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TEXAS REGISTER

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TEXAS DOCUMENTS

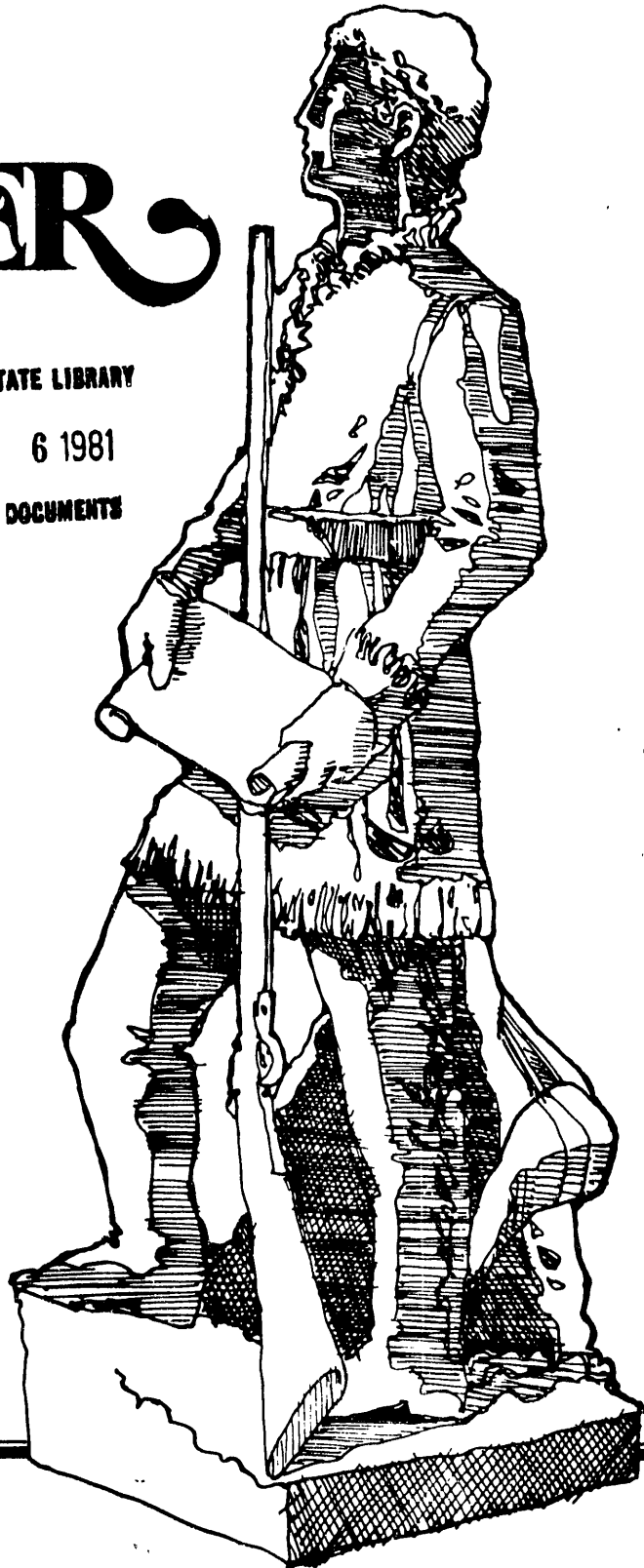
In This Issue...

The Railroad Commission of Texas adopts on an emergency basis and proposes for permanent adoption a new subchapter to implement the provisions of the Staggers Rail Act of 1980; effective date and proposed date of adoption—April 29 and June 5..... 1592, 1604

Coordinating Board, Texas College and University System also adopts on an emergency basis and proposes for permanent adoption amendments regarding nonexempt private degree-granting institutions operating in Texas; effective date and proposed date of adoption—April 28 and July 15..... 1599, 1606

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Coordinating Board, Texas College and University System adopts amendments in reference to agency administration, program development, and student services; effective date—May 19..... 1609



Office of the Secretary of State

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

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

Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 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. 4, Jan. 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

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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

The Railroad Commission of Texas adopts, on an emergency basis, a new subchapter to implement the provisions of the Staggers Rail Act of 1980 as incorporated into 49 United States Code §10101 et seq. This subchapter will deal with the Special Rules of Practice and Procedure in Rail Rate Cases, (i.e., general provisions, filing of rail rates, rail rate proceedings, protests and complaints, burden of proof, filing of documents and pleadings, exceptions to general tariff rules, contract rates, lawful rates, determination of rail costs, exempt transportation, registered agent for rail carriers, and joint line surcharges and cancellations). Because of the statutorily imposed April 29, 1981, deadline to implement these rules, an imminent peril to the public welfare exists, and the commission is giving immediate effect to this subchapter. In addition, the commission will publish this subchapter for public comment as a permanent final adoption. The purpose of this new subchapter is to implement the Staggers Rail Act of 1980 with regard to intrastate rail rates in Texas.

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

This new section is adopted under the authority of Texas Civil Statutes, Articles 6445 and 6448 (Vernon's 1964), and 49 United States Code §10101 et seq., and will be effective on an emergency basis beginning April 29, 1981.

§5.551 (051.03.30.001). General Provisions.

(a) Commission jurisdiction. The Railroad Commission of Texas, hereinafter referred to as the commission, may exercise jurisdiction over intrastate rail rates pursuant to the provisions of 49 United States Code §10101 et seq. The commission may, under the provisions of §11501, exercise any and all rights and powers regarding the regulation of rail rates which inure to the Interstate Commerce Commission under the provisions of Title 49, United States Code, §10101 et seq.

(b) Practices and procedures in rail rate proceedings.

(1) Practices and procedures generally. Existing practices and procedures in rail rate cases will be modified in accordance with state law and commission policy to the extent necessary to comply with the Staggers Rail Act of 1980 as incorporated into 49 United States Code §10101 et seq.

(2) Rules of practice and procedure in rail rate cases. Rail rate proceedings will be conducted in accordance with the general and special rules of practice and procedure before the Transportation Division except to the extent that they conflict with the Special Rules of Practice and Procedure in Rail Rate Cases, in which case the latter rules will control.

(c) Definition of "rate." The term "rate," as used in these regulations, means any rate, charge, or rule affecting rates or charges.

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

Doc. No. 812838 Jim Nugent, Chairman
Mack Wallace and
Buddy Temple, Commissioners
Railroad Commission of Texas

Effective Date: April 29, 1981
Expiration Date: August 27, 1981
For further information, please call (512) 445-1186.

This new section is adopted under the authority of Texas Civil Statutes, Articles 6445 and 6448 (Vernon's 1964), and 49 United States Code §10101 et seq., and will be effective on an emergency basis beginning April 29, 1981.

§5.552 (051.03.30.002). Filing Rail Rates.

(a) Period of notice. Changes in rates or in tariff rules that affect rates shall be published by the rail carrier or its agent as follows:

(1) Rate increases. Changes which result in an increase in revenue to the carrier shall be published at least 20 days before the date on which they are to become effective.

(2) Rate decreases. Changes which result in a decrease or no change in revenue to the carrier shall be published at least 10 days before the date on which they are to become effective.

(b) Rates subject to notice requirement. Statutory notice as set forth in subsection (a) of this section shall be given for every rate publication affecting intrastate rail commerce, regardless of whether changes are effected thereby, and regardless of whether the commission has jurisdiction to investigate the rate or determine its reasonableness.

(c) Service of notice.

(1) Availability of subscription service. Each carrier shall make available to any member of the public, on subscription, copies of its rate publications applicable on Texas intrastate traffic.

(2) Subscription service options.

(A) The carrier shall make available the following subscription service options:

(i) service of all rate publications issued by the carrier or its agent applicable on Texas intrastate traffic;

(ii) service of all rate publications issued by the carrier or its agent applicable on a particular commodity or commodities when moving in Texas intrastate commerce; and

(iii) service of all rate publications issued by the carrier or its agent relating to a particular tariff or tariffs.

(B) The carrier may offer subscription service options in addition to those prescribed in clauses (i)-(iii).

(3) Application for subscription service. Any member of the public may subscribe to a carrier's rate publication service by requesting a particular service option in writing.

(4) Entitlement of subscribers. Each subscriber shall be entitled to each original tariff within the scope of its service option, together with all reissues thereof and amendments or supplements thereto.

(5) Method of service. One copy of each rate publication shall be transmitted by the carrier or its agent to each subscriber thereto. An original and two copies of each rate publication shall be transmitted to the commission. Except as provided in this subsection, transmission of notice to subscribers shall occur not later than the time copies are transmitted to the commission and shall be accomplished in the same manner as transmission of notice to the commission. (For example, if service is given to the commission by express courier service, notice must be given to subscribers by express courier service also. Similarly, if notice is given to the commission by first-class mail, notice must be given to subscribers by first-class mail.)

(6) Alternative method of service. Expedited or other alternative service may be provided to a subscriber on request.

(7) Certificate of service. The letter of transmittal accompanying copies to the commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by _____ (method of transmittal) or by other means at the request of subscriber.

_____ (signature)

_____ (date)

(8) Provision of notice to nonsubscribers. Carriers and their agents shall furnish without delay at least one copy of any of their rate publications effective or published but not yet effective, to any person upon reasonable request therefor at a reasonable charge not to exceed that assessed a subscriber.

(9) Subscription fees. The reasonable cost of providing the service requested may be passed on to the subscriber.

(d) Content of notice. Each rate publication filed with the commission shall be on forms prescribed by the commission and shall contain such information as the commission may require including but not limited to:

(1) A tariff containing all relevant and material provisions relating to the rate and its application. The tariff must comply in all respects with the requirements of 49 Code of Federal Regulations §1300 and §1301 with regard to tariff numbering and typographical specifications, except that references therein to the "commission" or "ICC" shall be construed to be references to the Railroad Commission of Texas (RCT).

(2) A statement of the effect which the rate will have on the carrier's revenue (increase, decrease, no change).

(e) Consequence of defect in notice. No rate shall be considered published under the provisions of the Staggers Act unless notice has been given in compliance with this section.

(f) Promulgation of rates prescribed in decisions of the commission. Rate prescribed by the commission in its orders shall be promulgated by the carriers to whom such orders are directed in duly published tariffs and notice shall be sent to the commission that its order has been complied with.

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

Doc. No. 812839 Jim Nugent, Chairman
Mack Wallace and
Buddy Temple, Commissioners
Railroad Commission of Texas

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

This new section is adopted under the authority of Texas Civil Statutes, Articles 6445 and 6448 (Vernon's 1964), and 49 United States Code §10101 et seq., and will be effective on an emergency basis beginning April 29, 1981.

§5.553 (051.03.30.003). Rail Rate Proceedings.

(a) Commencement of proceedings. Proceedings involving rail rates may be commenced either by the filing of a protest or complaint or by the initiation of a commission investigation.

(b) Investigation and suspension.

(1) Decisions to investigate or suspend. The commission may investigate or suspend rates either on its motion or at the request of a party. Decisions to investigate or suspend rates, as well as decisions not to investigate or suspend rates, will be made by a Rail Rate Board appointed by the director.

(2) Service of investigation and suspension orders. If the Rail Rate Board decides to investigate or suspend a rate, an order stating the same will be served upon respondent railroads.

(3) Default on failure to comply. If within the time period stated in an investigation or suspension order, respondent fails to comply with any requirement specified therein, respondent shall be deemed in default and to have waived any further hearing.

(c) Dismissal and default.

