite by 48 square feet

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

Doc. No. 815568 Linda E. Zatopek
Assistant General Counsel
Texas Health Facilities Commission

Filed: August 17, 1981, 9:43 a.m.
For further information, please call (512) 475-6940.

Merit System Council

Abolition of the Merit System Council of the Texas Employment Commission and Creation of the Texas Merit System Council

Notice is hereby given that during the regular session of the 67th Legislature, Senate Bill 988 was passed on May 26, 1981, providing a statutory basis for an existing agency to henceforth be known as the Texas Merit System Council. The bill was signed by the governor on June 8, 1981, and will be effective September 1, 1981.

All rules published in the *Texas Register* and *Texas Administrative Code* should be annotated to reflect the change. The regulation for a merit system of personnel administration, Chapter 161 (339.01) carries forth with the exception of amendments to §161.1 (339.01 00.001), §161.2 (339.01.00.002), and §161.23 (339.01 00.23) effective September 1, 1981, in conformity with Senate Bill 988. These rules are promulgated in accordance with the "Federal Standards," 5 Code of Federal Regulations 900, and Texas Civil Statutes, Article 6252-11d.

Issued in Austin, Texas, on August 11, 1981.

Doc. No. 815475 Leo F. Brockmann
Director
Merit System Council

Filed: August 13, 1981, 10:22 a.m.
For further information, please call (512) 475-9665.

Texas Municipal Retirement System

Correction of Error

Proposed §123.1 (327.02.00.001) submitted by the Texas Municipal Retirement System and published in the August 14, 1981, issue of the *Texas Register* (6 TexReg 2964) contained an error as published. Subsection (a) of that section should read:

(a) Service retirement benefits on service retirements on which the first benefit is payable on or after **January 1, 1982** [July 1, 1977], shall be calculated on the basis of the *UP-1984 table with an age set back of two years for retired members and an age set back of eight years for beneficiaries of retired members.* . . .

Railroad Commission of Texas—Oil and Gas Division

Public Hearing

Notice is given to all interested persons that the Railroad Commission of Texas will hold a public hearing to receive comments concerning the proposed amendments to §3.09 (051.02.02.009) (relating to Salt Water Disposal Wells), §3.46 (051.02.02.046) (relating to Fluid Injection into Productive



Reservoirs), and proposed new §3.71 (051.02.02.074) (relating to Underground Hydrocarbon Storage), published in the June 9, 1981, issue of the *Texas Register* (6 TexReg 2052).

Comments are also solicited regarding implementation of recent amendments to the Injection Well Act, Texas Water Code, Chapter 27, which require that the commission's rules for notice shall include provisions for giving notice to local governments and affected persons. The Railroad Commission shall define "affected person" by rule.

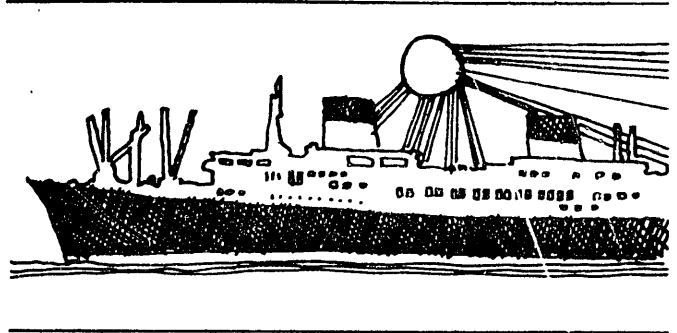
The hearing will be held on Thursday, September 10, 1981, beginning at 9 a.m. in Room 107 (first floor auditorium) of the Railroad Commission Building at 1124 South IH 35, Austin.

At the hearing, comments should be presented in narrative and exhibit form. Witnesses may present testimony orally or in writing. There will be no cross-examination of witnesses other than by the examiners for purposes of ensuring a complete record. The commission's rules regarding contested cases will not be applicable.

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

Doc No. 815524 John W. Camp
 General Counsel
 Oil and Gas Division

Filed: August 14, 1981, 11:11 a.m.
 For further information, please call (512) 445-1186.



Office of the Secretary of State Texas Register

Notice of Schedule Variations

In observance of the birthday of Lyndon Baines Johnson on Thursday, August 27, the *Texas Register* will not be published on September 1, 1981. The September 4 issue of the *Register* will be published as previously scheduled.

Because of the Labor Day holiday on Monday, September 7, 1981, the deadlines for submissions of documents for publication in the September 11 issue have been changed. As previously scheduled, deadlines for submission of documents are 10 a.m. Friday, September 4 (all copy except notices of open meetings), and 10 a.m. Tuesday, September 8 (open meeting notices). The regular deadline schedule will resume with the September 15 issue of the *Register*.

August, September, October Publication Schedule

Listed below are the deadline dates for remaining issues in August, and September and October issues. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays. Please note that the issue published on October 30 will be an index; no other material will be published in that issue. An issue will not be published on September 1.