(1) Dismissal of protests and complaints. The agency may, on its own motion or the motion of a party, dismiss protests against published rates or complaints against existing rates without a hearing for any of the following reasons:

- (A) failure to prosecute;
- (B) unnecessary duplication of proceedings or res adjudicata;
- (C) lack of standing;
- (D) withdrawal; or

(E) failure to allege grounds on which relief may be granted.

(2) Default of respondent railroad. A respondent railroad may be deemed in default and to have waived further hearing on any of the following grounds:

(A) failure to comply with any requirements specified in an investigation order within the time period stated therein;

(B) failure to appear; or

(C) any other grounds set forth specifically in the Special Rules of Practice and Procedure in Rail Rate Cases.

(3) Res adjudicata against respondent railroad. The commission may, upon a finding of res adjudicata, and without further hearing, order rescission of a rate and refund or credit of amounts collected thereunder.

(4) Consequences of default. Upon default of a respondent railroad, the commission may find that the rate is unreasonable and may order appropriate relief. The rate may not thereafter be refiled for a period of 90 days from the issuance of a commission order without authorization from the commission. The commission may authorize filing less than 90 days from issuance of a commission order if it finds that delay in refiled would cause substantial prejudice to the interests of the shipping public.

(d) Transcript of proceeding.

(1) Provision of reporter. The party which filed the pleading initiating the proceeding shall be responsible for securing the services of a stenographic reporter.

(2) Delivery of transcript. The original transcript shall be delivered to the director not more than 10 calendar days after the close of the hearing.

(3) Assessment of charges. In the event the agency does not have a stenographic reporter available at the time requested or if the party elects to furnish its own stenographic reporter, the cost of the original transcript shall be assessed 1/2 divided equally among respondent railroads and 1/2 divided equally among the other parties to the proceeding.

(e) Proposals for decision.

(1) Requirement of a proposal for decision. Final orders in rail rate cases may be issued after service of a proposal for decision in accordance with §5.443 (051.03.50.043) of this title (relating to Proposals for Decision). Final orders may be issued without service of a proposal for decision if written waivers of a proposal are received from all parties.

(2) Oral service of a proposal for decision. The examiner may, at the close of evidence and argument by the parties, serve a proposal for decision orally by stating on the record:

(A) the examiner's recommended decision in the case; and

(B) facts in support of the recommended decision which the examiner finds to be supported by substantial evidence; and

(C) the examiner's conclusions of law.

(f) Exceptions and replies.

(1) Oral exceptions and replies. Any party to a proceeding where the examiner has issued an oral proposal for decision may, at the discretion of the examiner, be permitted to make on the record an oral statement excepting to the examiner's proposal for decision. Other parties may then make on the record oral replies. Statements made orally will be filed as part of the transcript of the proceeding.

(2) Written exceptions and replies.

(A) Written exceptions. Any party to a proceeding involving rail rates may file a written statement excepting to the examiner's proposal for decision;

(i) within 15 days after the date of service of a proposal for decision, where the issue in the case is whether the rate exceeds a reasonable maximum;

(ii) within 10 days after the date of service of a proposal for decision, where the issue in the case is whether the rate is below a reasonable minimum;

(iii) within three days after the date of service of a proposal for decision, where the rate involved is a contract rate.

(B) Written replies. Written replies may be filed:

(i) within 10 days after the date of filing of written exceptions, where the issue in the case is whether the rate exceeds a reasonable maximum;

(ii) within five days of the date of filing of written exceptions, where the issue in the case is whether the rate is below a reasonable minimum;

(iii) within two days after the date filing of written exceptions, where the rate involved is a contract rate.

(C) Service. Copies of all written exceptions and replies shall be served on all parties of record.

(D) Extensions. A request for extension of time within which to file a written exception or reply shall be filed with the director, and a copy thereof shall be served on all other parties of record by the party making such request. The director shall allow additional time only in extraordinary circumstances where in the interest of justice an extension is required.

(E) Prerequisites. Written statements excepting to or supporting an examiner's proposal for decision may be filed only where no oral statement has previously been made.

(g) Interim and final decisions.

(1) Interim decisions. The following decisions are interim decisions not subject to interlocutory appeal of right before the commission and not requiring a commission order:

(A) decisions to investigate or suspend rates,

(B) decisions not to investigate or suspend rates, and

(2) Final decisions. The following decisions are final decisions requiring a commission order:

(A) determinations that the commission does not have jurisdiction over a rate;

(B) dismissal of a protest or complaint;

(C) determinations that a rate is reasonable, and that no relief shall be awarded; and

(D) determinations that a rate is not reasonable and that appropriate relief shall be awarded.

(h) The commission may order, subsequent to proceedings held in accordance with these sections, any or all of the following:

(1) cancellation of a rate in whole or in part;

(2) refund or credit of the portion of a rate found unreasonable;

(3) other relief provided by statute or rules of the commission.

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

Doc. No. 812840 Jim Nugent, Chairman
Mack Wallace and
Buddy Temple, Commissioners
Railroad Commission of Texas

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This new section is adopted under the authority of Texas Civil Statutes, Articles 6445 and 6448 (Vernon's 1964), and 49 United States Code §10101 et seq., and will be effective on an emergency basis beginning April 29, 1981.

§5.554 (051.03.30.004). Protest/Complaint Procedure.

(a) Filing deadline for protests, complaints, and replies.

(1) Protests. Protests against and requests for suspension of published rail rates must be filed with the commission:

(A) at least 10 days before the proposed effective date of the rate in the case of rates published on 20 days' notice; and

(B) at least five days before the proposed effective date of the rate in the case of rates published on 10 days' notice.

(2) Complaints. Complaints charging that an existing rail rate is unreasonable may be filed any time after the deadline for filing protests to the rate. Applications by shippers, receivers, or competing railroads requesting that the commission order publication of a rate shall be styled as complaints.

(3) Replies to protests or complaints. Replies to protests or complaints must be filed within 10 days from the date the protest or complaint is filed.

(b) Content of protests, complaints, and replies.

(1) Protests and complaints. Protests against published rail rates and complaints against existing rail rates shall include the following:

(A) a designation of the document as a "protest/complaint;"

(B) identification of the involved rate by tariff and item number;

(C) identification of the proceeding by control number and docket number assigned by the commission, if known;

(D) the name, address, and telephone number of the agent for receipt of service by the protestant or complainant;

(E) whether or not the protestant or complainant requests that the commission investigate the rate;

(F) whether or not the protestant requests suspension of the rate; and

(G) a verified statement of facts in support of the protest or complaint, including facts showing commission jurisdiction over the rate (other than facts demonstrating that the rate is above the revenue/cost threshold for jurisdiction), the unreasonableness of the rate, and facts necessary to support a request for investigation and/or suspension, if such a request is made.

(2) Replies to protests or complaints. Replies to protests against published rail rates or complaints against existing rail rates shall include the following:

(A) a designation of the document as a reply to either a protest or complaint;

(B) identification of the involved rate by tariff and item number;

(C) identification of the proceeding by control number and docket number assigned by the commission, if known;

(D) the name, address, and telephone number of the carrier's agent for receipt of service;

(E) whether or not the carrier filing the reply disputes commission jurisdiction over the involved rate; and

(F) a verified statement of facts in support of the reply, including facts showing:

(i) the variable cost of the movement, the revenue to variable cost ratio for the movement, and all underlying data necessary to perform adjusted and unadjusted analyses of variable cost;

(ii) the reasonableness of the rate; and

(iii) any other facts relevant to allegations made in the protest or complaint.

(c) Filing of evidence.

(1) Evidence of reasonableness generally. Requirements for filing evidence of the reasonableness of a rate may be established by order of the examiner in the proceeding.

(2) Evidence regarding whether a rate already in effect is unreasonably low. Complainant's evidence that a rate already in effect is unreasonably low must be filed in writing together with the complaint. Respondent's evidence that the rate is not unreasonably low must be filed in writing within 10 days of the filing of the complaint. Oral testimony will be limited to the introduction of written evidence, the making of corrections to written testimony, and rebuttal testimony where permitted by the examiner.

(d) Exclusion of late-filed evidence. A party which fails to file evidence in accordance with this section or orders issued thereunder will be deemed in default as to all matters for which filing was required.

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

Doc No. 812841 Jim Nugent, Chairman
Mack Wallace and
Buddy Temple, Commissioners
Railroad Commission of Texas

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This new section is adopted under the authority of Texas Civil Statutes, Articles 6445 and 6448 (Vernon's 1964), and 49 United States Code §10101 et seq., and will be effective on an emergency basis beginning April 29, 1981.

§5.555 (051.03.30.005). Burden of Proof.

(a) Jurisdiction. Once a proceeding has been instituted, either by the filing of a protest or complaint or by the initiation of an investigation, the respondent railroad will bear the burden of demonstrating that the commission lacks jurisdiction to determine the reasonableness of the rate because the rate does not exceed the revenue/cost threshold for jurisdiction.

(b) Suspension. The party requesting suspension of a rate will bear the burden of demonstrating that:

(1) it is substantially likely that the party requesting suspension will prevail on the merits;

(2) without suspension, the rate will cause substantial injury to the party requesting suspension or others represented by that party; and

(3) because of the peculiar economic circumstances of the party requesting suspension, the provisions of 49 United States Code §10707(b)(1), requiring a refund of that portion of a rate later found to be unreasonable, would not protect the party requesting suspension.

(c) Reasonableness.

(1) Published rate increases.

(A) Respondent's burden of proof. The respondent railroad will bear the burden of demonstrating the reasonableness of a published rate increase if:

(i) the rate is outside the zone of rate flexibility as defined by 49 United States Code §10707a, or the rate results in a revenue/cost ratio equal to or greater than the lesser of 190% of variable cost or 20 percentage points above the revenue/cost threshold; and

(ii) the commission initiates an investigation.

(B) Protester's burden of proof. A party protesting a published rate increase will bear the burden of demonstrating its unreasonableness if:

(i) the rate is less than the lesser of 190% of variable cost or 20 percentage points above the revenue/cost threshold; or

(ii) the commission does not begin an investigation.

(2) Published rate decreases. A party protesting a published rate decrease will bear the burden of demonstrating that the rate does not contribute to the going concern value of the carrier and is therefore unreasonably low.

(3) Existing rates

(A) Complaints alleging that an existing rate is unreasonably high. A party complaining that an existing rate is unreasonably high will bear the same burden of proof in regard to reasonableness as would a party protesting a published rate. A carrier responding to a complaint that an existing rate is unreasonably high will bear the same burden of proof as would the proponent of a published rate under subsection (c)(1) of this section.

(B) Complaints alleging that an existing rate is unreasonably low. A party complaining that an existing rate is unreasonably low will bear the burden of demonstrating that the rate does not contribute to the going concerned value of the carrier, and is therefore unreasonably low.

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

Doc. No. 812842 Jim Nugent, Chairman
Mack Wallace and
Buddy Temple, Commissioners
Railroad Commission of Texas

Effective Date: April 29, 1981
Expiration Date: August 27, 1981
For further information, please call (512) 445-1186.

This new section is adopted under the authority of Texas Civil Statutes, Articles 6445 and 6448 (Vernon's 1964), and 49 United States Code §10101 et seq., and will be effective on an emergency basis beginning April 29, 1981.

§5.556 (051.03.30.006). *Filing of Documents and Pleadings.*

(a) Documents deemed filed on receipt. Rate publications, protests, complaints, replies, and other documents or pleadings filed under the provisions of 49 United States Code §10101 et seq. shall be deemed filed when received by the rate section unless the party filing the documents requests that it be deemed filed at a date subsequent to receipt.

(b) Number of copies. All document filings shall include an original and five copies.