FOR ISSUE PUBLISHED ON:	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M. ON:	ALL NOTICES OF OPEN MEETINGS BY 10 A.M. ON:
Tuesday, August 25 Friday, August 28	Wednesday, August 19 Monday, August 24	Thursday, August 20 Tuesday, August 25
Tuesday, September 1 Friday, September 4 Tuesday, September 8 *Friday, September 11 Tuesday, September 15 Friday, September 18 Tuesday, September 22 Friday, September 25 Tuesday, September 29	NO ISSUE PUBLISHED Monday, August 31 Wednesday, September 2 Friday, September 4 Wednesday, September 9 Monday, September 14 Wednesday, September 16 Monday, September 21 Wednesday, September 23	Tuesday, September 1 Thursday, September 3 Tuesday, September 8 Thursday, September 10 Tuesday, September 15 Thursday, September 17 Tuesday, September 22 Thursday, September 24
Friday, October 2 Tuesday, October 6 Friday, October 9 Tuesday, October 13 *Friday, October 16 Tuesday, October 20 Friday, October 23 Tuesday, October 27 Friday, October 30	Monday, September 28 Wednesday, September 30 Monday, October 5 Wednesday, October 7 Friday, October 9 Wednesday, October 14 Monday, October 19 Wednesday, October 21	Tuesday, September 29 Thursday, October 1 Tuesday, October 6 Thursday, October 8 Tuesday, October 13 Thursday, October 15 Tuesday, October 20 Thursday, October 22
	3RD QUARTERLY INDEX	

The following state holidays fall within the period of this publication schedule:

- Thursday, August 27 LBJ's Birthday
- Monday, September 7 Labor Day
- Monday, October 12 Columbus Day

The Texas Register Division will observe these holidays and will not process or file notices of meetings or other documents.

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 10. COMMUNITY DEVELOPMENT**Part II. Texas Industrial Commission**

10 TAC §§107.1, 107.2 (103.04.01.001, .002) 3056

TITLE 16. ECONOMIC REGULATION**Part I. Railroad Commission of Texas**

16 TAC §5.40 (051.03.02.027) 3063
 16 TAC §5.161 (051.03.10.001) 3094
 16 TAC §§5.551-5.559 (051.03.30.001-.009) 3054
 16 TAC §§5.561-5.563 (051.03.30.011-.013) 3054
 16 TAC §9.51 (051.05.03.041) 3063

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

19 TAC §37.3 (226.91.01.030) 3064
 19 TAC §37.41 (226.91.03.010) 3054, 3064
 19 TAC §69.2 (220.25.01.020) 3094
 19 TAC §§69.122-69.127 (226.25.90.030-.080) 3095
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 19 TAC §105.72 (226.41.04.020) 3067
 19 TAC §105.256 (226.41.13.060) 3068
 19 TAC §105.257 3069
 19 TAC §105.351 (226.41.18.010) 3069
 19 TAC §105.415 (226.41.21.050) 3070
 19 TAC §133.81 (226.52.05.010) 3095
 19 TAC §137.91 (226.61.05.010) 3071
 19 TAC §141.25 3095
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TITLE 22. EXAMINING BOARDS**Part XIII. Texas Board of Licensure for Nursing Home Administrators**

22 TAC §245.3 (391.03.00.003) 3096
 22 TAC §247.2 (391.04.00.002) 3096

TITLE 25. HEALTH SERVICES**Part VII. Texas Medical Disclosure Panel**

25 TAC §§601.1-601.3 (319.01.03.001-.003) 3073

TITLE 28. INSURANCE**Part II. Industrial Accident Board**

Noncodified (061.05.00.080) 3099

TITLE 31. NATURAL RESOURCES AND CONSERVATION**Part II. Texas Parks and Wildlife Department[†]**

31 TAC §§57.371-57.374 3096
 31 TAC §§57.371-57.375 3055

TITLE 34. PUBLIC FINANCE**Part I. Comptroller of Public Accounts**

34 TAC §3.392 (026.02.12.002) 3089

Part III. Teacher Retirement System of Texas

34 TAC §25.21 (334.03.03.010) 3097
 34 TAC §§25.22-25.24 (334.03.03.011-.013) 3097
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 (334.03.08.001, .002, .006-.008) 3098
 34 TAC §29.9 (334.05.01.010) 3098
 34 TAC §29.25 (334.05.02.005) 3098
 34 TAC §29.32 (334.05.03.002) 3099
 34 TAC §29.40 3099

TITLE 40. SOCIAL SERVICES AND ASSISTANCE**Part I. Texas Department of Human Resources**

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TITLE 43. TRANSPORTATION**Part III. Texas Aeronautics Commission**

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 43 TAC §§65.1, 65.3-65.9, 65.11-65.17,
 65.19, 65.20, 65.22) 3090

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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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