(c) Service of documents and pleadings.

(1) Original pleadings. Original pleadings shall be served as follows.

(A) Protests and complaints. A copy of any protest or complaint shall be mailed or otherwise delivered to each carrier participating in the rate.

(B) Replies to protests and complaints. A copy of any reply to a protest or complaint shall be mailed or otherwise delivered to the party which filed the protest or complaint.

(2) Other documents and pleadings. Each party filing or submitting pleadings (other than original pleadings), exceptions, motions, notices, briefs, draft proposals for decision, exhibits, correspondence, or other documents or pleadings in writing to the agency or its representatives shall at the same time serve copies thereof on all other parties of record.

(3) Persons to be served. Protests and complaints shall be served on the person responsible for filing for the rate, as shown in the published tariff. Subsequent documents and pleadings shall be served on the party's agent for receipt of service as shown in an original pleading, as well as on the party's attorney or other representative of record.

(4) Certificate of service.

(A) Each document or pleading filed with or submitted to the agency or its representatives shall contain the following certificate of service on appropriate parties:

I hereby certify that I have this ____ day of _____, 19____, served copies of the foregoing document or pleading on all parties to this proceeding and their attorney or representative, whose full and complete names and addresses appear below, by (here state the manner of service).

Signed _____

(B) The foregoing certificate of service, when appended to a document or pleading, shall be prima facie evidence of service.

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

Doc. No. 812843 Jim Nugent, Chairman
Mack Wallace and
Buddy Temple, Commissioners
Railroad Commission of Texas

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Expiration Date: August 27, 1981
For further information, please call (512) 445-1186.

This new section is adopted under the authority of Texas Civil Statutes, Articles 6445 and 6448 (Vernon's 1964), and

49 United States Code §10101 et seq., and will be effective on an emergency basis beginning April 29, 1981.

§5.557 (051.03.30.007). Exceptions to General Tariff Rules.

(a) Exceptions to tariff rules. General and specific exceptions to existing general tariff rules may be granted on the commission's own motion or on request by an interested party, as required to comply with provisions of 49 United States Code §10101 et seq.

(b) Application of General Tariff Rule 3. General Tariff Rule 3, served under commission Circular 6289, will not apply to rates published on or after April 29, 1981, the effective date of state certification to regulate rail rates under the Staggers Rail Act of 1980, except upon request of the proponent of the rate.

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

Doc. No. 812844 Jim Nugent, Chairman
Mack Wallace and
Buddy Temple, Commissioners
Railroad Commission of Texas

Effective Date: April 29, 1981

Expiration Date: August 27, 1981

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

This new section is adopted under the authority of Texas Civil Statutes, Articles 6445 and 6448 (Vernon's 1964), and 49 United States Code §10101 et seq., and will be effective on an emergency basis beginning April 29, 1981.

§5.558 (051.03.30.008). Contract Rates.

(a) Application of rules to contract rates. The provisions of this section shall supersede all conflicting sections as applied to contract rates.

(b) Filing and notice requirements.

(1) Filing. Rail carriers contracting to provide transportation service subject to 49 United States Code §10713 shall:

(A) File with the commission an original and one copy of each rate contract entered into by the rail carrier; and

(B) Serve notice of the contract rate by filing, with each rate contract, a contract rate tariff containing all essential terms of the rate contract. The tariff filing shall comply in all respects with the general provisions in this subchapter regarding filing of rail rates. The filing date of the contract rate tariff shall be the date on which a tariff containing all essential terms of the rate contract is filed.

(2) Contract rate tariff specifications.

(A) "Essential term of the contract" defined. Every term which would affect the economic or monetary cost of rail transportation service to the contracting shippers shall be deemed essential.

(B) Contract rate tariff title page. The title page of each contract rate tariff and of each supplement thereto shall show the following in the order named:

(i) in the upper right-hand corner, the contract rate tariff identification number;

(ii) the corporate name of the issuing carrier and, listed alphabetically, the corporate names of any other rail carriers participating in the contract rate tariff;

(iii) the words "contract rate tariff;"

(iv) whether the contract rate tariff covers transportation of agricultural commodities or transportation to or from a po.

(v) a designation of the commodity or commodities to be transported under the tariff;

(vi) the date of issuance and proposed effective date of the rate contract;

(vii) the duration of contract;

(viii) at the bottom of the page, the name, title, and telephone number, and mailing address of the individual responsible for compiling and filing the contract rate tariff.

(3) Contract tariff numbering system. Each issuing carrier shall sequentially number the contract rate tariffs it issues. The contract rate tariff identification number shall include the word "RCT," the industry standard alphabet code for the issuing railroad (limited to four letters), the letter "C," and the sequential number, with each separated by a hyphen.

(c) Filing and service of complaints.

(1) Filing deadline. Complaints against contract rates shall be filed with the commission by the 15th day after the filing of a contract rate tariff containing all essential terms of the rate contract.

(2) Service. A copy of the complaint shall be served on each railroad listed in the contract rate tariff as a participating railroad.

(d) Initiation of proceedings involving contract rates. Within 30 days of the filing of a contract rate tariff containing all essential terms of the contract, the commission may, on its own motion or on complaint, begin a proceeding to review the contract rate. A proceeding to review a contract rate will "begin" on the first date set for hearing.

(e) Approval and disapproval of rate contracts.

(1) Approval. A contract rate shall be deemed approved:

(A) by operation of law on the 30th day after the filing date of the contract rate tariff, if the commission does not institute a proceeding to review the contract rate; or

(B) by issuance, within 30 days after the date on which a proceeding is commenced to review the contract rate, of a commission order approving the contract rate, provided that a contract rate tariff was filed with the rate contract; or

(C) by operation of law on the 60th day after the filing date of the contract rate tariff if the commission does not institute a proceeding to review the contract rate, but does not issue an order disapproving of the contract rate.

(2) Disapproval. A contract rate may be disapproved by issuance, within 30 days after the date on which a proceeding is begun to review the contract rate, of an order finding that the contract is in violation of 49 United States Code §10713.

(f) Effective dates. All rate contracts shall be filed with the commission at least 30 days before the proposed effective date of the contract rate, unless otherwise authorized by the commission. The proposed effective date of a contract rate will be stayed by the initiation of a proceeding to review the contract until the 60th day after the filing of the rate contract, or until issuance of a commission order approving or disapproving the rate, whichever is the earlier date.

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

Doc. No. 812845 Jim Nugent, Chairman
Mack Wallace and
Buddy Temple, Commissioners
Railroad Commission of Texas

Effective Date: April 29, 1981

Expiration Date: August 27, 1981

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

This new section is adopted under the authority of Texas Civil Statutes, Articles 6445 and 6448 (Vernon's 1964), and 49 United States Code §10101 et seq., and will be effective on an emergency basis beginning April 29, 1981.

§5.559 (051.03.30.009). Lawful Rates.

(a) Rates published by carriers. A rate filed by a participating rail carrier in accordance with these sections will become a lawfully chargeable rate at the expiration of the required period for public notice, absent an order suspending or canceling the rate.

(b) Rates suspended by the commission. A rate suspended by the commission will become a legally chargeable rate upon issuance of a commission final order or thereafter at the expiration of the period during which the commission may issue a final order.

(c) Rates ordered by the commission. A rate contained in a commission order issued pursuant to the provisions of these sections and within the time period for issuance of commission final orders will be the legally chargeable rate.

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

Doc. No. 812846 Jim Nugent, Chairman
Mack Wallace and
Buddy Temple, Commissioners
Railroad Commission of Texas

Effective Date: April 29, 1981
Expiration Date: August 27, 1981
For further information, please call (512) 445-1186.

This new section is adopted under the authority of Texas Civil Statutes, Articles 6445 and 6448 (Vernon's 1964), and 49 United States Code §10101 et seq., and will be effective on an emergency basis beginning April 29, 1981.

§5.560 (051.03.30.010). Determination of Rail Costs.

(a) Variable cost.

(1) Methodologies.

(A) The variable cost of a rail movement may be determined using any of the following methodologies:

- (i) Rail Form A,
- (ii) Uniform Railroad Costing System (URCS),

or

(iii) any other methodology shown on the record at the hearing to be reasonable.

(B) The examiner will determine, under the circumstances of each case, which methodology will produce the most reliable and accurate estimate of the variable cost of the involved rail movement.

(2) Cost data base.

(A) The variable cost of a rail movement may be determined on the basis of any of the following cost data bases:

- (i) western district cost;
- (ii) Region V cost;
- (iii) cost experienced by the individual respondent railroads; or
- (iv) any other cost data base shown on the record at the hearing to be reasonable.

(B) The examiner will determine, under the circumstances of each case, which cost data base will produce

the most reliable and accurate estimate of the variable cost of the involved rail movement.

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

Doc. No. 812847 Jim Nugent, Chairman
Mack Wallace and
Buddy Temple, Commissioners
Railroad Commission of Texas

Effective Date: April 29, 1981
Expiration Date: August 27, 1981
For further information, please call (512) 445-1186.

This new section is adopted under the authority of Texas Civil Statutes, Articles 6445 and 6448 (Vernon's 1964), and 49 United States Code §10101 et seq., and will be effective on an emergency basis beginning April 29, 1981.

§5.561 (051.03.30.011). Exempt Transportation.

(a) Authority to exempt rail carrier transportation. The commission may exempt a transaction or service when the commission finds that rate regulation is not necessary to carry out the policy of the commission, and either:

- (1) the transaction or service is of limited scope, or
- (2) rate regulation is not needed to protect shippers from the abuse of market power.

(b) Initiation of proceedings to exempt rail carrier transportation. The commission may on its own initiative or on application by an interested party begin a proceeding to exempt rail carrier transportation.

(c) Duration of exemption. The commission may specify the period of time during which an exemption from rate regulation is effective.

(d) Revocation of exemptions. The commission may revoke an exemption in whole or in part when it finds that rate regulation is necessary to carry out the policy of the commission.

(e) Continuing obligations.

(1) Contractual obligations. No exemption issued under this regulation shall operate to relieve any rail carrier from an obligation to provide transportation service on terms specified in a rate contract approved by the commission.

(2) Liability and claims. No exemption issued under this regulation shall operate to relieve any rail carrier from an obligation to provide or fulfill contractual terms for liabilities and claims.

(f) Requirement of a commission order. No exemption of intrastate rail transportation within the State of Texas may be granted, modified, or revoked under the provisions of 49 United States Code §10505, except by order of the Railroad Commission of Texas.

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

Doc. No. 812848 Jim Nugent, Chairman
Mack Wallace and
Buddy Temple, Commissioners
Railroad Commission of Texas

Effective Date: April 29, 1981
Expiration Date: August 27, 1981
For further information, please call (512) 445-1186.

This new section is adopted under the authority of Texas Civil Statutes, Articles 6445 and 6448 (Vernon's 1964), and 49 United States Code §10101 et seq., and will be effective on an emergency basis beginning April 29, 1981.

§5.562 (051.03.30.012) *Registered Agent for Rail Carriers.* Every rail carrier providing transportation service subject to jurisdiction of the Railroad Commission shall at all times maintain on file with the commission the name and address of an agent for receipt of service in all Railroad Commission proceedings. The address most recently filed shall be presumed conclusively to be the current address of the agent for all purposes.

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

Doc. No. 812849 Jim Nugent, Chairman
Mack Wallace and
Buddy Temple, Commissioners
Railroad Commission of Texas

Effective Date: April 29, 1981
Expiration Date August 27, 1981
For further information, please call (512) 445-1186.

This new section is adopted under the authority of Texas Civil Statutes, Articles 6445 and 6448 (Vernon's 1964), and 49 United States Code §10101 et seq., and will be effective on an emergency basis beginning April 29, 1981.

§5.563 (051.03.30.013). *Joint Line Surcharges and Cancellations.*

(a) Notice of joint rate surcharges and cancellations. A rail carrier surcharging or canceling a joint rate under 49 United States Code §10705a shall publish the proposed rate change at least 45 days before the date on which it is to become effective.

(b) Determination of variable cost for movement subject to joint rate surcharges or cancellations. The variable cost of any movement subject to a joint rate surcharge or cancellation may be determined by use of the following procedures:

(1) Request for underlying data from rail carrier. The surcharging or canceling rail carrier shall provide to the commission, or to a shipper or port, within three working days of receipt of a written request, a statement of its division of revenue on the involved movement. If the request is not timely honored, the rail carrier shall be deemed in default and to have waived further hearing.

(2) Request for determination by the commission.

(A) Filing of a request. A request for commission determination of the variable cost of a movement subject to a joint rate surcharge or cancellation shall be filed in writing and shall include on a form presented by the commission:

(i) the surcharging or canceling carrier's division of revenue;

(ii) the amount of the surcharge;

(iii) the tariff minimum weight;

(iv) the tariff rate applicable at the minimum weight, a tariff reference, and the applicable unit (e.g., per hundredweight);

(v) the car type or types in which the traffic normally moves;

(vi) the number of intertrain and intratrain switches;

(vii) the origin, destination, interchanges, carriers used, and short-line distance of the surcharging or canceling carrier's line (from published distance tables) from or to the interchange points at which the traffic is tendered;

(viii) the commodity STCC Code;

(ix) the class of traffic.

(B) Certification of no feasible transportation alternatives. Along with any request for a determination of variable cost, a shipper or port must certify to the commission that it has no feasible transportation alternative to the surcharged or canceled routes.

(C) Provision of information by the commission.

The commission will furnish within five working days of receipt of a written request its determination of the variable cost of a rail movement subject to a joint rate surcharge or cancellation.

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

Doc. No. 812850 Jim Nugent, Chairman
Mack Wallace and
Buddy Temple, Commissioners
Railroad Commission of Texas

Effective Date: April 29, 1981
Expiration Date: August 27, 1981
For further information, please call (512) 445-1186.

NONCODIFIED

Coordinating Board, Texas College and University System

Program Development

Private Degree-Granting Institutions Operating in Texas 251.02.20

The Coordinating Board, Texas College and University System has amended, on an emergency basis, Rules 251.02.20.001, .003, and .011 regarding nonexempt private degree-granting institutions operating in Texas. Because there are schools whose certificates of authority to operate are coming up for renewal and others have applications for authority to operate pending before the coordinating board, these amendments are being adopted on an emergency basis to be effective immediately.

Under existing rules, a degree is defined as any educational credential that uses the word "degree" in its title. As generally understood and legally interpreted in Texas, a program of study is not necessarily a degree-level program just because the word "degree" appears in its title. Rather, its curriculum must contain a balance of specialty courses and general arts and sciences or academic foundations courses. The amendments to Rules 251.02.20.001 and .003 will provide for review and analysis of a proposed program to ascertain whether it meets the accepted definition of a degree and therefore is eligible to be considered for a certificate of authority from the coordinating board.

The board's current rules do not provide for a waiting period following denial of an institution's application for a certificate of authority. The amendment to Rule 251.02.20.011 will provide a waiting period following the conclusion of a review cycle so that an institution will have a reasonable opportunity to address and remedy the deficiencies identified by the evaluation committees.

These rules are amended under the authority of Texas Education Codes, §61.301-§61.317.

.001. Definitions. In these rules:

(1) "Degree" means any title or designation, mark, abbreviation, appellation, or series of letters or words including associate, bachelor's, master's, doctor's, and their equivalents, which *signify, purport to signify, [signifies, purports to,] or are [is] generally taken to signify satisfactory completion on the requirements of all or part of a program of study which is generally regarded and accepted as an academic degree-level program among Texas institutions of higher education accredited by accrediting agencies recognized by the coordinating board.* [leading to an associate, bachelor's, master's, or doctor's degree or its equivalent.]

(2)-(10) (No change.)

.003. Coordinating Board.

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

(c) **Jurisdiction.** *The coordinating board will not consider any request for a certificate of authority pertaining to any postsecondary educational program or title not generally in use and accepted as an academic degree program among Texas institutions of higher education accredited by accrediting agencies recognized by the coordinating board.*

.011. Administrative Procedures for Nonexempt Institutions.

(a) Initial certificate of authority.

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

(8) **Following a final decision by the board which denies an institution's application for a certificate of authority, the board will not accept another application from that institution within six months unless the institution demonstrates adequate reasons. Pending completion of all procedures incident to an application, the board will not accept another application from an institution.**

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

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

Doc. No. 812813 Kenneth H. Ashworth
Commissioner of Higher Education
Coordinating Board, Texas College and
University System

Effective Date: April 28, 1981

Expiration Date: August 26, 1981

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

Student Services

Tuition Equalization Grants Program 251.05.05

The Coordinating Board, Texas College and University System has amended, on an emergency basis, Rule

251.05.05.006 regarding disbursement procedures under the Tuition Equalization Grants Program. So that schools can make commitments of aid to students for the coming year, the amendments are being adopted on an emergency basis to be effective immediately.

The amendments will cause program funds to be allocated among participating institutions based upon the number of full-time students only. Students enrolled for at least half-time, but less than full-time, will continue to be eligible for prorated grants.

Less than full-time students are being removed from the allocation formula because, under conditions of less than full program funding, many institutions give first priority for grants to full-time, rather than part-time students. Also, a few institutions located near military bases are serving large numbers of part-time students who tend to have little or no need for financial assistance from the institution. Including those students in the allocation basis tends to distort the tentative distribution of funds among institutions.

The rule is amended under the authority of the Texas Education Code, §61.221-§61.229.

.006. Certification and Disbursement Procedure.

(a) (No change.)

(b) **Disbursement of funds.** To provide accessibility of funds to eligible students and to provide an orderly and timely method by which applicants may be notified of awards, the commissioner shall annually establish a preliminary fund reservation which each tuition equalization grants officer may certify to eligible students. Each preliminary fund reservation shall be based upon the number of full-time [and the number of half-time, but less than full-time,] Texas resident students of appropriate classification enrolled in a program other than a theological or religion degree program in each approved institution in the preceding fall term. Should any tuition equalization grants officer not certify grants totaling the amount of the preliminary fund reservation by December 1 of the fiscal year, then any uncertified funds shall be reallocated to meet the needs of eligible students applying for grants to other tuition equalization grants officers. Effective December 1 [15] of each year, any uncommitted funds will be applied to individual applications [in the order of receipt by the coordinating board. This processing,] on a first come/first serve basis. **This processing** will continue until all **appropriated** [appropriate] funds have been granted or until all eligible applicants have received grants. Funds freed due to warrant cancellations and refunds will be available for reuse by the involved institution until February 15, at which time remaining funds will revert to processing on a first come/first serve basis as described in this subsection.

(c)-(d) (No change.)

Issued in Austin, Texas on April 24, 1981.

Doc. No. 812814 Kenneth H. Ashworth
Commissioner of Higher Education
Coordinating Board, Texas College and
University System

Effective Date: April 28, 1981

Expiration Date: August 26, 1981

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

State Student Incentive Grant Program 251.05.06

The Coordinating Board, Texas College and University System has amended, on an emergency basis, Rule 251.05.06.002 regarding disbursement procedures under the State Student Incentive Grant Program. So that schools can make commitments of aid to students for the coming year, the amendments are being adopted on an emergency basis to be effective immediately.

These amendments will allow otherwise eligible students in graduate and professional school programs to qualify for assistance through the State Student Incentive Grant Program. State student incentive grant awards must be matched by an equal amount of aid through the Tuition Equalization Grants Program.

The rule is amended under the authority of the Texas Education Code, §61.221-§61.229.

.002. Exceptions to Tuition Equalization Grants Rules. The conditions outlined in this rule are intended to cause compatibility between the Tuition Equalization Grants Program rules and regulations and the federal regulations for the State Student Incentive Grant Program. Conditions which apply in the State Student Incentive Grant Program which differ from and override similar conditions in the Tuition Equalization Grants Program are as follows:

(1) Students qualifying for a state student incentive grant must:

(A) (No change.)

(B) *be the recipient of a grant through the Tuition Equalization Grants Program in the same amount as the grant received through the State Student Incentive Grant Program; and* [have substantial financial need of not less than \$90 for the academic year;]

(C) *affirm eligibility for the grant at the time of disbursement by signing the Student Affirmation Form. The format of such form shall be prescribed by the commissioner.* [be an undergraduate student;]

(D) *be the recipient of a grant through the Tuition Equalization Grants Program in the same amount as the grant received through the State Student Incentive Grant Program; and*

(E) *affirm eligibility for the grant at the time of disbursement by signing the Student Affirmation Form outlined in Rule 251.05.06.003 of these rules.*

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

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

Doc. No. 812815 Kenneth H. Ashworth
Commissioner of Higher Education
Coordinating Board, Texas College and
University System

Effective Date: April 28, 1981

Expiration Date: August 26, 1981

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

Texas Public Educational Grants Program 251.05.07

The Coordinating Board, Texas College and University System has amended, on an emergency basis, Rules 251.05.07.007 and .008 regarding disbursement procedures

under the Texas Public Educational Grants Program. So that schools can make commitments of aid to students for the coming year, the amendments are being adopted on an emergency basis to be effective immediately.

These amendments will allow students in graduate and professional school programs to qualify for assistance through the Texas Public Educational—State Student Incentive Grants Program and will increase maximum grants to \$2,000 per year.

The rules are amended under the authority of the Texas Education Code, §56.031-§56.038.

.007. Eligible Students. To be eligible for a Texas Public Educational—State Student Incentive Grant, a person must:

(1) (No change.)

(2) be enrolled [as a prebaccalaureate student] in an approved institution for at least 1/2 of a full course load;

(3) *not be in default on a loan made, insured, or guaranteed under the National Direct Student Loan, Hinson-Hazlewood College Student Loan, or Guaranteed Student Loan Programs.* [have substantial financial need or not less than \$90 for the academic year;]

(4)-(9) (No change.)

(10) *not be in default on a loan made, insured, or guaranteed under the National Direct Student Loan, Hinson-Hazlewood College Student Loan, or Guaranteed Student Loan Programs.*

.008. Certification and Disbursement Procedures.

(a) Processing funds. Upon receipt of a student's application and certification by the Texas Public Educational—State Student Incentive Grants Program officer of the amount of grant for which the student is eligible, the commissioner or another designated member of the staff shall certify to the state comptroller the student's name, social security number, and the amount of the grant to be disbursed. The total amount of grants to be disbursed shall not exceed the amount transferred to the board for this use, plus whatever matching funds have been designated for awarding to students at the approved institution. The proper amount of the grant shall be paid to the enrolled student through the Texas Public Educational—State Student Incentive Grants Program officer of the approved institution acting as an agent of the board. In no event shall a grant paid through this program exceed the sum of \$2,000 [\$1,500] on behalf of any student during any one federal fiscal year. The Texas Public Educational—State Student Incentive Grants Program officer shall assign a batch number to each group of applications submitted to the board for approval and processing and also shall assign an application priority number to each application in each batch, giving first priority to those applicants showing the highest amount of financial need. In processing applications, the board shall cause awards to be made, insofar as funds permit, based upon application priority number within each batch number, starting with the lowest number in each processing cycle.

(b) Disbursement of funds. To provide accessibility of funds to eligible students and to provide an orderly and timely method by which applicants may be notified of awards, the commissioner shall annually establish a preliminary fund reservation of any available matching funds which each Texas Public Educational—State Student Incentive Grants Program officer may certify to eligible students. Each preliminary funds reservation shall be based

upon the number of [prebaccalaureate, full-time students, and the number of half-time, but less than full-time prebaccalaureate] students, excluding aliens, *enrolled on at least a half-time basis*, who received need based financial assistance administered by the approved institution in the preceding fiscal year. Should any Texas Public Educational—State Student Incentive Grants Program officer not certify grants totaling the amount of the preliminary funds reservation by December 1, then any uncertified funds shall be reallocated to meet the needs of eligible students at other approved institutions. Reallocation of unencumbered and uncertified funds for matching Texas public educational grants shall occur February 15 [and March 15,] and other dates to be determined by the commissioner until all available matching funds have been awarded.

(c) (No change.)

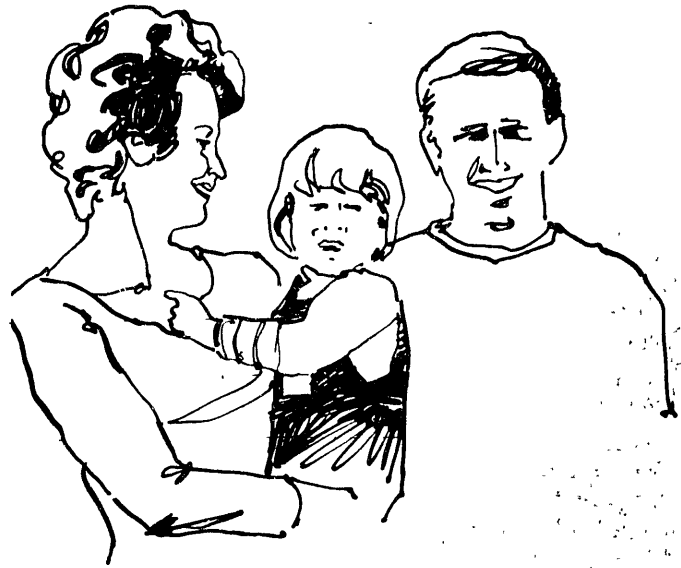
Issued in Austin, Texas, on April 24, 1981.

Doc. No. 812816 Kenneth H. Ashworth
Commissioner of Higher Education
Coordinating Board, Texas College and
University System

Effective Date: April 28, 1981

Expiration Date: August 26, 1981

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



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

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

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

CODIFIED

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 91. Texas Register

Submission Forms

The Office of the Secretary of State, Texas Register Division, proposes to amend §91.91, §91.93, and §91.94 (004.65.07.001, .003, and .004) concerning submission forms. The Texas Register Division is revising Form TR-3, Submission Form—Notice of Open Meeting, to provide additional space for the agenda of an open meeting and also to require the signature of the agency liaison on the submission form. Section 91.91 and §91.94 (004.65.07.001 and .004) are therefore proposed for amendment accordingly. A minor change for purpose of clarification is also proposed for subsection (b)(2) of §91.94 (004.65.07.004). Section 91.93(b)(10)(A)

(004.65.07.003(b)(10)(A)) is proposed for amendment to clarify that when completing the rule submission form for proposed action the agency should indicate the last time adopted action was taken on the submission.

No fiscal implications to the state or to units of local government are anticipated as a result of these amendments, according to the staff of the Texas Register Division.

Public comment is invited and may be submitted in writing to Charlotte Scroggins, director, Texas Register Division, P.O. Box 13824, Austin, Texas 78711, for 30 days from the date of this *Register*.

The following amendments are proposed under the authority of the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and the Texas Open Meetings Law, Texas Civil Statutes, Article 6252-17.

§91.91 (004.65.07.001). *Use of Submission Forms.*

(a) Each copy of each document submitted shall be accompanied by the appropriate submission form, as revised July 1980 (*Forms TR-2, TR-4, and TR-5*) and as revised May 1981 (*Form TR-3*).

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

§91.93 (004.65.07.003). *Form for Rule Action.*

(a) (No change.)

(b) Form TR-2 shall be completed according to the following instructions.

(1)-(9) (No change.)

(10) Proposed action.

(A) Enter the Texas Register Division docket number or numbers assigned the last time *adopted* action was taken on the submission.

(B)-(D) (No change.)

(11)-(13) (No change.)

§91.94 (004.65.07.004). *Form for Notice of Open Meeting.*

(a) (No change.)

(b) Form TR-3 shall be completed according to the following instructions.

(1) (No change.)

(2) Enter whether the notice is for an emergency meeting, a revision of the original agenda on a nonemergency basis, an emergency revision of the original agenda, or a meeting rescheduled for a new day/date, time, and/or location. If rescheduled, enter scheduling of original meeting and *Register* citation. The reason for an emergency meeting or an emergency revision of the original agenda shall be entered in the space provided on the submission form. *No indication is necessary if the meeting is a regular meeting of the agency and does not fall under any of the categories named in this paragraph.*

(3)-(7) (No change.)

(8) Enter the certification information. Certification shall include the name, title, and signature of the certifying official, *the* [and] date of certification, *and the signature of the agency liaison, if different from certifying official.*

(9) (No change.)

(c)-(d) (No change.)

Issued in Austin, Texas, on April 28, 1981.

Doc. No. 812852 George W. Strake, Jr.
Secretary of State

Proposed Date of Adoption: June 5, 1981
For further information, please call (512) 475-7886.

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

(Editor's note: The Railroad Commission of Texas proposes for permanent adoption a new subchapter, §§5.551-5.563 (051.03.30.001-.013), which the commission adopts on an emergency basis in this issue. The text of the new sections appears in the Emergency Rules section of this issue).

The Railroad Commission of Texas publishes for comment a new subchapter, §§5.551-5.563 (051.03.30.001-.013), to implement the provisions of the Staggers Rail Act of 1980 as incorporated into 49 United States Code §10101 et seq. This subchapter will deal with the Special Rules of Practice and Procedure in Rail Rate Cases (i.e., general provisions, filing of rail rates, rail rate proceedings, protests and complaints, burden of proof, filing of documents and pleadings, exceptions to general tariff rules, contract rates, lawful rates, determination of rail costs, exempt transportation, registered agent for rail carriers, and joint line surcharges and cancellations). The purpose of this new subchapter is to implement the Staggers Rail Act of 1980 with regard to intrastate rail rates in Texas.

These sections have been adopted on an emergency basis effective April 29, 1981, in order to comply with statutory time periods imposed by the Staggers Rail Act of 1980.

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

Public comment is invited. Comments 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 of this *Texas Register*.

These new sections are proposed under the authority of the Texas Civil Statutes, Articles 6445 and 6448 (Vernon's 1964), and 49 United States Code §10101 et seq.

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

Doc. No. 812851 Owen T. Kinney, Director
Transportation Division
Railroad Commission of Texas

Proposed Date of Adoption: June 5, 1981

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

TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 405. Client (Patient) Care

Subchapter D. Joint Commission on Accreditation of Hospitals/Professional and Technical Advisory Committee for Psychiatric Facilities

The Texas Department of Mental Health and Mental Retardation proposes to amend §§405.81-405.83, §405.86, and §405.87 (302.04.04.001-.003, .006, and .007) within its subchapter which governs policies of the department regarding the Joint Commission on Accreditation of Hospitals and the Accreditation Council for Psychiatric Facilities. Contemporaneously, the department proposes to repeal §405.84, §405.85, and §405.89 (302.04.04.004, .005, and .009).

The proposed amendments would change the references to the Accreditation Council for Psychiatric Facilities (ACPF) to the Professional and Technical Advisory Committee for Psychiatric Facilities (PTAC/PF) in the title and wherever that reference appears in this subchapter.

The proposed amendments to §405.83 (302.04.04.003) would amend the following definitions used in this subchapter: subparagraphs (A) and (B) would be deleted from the definition of "accreditation of a psychiatric hospital by the JCAH." Clauses (i)-(iv) would be deleted from the definition of "Joint Commission on Accreditation of Hospitals (JCAH)." Other surplus language would also be deleted. The definition of "Accreditation Council for Psychiatric Facilities (ACPF)" would be changed to the "Professional and Technical Advisory Committee for Psychiatric Facilities." Subparagraph (A)(i)-(ix) as well as the content of subparagraph (B) of that definition would be deleted. Subparagraph (C) would be redesignated as subparagraph (B). Subparagraph (D) would also be deleted.

The proposed amendments to §405.86 (302.04.04.006) would provide that it is the intent of the department that all eligible facilities maintain two-year accreditation status with JCAH/PTAC/PF.

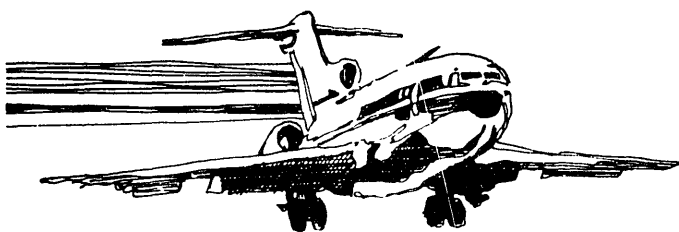
The proposed amendments to §405.87 (302.04.04.007) would delete the term "JCAH coordinator" and substitute the title "director of quality and standards."

Promulgation of the proposed amendments will have no known fiscal implications for the state or for units of local government (source: Mental Health Services Division).

Public comment is invited. Persons may submit their comments by writing to John J. Kavanagh, M.D., commissioner of the Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, or by telephoning (512) 454-3761.

The amendments are proposed pursuant to Texas Civil Statutes, Article 5547-202, §2.11(b).

§405.81 (302.04.04.001). *Purpose.* The purpose of this subchapter is to designate the standards issued by the *Professional and Technical Advisory Committee for Psychiatric*



Facilities (PTAC/PF) [Accreditation Council for Psychiatric Facilities (ACPF)] of the Joint Commission on Accreditation of Hospitals as official standards for departmental facilities.

§405.82 (302.04.04.002). Application. The provisions of this subchapter apply to all department facilities which are subject to survey by the **PTAC/PF** [ACPF] under standards published by **JCAH** [ACPF].

§405.83 (302.04.04.003). Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Accreditation—Of a psychiatric hospital by the **JCAH** is evidence that the hospital has substantially met the **JCAH** standards for such facilities.

[(A) It is an indication that the hospital continually strives to provide the best care and services to the individual it serves.

[(B) The unique feature of all the joint commission's accreditation programs is that they are voluntary. No law requires any type of health care facility to become accredited. It is a decision made by the facility itself.]

Joint Commission on Accreditation of Hospitals (**JCAH**)—

[(A) formed in 1951,] is a not for profit nongovernmental corporation sponsored by [the following four] **five** major hospital and medical organizations which are its member organizations.[:]

- [(i) the American College of Physicians;
- [(ii) the American College of Surgeons;
- [(iii) the American Hospital Association; and
- [(iv) the American Medical Association.

[(B) Until 1965, the joint commission had established standards and an accreditation program only for general hospitals, but in 1966, 1969, and 1970, the **JCAH** developed separate standards and accreditation programs for long-term care facilities, facilities for the mentally retarded, and psychiatric facilities. Each of these programs is directed by an accreditation council for the joint commission.]

The Professional and Technical Advisory Committee for Psychiatric Facilities [Accreditation Council for Psychiatric Facilities (ACPF)]—

[(A) [was formed in 1970, and] is composed of individuals appointed from [the following] nine national organizations representative of psychiatric facilities and psychiatric care.[:]

- [(i) American Academy of Child Psychiatry;
- [(ii) American Association of Psychiatric Services for Children;
- [(iii) American Association on Mental Deficiency;
- [(iv) American Hospital Association;
- [(v) American Psychiatric Association;
- [(vi) Association of Mental Health Administrators;
- [(vii) National Association of Private Psychiatric Hospitals;
- [(viii) National Association of State Mental Health Program Directors; and
- [(ix) National Council of Community Mental Health Centers.

[(B) New member organizations may be added to the ACPF from time to time.]

[(B)](C) The purpose of the **PTAC/PF** [ACPF] is to promote and identify programs and services of high quality for the benefit of the recipients of services in psychiatric facilities. Its objective is to motivate and encourage health professionals to provide the best services possible and to assist each individual served to achieve the highest level of functioning of which he or she is capable.

[(D) The ACPF implemented its first set of standards, the Accreditation Manual for Psychiatric Facilities, 1972, in 1973. Since then, additional standards have been published including:

- [(i) Accreditation Manual for Psychiatric Facilities Serving Children and Adolescents (1974),
- [(ii) Accreditation Manual for Alcoholism Programs (1974), and
- [(iii) Standards for Drug Abuse Treatment and Rehabilitation Programs (1975).]

§405.86 (302.04.04.006). Accreditation Survey. It is the intention of this department that all eligible facilities shall meet the standards as promulgated by the **JCAH/PTAC/PF** [ACPF] **and will to the best of their ability maintain two-year accreditation status.** Each facility of the department eligible for survey by the **JCAH** [ACPF] will formally seek accreditation [from the **JCAH/ACPF**].

§405.87 (302.04.04.007). Director of Quality and Standards [JCAH Coordinator]. Each state facility will have a **director of quality and standards** [**JCAH** coordinator] on its staff to plan, monitor, implement, and evaluate **JCAH** standards.

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

Doc. No. 812791 John J. Kavanagh, M.D.
Commissioner
Texas Department of Mental Health and
Mental Retardation

Proposed Date of Adoption: June 5, 1981
For further information, please call (512) 465-4591.

(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 Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The Texas Department of Mental Health and Mental Retardation proposes to repeal §405.84, §405.85, and §405.89 (302.04.04.004, .005, and .009) within its subchapter which govern policies of the department regarding the Joint Commission on Accreditation of Hospitals and the Accreditation Council for Psychiatric Facilities. Contemporaneously with the filing of the proposed repeals, the department proposes amendments to §§405.81-405.83, §405.86, and §405.87 (302.04.04.001-.003, .006, and .007) of the same subchapter.

The department has determined that the content of §405.84 (302.04.04.004), Advantages of Accreditation, and §405.85 (302.04.04.005), Survey Eligibility Criteria, does not need to be included within this subchapter. Section 405.89 (302.04.04.009), Effective Date, serves no useful purpose and, therefore, is surplusage and should be repealed.

The repeal will have no known fiscal implications for the state or for units of local government (source: Mental Health Services Division).

Public comment is invited. Persons may submit their comments by writing John J. Kavanagh, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, or by telephoning (512) 454-3761.

This repeal is proposed under the authority of Texas Civil Statutes, Article 5547-202, §2.11(b).

§405.84 (302.04.04.004). *Advantages of Accreditation.*

§405.85 (302.04.04.005) *Survey Eligibility Criteria.*

§405.89 (302.04.04.009). *Effective Date.*

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

Doc. No 812792 John J. Kavanagh, M.D.
 Commissioner
 Texas Department of Mental Health and
 Mental Retardation

Proposed Date of Adoption: June 5, 1981
 For further information, please call (512) 465-4591.

NONCODIFIED

Coordinating Board, Texas College and University System

Program Development

Private Degree-Granting Institutions Operating in Texas 251.02.20

(Editor's note: The Coordinating Board, Texas College and University System proposes for permanent adoption the amendments to Rules 251.02.20.001, .003, and .011, which the board adopts on an emergency basis in this issue. The text of the rules as amended appears in the Emergency Rules section of this issue).

The Coordinating Board, Texas College and University System proposes to amend Rules 251.02.20.001, .003, and .011 regarding nonexempt private degree-granting institutions operating in Texas. In Rule 251.02.20.001, the definition of degree is amended; in Rule 251.02.20.003, a section on the jurisdiction of the coordinating board has been added; and Rule 251.02.20.011 is amended regarding administrative procedures for initial certificates of authority.

Under existing rules, a degree is defined as any educational credential that uses the word "degree" in its title. As generally understood and legally interpreted in Texas, a program of study is not necessarily a degree-level program just because the word "degree" appears in its title. Rather, its curriculum must contain a balance of specialty courses and general arts and sciences or academic foundations courses.

The amendments to Rules 251.02.20.001 and .003 will provide for review and analysis of a proposed program to ascertain whether it meets the accepted definition of a degree and therefore is eligible to be considered for a certificate of authority from the coordinating board.

The board's current rules do not provide for a waiting period following denial of an institution's application for a certificate of authority. The amendment to Rule 251.02.20.011 will provide a waiting period following the conclusion of a review cycle so that an institution will have a reasonable opportunity to address and remedy the deficiencies identified by the evaluation committees.

The staff of the coordinating board has determined that there are no fiscal implications for the state or any unit of local government that would result from these changes.

Public comment is invited and may be submitted for a period of 30 days from the date of publication by telephoning the office of the coordinating board at (512) 475-4361, or by writing to the coordinating board at P.O. Box 12788, Austin, Texas 78711.

The amendments are proposed under the authority of the Texas Education Code, §61.301-§61.317.

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

Doc. No. 812817 Kenneth H. Ashworth
 Commissioner of Higher Education
 Coordinating Board, Texas College and
 University System

Proposed Date of Adoption: July 15, 1981
 For further information, please call (512) 475-2033.

Campus Planning and Physical Facilities Development

Requesting Coordinating Board Endorsement of Real Property Acquisitions 251.04.05

The Coordinating Board, Texas College and University System proposes to amend Rule 251.04.05.003 regarding the procedures for approval of real property acquisitions costing more than \$10,000. The proposed amendment will provide a policy concerning the use of funds for the acquisition of property and permanent improvements. The use of funds will be permitted only in the community in which the main campus is located and prevent the use of the funds to acquire facilities or real property for instructional or other uses away from the main campus or the universities.

The staff of the coordinating board has determined that there are no fiscal implications for the state or any unit of local government that would result from these changes.

Public comment is invited and may be submitted for a period of 30 days from the date of publication by telephoning the office of the coordinating board at (512) 475-4361, or by writing to the coordinating board at P.O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the authority of the Texas Education Code, §61.058.

.003. *Real Property Costing More Than \$10,000.* In connection with real property acquisitions in excess of \$10,000 the institution shall comply with the following procedure:

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

(4) *In administering the provisions of Rule 251.04.05.001, permanent improvements and acquisition of property from any source of funds will be approved only if contiguous to the main campus or within close proximity to the main campus of a public senior college or university. Upon adequate justification, exceptions may be made by the coordinating board for agricultural and research facilities not contiguous to the main campus.*

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

Doc. No. 812818 Kenneth H. Ashworth
Commissioner of Higher Education
Coordinating Board, Texas College and
University System

Proposed Date of Adoption: July 15, 1981
For further information, please call (512) 475-2033.

Student Services

Tuition Equalization Grants Program 251.05.05

(Editor's note: The Coordinating Board, Texas College and University System proposes for permanent adoption the amendments to Rule 251.05.05.006, which the board adopts on an emergency basis in this issue. The text of the rule as amended appears in the Emergency Rules section of this issue).

The Coordinating Board, Texas College and University System proposes to amend Rule 251.05.05.006 regarding disbursement procedures under the Tuition Equalization Grants Program. The proposed amendment will cause program funds to be allocated among participating institutions based upon the number of full-time students only. Students enrolled for at least half-time but less than full-time will continue to be eligible for prorated grants.

Removal of the less than full-time students from the allocation formula is proposed because, under conditions of less than full-program funding, many institutions give first priority for grants to full-time, rather than part-time students. Also, a few institutions located near military bases are serving large numbers of part-time students who tend to have little or no need for financial assistance from the institution. Including those students in the allocation basis tends to distort the tentative distribution of funds among institutions.

The staff of the coordinating board has determined that there are no fiscal implications for the state or any unit of local government that would result from these changes.

Public comment is invited and may be submitted for a period of 30 days from the date of publication by telephoning the office of the coordinating board at (512) 475-4361, or by writing to the coordinating board at P.O. Box 12788, Austin, Texas 78711.

The amendments are proposed under the authority of the Texas Education Code, §61.221-§61.229.

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

Doc. No. 812819 Kenneth H. Ashworth
Commissioner of Higher Education
Coordinating Board, Texas College and
University System

Proposed Date of Adoption: July 15, 1981
For further information, please call (512) 475-2033.

State Student Incentive Grant Program 251.05.06

(Editor's note: The Coordinating Board, Texas College and University System proposes for permanent adoption the amendments to Rule 251.05.06.002, which the board adopts on an emergency basis in this issue. The text of the rule as amended appears in the Emergency Rules section of this issue).

The Coordinating Board, Texas College and University System proposes to amend Rule 251.05.06.002 regarding disbursement procedures under the State Student Incentive Grant Program. The proposed amendment will allow otherwise eligible students in graduate and professional school programs to qualify for assistance through the State Student Incentive Grant Program. State student incentive grant awards must be matched by an equal amount of aid through the Tuition Equalization Grants Program.

The staff of the coordinating board has determined that there are no fiscal implications for the state or any unit of local government that would result from these changes.

Public comment is invited and may be submitted for a period of 30 days from the date of publication by telephoning the office of the coordinating board at (512) 475-4361, or by writing to the coordinating board at P.O. Box 12788, Austin, Texas 78711.

The amendments are proposed under the authority of the Texas Education Code, §61.221-§61.229.

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

Doc. No. 812820 Kenneth H. Ashworth
Commissioner of Higher Education
Coordinating Board, Texas College and
University System

Proposed Date of Adoption: July 15, 1981
For further information, please call (512) 475-2033.

Texas Public Educational Grants Program 251.05.07

(Editor's note: The Coordinating Board, Texas College and University System proposes for permanent adoption the amendments to Rules 251.05.07.007 and .008 which the board adopts on an emergency basis in this issue. The text of the rules as amended appears in the Emergency Rules section of this issue).

The Coordinating Board, Texas College and University System proposes to amend Rules 251.05.07.007 and .008 regarding disbursement procedures under the Texas Public

Educational Grants Program. These amendments will allow students in graduate and professional school programs to qualify for assistance through the Texas Public Educational—State Student Incentive Grants Program and will increase maximum grants to \$2,000 per year.

The staff of the coordinating board has determined that there are no fiscal implications for the state or any unit of local government that would result from these changes.

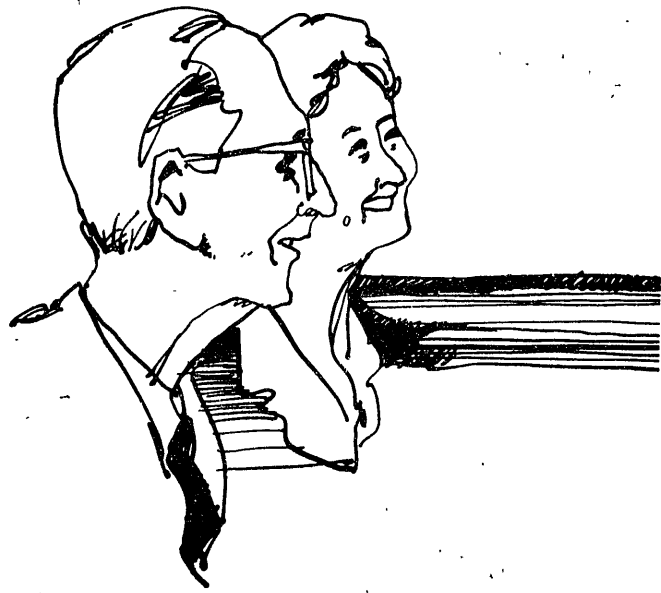
Public comment is invited and may be submitted for a period of 30 days from the date of publication by telephoning the office of the coordinating board at (512) 475-4361, or by writing to the coordinating board at P.O. Box 12788, Austin, Texas 78711.

The amendments are proposed under the authority of the Texas Education Code, §56.031-§56.038.

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

Doc. No. 812821 Kenneth H. Ashworth
 Commissioner of Higher Education
 Coordinating Board, Texas College and
 University System

Proposed Date of Adoption: July 15, 1981
For further information, please call (512) 475-2033.



Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency may take final action on a rule 30 days after publication of the proposed action in the *Register*. 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."

NONCODIFIED

Coordinating Board, Texas College and University System

Agency Administration

General Provisions 251.01.02

The Coordinating Board, Texas College and University System adopts amendments to Rule 251.01.02.001 with changes to the proposed text published in the November 7, 1980, issue of the *Texas Register* (5 TexReg 4416). The dates for the regular quarterly meetings of the board have been changed from the third Friday of January, April, July, and October to the last Friday of those months.

Under authority of Texas Education Code, §61.025, the Coordinating Board, Texas College and University System, adopts the following amendments.

.001. *Dates for Regular Quarterly Meetings of the Board.* Regular quarterly meetings of the Coordinating Board, Texas College and University System, hereinafter referred to as the board, will be held on the last Friday of January, April, July, and October with the understanding that the chairman may at the regular quarterly meeting alter the date of a subsequent meeting.

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

Doc. No. 812822 Kenneth H. Ashworth
 Commissioner of Higher Education
 Coordinating Board, Texas College and
 University System

Effective Date: May 19, 1981

Proposal Publication Date: November 7, 1980

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

Program Development

Core Curricula for Public Junior Colleges 251.02.05

The Coordinating Board, Texas College and University System adopts amendments to Rule 251.02.05.002 without changes to the proposed text published in the March 13, 1981, issue of the *Texas Register* (6 TexReg 910).

The amendments are adopted under authority of Texas Education Code, §61.051(g).

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

Doc. No. 812823 Kenneth H. Ashworth
 Commissioner of Higher Education
 Coordinating Board, Texas College and
 University System

Effective Date: May 19, 1981

Proposal Publication Date: March 13, 1981

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

Private Degree-Granting Institutions Operating in Texas 251.02.20

The Coordinating Board, Texas College and University System adopts amendments to Rule 251.02.20.004 with changes to the proposed text published in the February 13, 1981, issue of the *Texas Register* (6 TexReg 640). As a result of comments received, paragraph (16) as proposed has been deleted and proposed paragraph (17) has been designated as (16). The paragraph deleted would have required that regardless of whether each standard has been individually met, the institution must demonstrate in the totality of its operations that it is qualified to grant the programs and degrees its offers.

Under authority of Texas Education Code, §61.301-§61.317, the Coordinating Board, Texas College and University System adopts the following amendments.

.004. Minimum Standards for Nonexempt Institutions.

(a) The board shall require each institution to provide an acceptable comprehensive statement of its educational objectives and to demonstrate its fitness to operate and maintain itself in accordance with the following minimum standards:

(1) That the quality, content, and sequence of each course, curriculum or program of instruction, training, or study are appropriate to the purpose of the institution and are such that the institution may reasonably and adequately achieve the stated objectives of the course or program. Substantially all of the courses in the areas of specialization and at least 1/2 of the general education and/or supporting courses required for each degree program must be offered by the institution, provided such courses are appropriate to the level of the institution.

(2) (No change.)

(3) That there are a sufficient number of full-time faculty to insure:

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

(D) As a minimum, sufficient full-time faculty means for each program of study at least one full-time teaching faculty member whose field of preparation is appropriate to that program of study.

(4) That the institution has adequate space, equipment, instructional materials, library facilities, and financial resources to provide education of good quality.

(5)-(9) (No change.)

(10) That the institution is financially stable and will be able to fulfill its commitments to students. The institution will be evaluated to determine if it has sufficient reserves so that together with tuition and fees from currently enrolled students it would be able to complete its obligations to currently enrolled students if it were unable to admit any new students.

(11) That neither the institution or its agents engage in advertising, recruiting, sales, collection, financial credit, or other practices of any type which are false, deceptive, misleading, or unfair.

(12) (No change.)

(13) That the institution has a fair and equitable cancellation and refund policy.

(14) That membership of the board must include individuals who represent the public interest and who derive no financial gain from the operations of the institution.

(15) That there is sufficient distinction among the roles and personnel of the board and of the administration to ensure the appropriate separation of these functions.

(16) The bases of judgment for the application of these standards are generally accepted practices of accredited institutions of higher education in Texas and the United States as defined by institutional and specialized accrediting bodies and the several academic professional societies which have established standards for their members (e.g., the National Association of College and University Business Officers, American Association of Collegiate Registrars and Admissions Officers, et al.).

(b) (No change.)

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

Doc. No. 812824 Kenneth H. Ashworth
Commissioner of Higher Education
Coordinating Board, Texas College
and University System

Effective Date: May 19, 1981
Proposal Publication Date: February 13, 1981
For further information, please call (512) 475-2033.

Student Services

Hinson-Hazlewood College Student Loan Program for All Loans Made for or after Fall Semester 1971 and Which Are Subject to the Provisions of the Guaranteed Student Loan Program and the Health Education Assistance Loan Program 251.05.04.004-.007

The Coordinating Board, Texas College and University System adopts amendments to Rules 251.05.04.004-.007 without changes to the proposed text published in the March 6, 1981, issue of the *Texas Register* (6 TexReg 824).

The amendments are adopted under authority of Vernon's Texas Codes Annotated, Chapter 56, Subchapter B.

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

Doc. No. 812825 Kenneth H. Ashworth
Commissioner of Higher Education
Coordinating Board, Texas College and
University System

Effective Date: May 19, 1981
Proposal Publication Date: March 6, 1981
For further information, please call (512) 475-2033.

251.05.04.008-.018

The Coordinating Board, Texas College and University System adopts the repeal of Rules 251.05.04.008-.018 without changes to the proposed notice of repeal published in the March 6, 1981, issue of the *Texas Register* (6 TexReg 825). The coordinating board has repealed Rules 251.05.04.008-.013 in order to revise them and change their order within the chapter. Rules 251.05.04.014-.018 are being repealed to remove the format of forms from the rules.

The repeal is adopted under authority of Vernon's Texas Codes Annotated, Chapter 56, Subchapter B.

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

Doc. No. 812826 Kenneth H. Ashworth
Commissioner of Higher Education
Coordinating Board, Texas College and
University System

Effective Date: May 19, 1981
Proposal Publication Date: March 6, 1981
For further information, please call (512) 475-2033.

251.05.04.019-.027

The Coordinating Board, Texas College and University System adopts new Rules 251.05.04.019-.027 without changes to the proposed text published in the March 10, 1981, issue of the *Texas Register* (6 TexReg 875).

The new rules are adopted under authority of Vernon's Texas Codes Annotated, Chapter 56, Subchapter B.

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

Doc. No. 812827 Kenneth H. Ashworth
Commissioner of Higher Education
Coordinating Board, Texas College and
University System

Effective Date: May 19, 1981
Proposal Publication Date: March 10, 1981
For further information, please call (512) 475-2033.

Tuition Equalization Grants Program 251.05.05.004, .005

The Coordinating Board, Texas College and University System adopts amendments to Rules 251.05.05.004 and .005 without changes to the proposed text published in the February 13, 1981, issue of the *Texas Register* (6 TexReg 641).

The amendments are adopted under authority of Vernon's Texas Codes Annotated, Chapter 56, Subchapter B.

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

Doc. No. 812828 Kenneth H. Ashworth
 Commissioner of Higher Education
 Coordinating Board, Texas College and
 University System

Effective Date: May 19, 1981
Proposal Publication Date: February 13, 1981
For further information, please call (512) 475-2033.

251.05.05.008-.011

The Coordinating Board, Texas College and University System adopts the repeal of Rules 251.05.05.008-.011 without changes to the proposed notice of repeal published in the March 6, 1981, issue of the *Texas Register* (6 TexReg 826). The coordinating board has repealed Rules 251.05.05.008-.011 in order to remove certain forms from the formal rules and regulations of the Tuition Equalization Grants Program.

The repeal is adopted under authority of Vernon's Texas Codes Annotated, Chapter 56, Subchapter B.

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

Doc. No. 812829 Kenneth H. Ashworth
 Commissioner of Higher Education
 Coordinating Board, Texas College and
 University System

Effective Date: May 19, 1981
Proposal Publication Date: March 6, 1981
For further information, please call (512) 475-2033.

State Student Incentive Grant Program 251.05.06

The Coordinating Board, Texas College and University System adopts the repeal of Rule 251.05.06.003 without changes to the proposed notice of repeal published in the March 6, 1981, issue of the *Texas Register* (6 TexReg 826). The coordinating board has repealed Rule 251.05.06.003 in order to remove the Student Affirmation Form from the formal rules and regulations of the State Student Incentive Grants Program, thereby making revisions to this form more practical.

The repeal is adopted under authority of Vernon's Texas Codes Annotated, Chapter 56, Subchapter B.

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

Doc. No. 812831 Kenneth H. Ashworth
 Commissioner of Higher Education
 Coordinating Board, Texas College and
 University System

Effective Date: May 19, 1981
Proposal Publication Date: March 6, 1981
For further information, please call (512) 475-2033.

Texas Public Educational Grants Program 251.05.07.006, .007

The Coordinating Board, Texas College and University System adopts amendments to Rules 251.05.07.006 and .007 without changes to the proposed text published in the February 13, 1981, issue of the *Texas Register* (6 TexReg 642).

The amendments are adopted under authority of Vernon's Texas Codes Annotated, Chapter 56, Subchapter B.

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

Doc. No. 812832 Kenneth H. Ashworth
 Commissioner of Higher Education
 Coordinating Board, Texas College and
 University System

Effective Date: May 19, 1981
Proposal Publication Date: February 13, 1981
For further information, please call (512) 475-2033.

251.05.07.010, .011

The Coordinating Board, Texas College and University System adopts the repeal of Rules 251.05.07.010 and .011 without changes to the proposed notice of repeal published in the March 6, 1981, issue of the *Texas Register* (6 TexReg 826). The coordinating board has repealed Rules 251.05.07.010 and .011 in order to remove certain forms from the formal rules and regulations of the State Texas Public Educational Grants Program, thereby making revisions to this form more practical.

The repeal is adopted under authority of Vernon's Texas Codes Annotated, Chapter 56, Subchapter B.

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

Doc. No. 812833 Kenneth H. Ashworth
 Commissioner of Higher Education
 Coordinating Board, Texas College and
 University System

Effective Date: May 19, 1981
Proposal Publication Date: March 6, 1981
For further information, please call (512) 475-2033.

Hinson-Hazlewood College Student Loan Program for All Loans Made for or after Fall Semester 1971 and Which Are Not Subject to the Federally Insured Student Loan Program 251.05.14.007

The Coordinating Board, Texas College and University System adopts amendments to Rule 251.05.14.007 without changes to the proposed text published in the February 13, 1981, issue of the *Texas Register* (6 TexReg 643).

The amendments are adopted under authority of Vernon's Texas Codes Annotated, Chapter 56, Subchapter B.

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

Doc. No. 812834 Kenneth H. Ashworth
 Commissioner of Higher Education
 Coordinating Board, Texas College and
 University System

Effective Date: May 19, 1981
Proposal Publication Date: February 13, 1981
For further information, please call (512) 475-2033.

251.05.14.021, .022

The Coordinating Board, Texas College and University System adopts the repeal of Rules 251.05.14.021 and .022 without changes to the proposed notice of repeal published in the March 6, 1981, issue of the *Texas Register* (6 TexReg 827). The coordinating board has repealed Rules 251.05.14.021 and .022 in order to remove certain forms from the formal rules and regulations of the Hinson-Hazlewood College Student Loan Program, thereby making revisions to such forms more practical.

The repeal is adopted under authority of Vernon's Texas Codes Annotated, Chapter 56, Subchapter B.

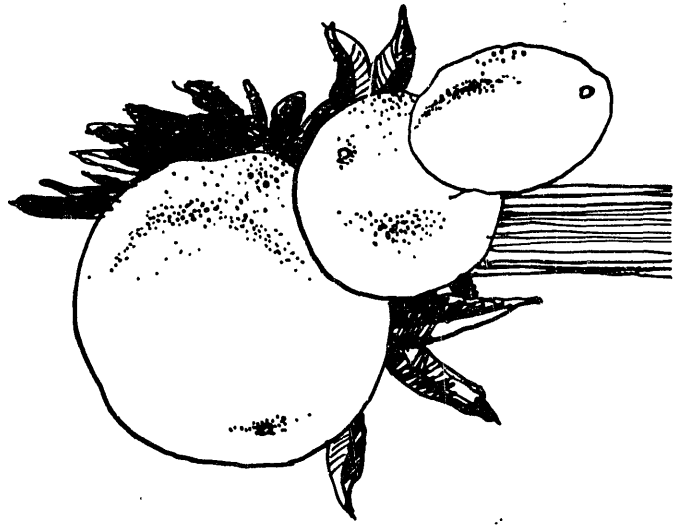
Issued in Austin, Texas, on April 24, 1981.

Doc. No. 812835 Kenneth H. Ashworth
 Commissioner of Higher Education
 Coordinating Board, Texas College and
 University System

Effective Date: May 19, 1981

Proposal Publication Date: March 6, 1981

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



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

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

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

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

Texas Cosmetology Commission

Sunday, May 17, 1981, 9:30 a.m. The Texas Cosmetology Commission has made additions to the agenda of a meeting to be held at 1111 Rio Grande, Austin. A report by the Examination Committee and an executive session have been added.

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

Filed: April 28, 1981, 4:18 p.m.
Doc. No. 812812

Texas Education Agency

Thursday, May 7, 1981, 8:30 a.m. The Committee of the Whole of the State Board of Education will meet in the board room, 150 East Riverside Drive, Austin. According to the agenda, the committee will consider the following matters: protests related to 1981 supplementary materials basal reading adoption, preliminary report of the commissioner of education on supplementary materials, hearing on supplementary materials protests from petitioners and publishers; pending litigation (in executive session pursuant to Vernon's Texas Civil Statutes, Article 6252-17, §2(e)); and legislative recommendations.

Information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 29, 1981, 4:13 p.m.
Doc. No. 812864

Thursday, May 7, 1981, 1 p.m.-6 p.m. The Screening Committee of the State Board of Education will meet in the first floor hearing room, 201 East 11th Street, Austin. According to the agenda, the committee will meet in executive session to select a new commissioner of education as authorized by Texas Civil Statutes, Open Meetings Law, Article 6252-17, §2(g).

Information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 29, 1981, 4:14 p.m.
Doc. No. 812865

Friday, May 8, 1981, 7 a.m.-8:30 a.m. The Ad Hoc Legal Committee of the State Board of Education will meet in the Nueces Room of the Sheraton Crest Hotel, 111 East 1st Street, Austin. According to the agenda, the committee will discuss liability of State Board of Education members and other legal implications of State Board of Education membership.

Information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 29, 1981, 4:14 p.m.
Doc. No. 812867

Friday, May 8, 1981, 8:30 a.m.-10:30 a.m. The Committee for Programs and Personnel Development of the State Board of Education will meet in the board room, 150 East Riverside Drive, Austin. According to the summarized agenda, the committee will consider the following matters: personnel health, safety, and well-being, pupil health, safety, and well-being; program guide for education of migrant children; State Parent Advisory Council for Migrant Education; progress report on recommendations by Advisory Council for Technical-Vocational Education in Texas, commissioner's report on textbooks; and supplementary materials for basal reading and bilingual reading.

Friday, May 8, 1981, 11 a.m. The Committee of the Whole of the State Board of Education will meet in the board room, 150 East Riverside Drive, Austin. According to the agenda, the committee will meet in executive session as authorized by Vernon's Texas Civil Statutes, Open Meetings Law, Article 6252-17, §2(g), to select a new commissioner of education for the State of Texas for the term of June 1, 1981, to May 31, 1985.

Information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 29, 1981, 4:14 p.m.
Doc. No. 812868

Friday, May 8, 1981, 8:30 a.m.-10:30 a.m. The Committee for Policy, Budget, and Finance of the State Board of Education will meet in the second floor conference room, 158 East Riverside Drive, Austin. According to the summarized agen-

da, the committee will consider the following matters: provision for pregnant pupils; requirements for issuance of Texas certificate based on certificates and college credentials from other states; operational basis of school districts; classification of school districts; creation, alteration, and abolition of school districts; school district collection of student fees; recommendation of apprenticeship and training and Advisory Committee; and continuation contract with Mid-America Vocational Curriculum Consortium, Inc.

Information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 29, 1981, 4:15 p.m.
Doc. No. 812869

Information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 29, 1981, 4:15 p.m.
Doc. No. 812870

Friday, May 8, 1981, 1:30 p.m.-5 p.m. The Committee for Investment of the Permanent School Fund of the State Board of Education will meet in the second floor conference room, 158 East Riverside Drive, Austin. According to the agenda, the committee will consider a recommended addition to the approved list of corporations for security purchases for the state permanent school fund and discuss the investment of available funds.

Information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 29, 1981, 4:15 p.m.
Doc. No. 812871

Friday, May 8, 1981, 1:30 p.m.-3 p.m. The Committee for Priorities, Accountability, and Accreditation of the State Board of Education will meet in the board room, 150 East Riverside Drive, Austin. According to the agenda, the committee will consider the administration and operation of regional education service centers and discuss services to member schools.

Information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 29, 1981, 4:16 p.m.
Doc. No. 812872

Friday, May 8, 1981, 1:30 p.m.-3 p.m. The Committee for Special Schools, Athletics, and Special Projects of the State Board of Education will meet in the second floor conference room, 150 East Riverside Drive, Austin. According to the agenda, the committee will consider the approval of non-public schools for handicapped students for contracting purposes for school year 1981-82.

Information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 29, 1981, 4:16 p.m.
Doc. No. 812873

Friday, May 8, 1981, 3 p.m.-5 p.m. The Committees for Priorities, Accountability, and Accreditation, and for Special Schools, Athletics, and Special Projects of the State Board of Education will meet in the board room, 150 East Riverside Drive, Austin. According to the agenda, the committees will consider the report of Dr. M. L. Brockett on the voluntary interdistrict education plan.

Information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 29, 1981, 4:19 p.m.
Doc. No. 812874

Saturday, May 9, 1981, 8:30 a.m. The State Board of Education will meet in the board room, 150 East Riverside Drive, Austin. According to the summarized agenda, the board will consider the following matters: Texas Teacher of the Year, 1981; report of the Committee of the Whole to the State Board of Education and the selection of commissioner of education for the State of Texas for the term of June 1, 1981, to May 31, 1985; agency administration; Good Neighbor Scholarships; personnel health, safety, and well-being; pupil health, safety, and well-being; program guide for the education of migrant children; nominations to State Parent Advisory Council for Migrant Education; progress report on recommendations made by Advisory Council for Technical-Vocational Education in Texas and accepted by the State Board of Education; report of commissioner of education on textbooks; quota for supplementary materials for basal reading and bilingual reading (Proclamation 56A); multiple list resolutions of the State Board of Education; resolution authorizing purchase and distribution of multiple list samples; application to establish new depository status; appointment of 1981 State Textbook Committee; provision for pregnant pupils; requirements for issuance of Texas certificate based on certificates and college credentials from other states; operational basis of school districts; classification of school districts; creation, alteration, and abolition of school districts, school district collection of student fees, recommendation of Apprenticeship and Training and Advisory Committee; request for authority to continue contract with Mid-America Vocational Curriculum Consortium, Inc.; governor's recommendation for appointment to Advisory Council for Technical-Vocational Education in Texas; administration and operation of regional education service centers; services to member schools; approval of nonpublic schools for handicapped students for contracting purposes for school year 1981-82; recommended addition to approved list of corporations for security purchases for the state permanent school fund, investment of available funds; request for resolution by Mr. Reddell; and report of Governor's Task Force on Bilingual Education.

Information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: April 29, 1981, 4:16 p.m.
Doc. No. 812875

Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

Friday, May 8, 1981, 1 p.m. The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet in Suite 810, 1215 Walker Street, Houston, to upgrade and revise state examination.

Information may be obtained from R. B. Hall, 1212 Guadalupe, Penthouse Apartments, Suite 105, Austin, Texas 78701, (512) 475-3429.

Filed: April 29, 1981, 9:21 a.m.
Doc. No. 812860

Texas Department of Health

Tuesday, June 2, 1981, 10 a.m. The Texas Department of Health will conduct a hearing at the Virgil T. Blossom Athletic Center, 12002 Jones-Maltsberger Road, San Antonio, to consider Application 1443 of the City of San Antonio to operate a proposed Type-X municipal solid waste transfer station to be located immediately south of Starcrest Drive, 1500 feet north of Bitters Road, 0.7 mile east of Jones-Maltsberger Road, and 0.7 mile west of Wetmore Road, in San Antonio (11600 block of Starcrest Drive).

Information may be obtained from Jack C. Carmichael, 1100 West 49th Street, Austin, Texas, (512) 458-7271.

Filed: April 30, 1981, 9:54 a.m.
Doc. No. 812888

Statewide Health Coordinating Council

Friday, May 15, 1981, 9 a.m. The Application, Budget, and Project Review Committee of the Statewide Health Coordinating Council will meet in Room T-507, 1100 West 49th Street, Austin. According to the summarized agenda, the committee will discuss and review the following applications from the Texas Department of Health (TDH) the and Health Systems Agency (HSA): Texas genetics network application (TDH); statewide services grant for the treatment and rehabilitation of narcotic addicts and drug abusers (TDH); State Drug Abuse Prevention Grant Program for coordinating and improving the service delivery methods of drug abuse prevention programs (TDH), and emergency medical services systems, Public Health Services Act, §1203(1) and §1203(2) application (TDH). Panhandle Health Systems Agency application for second-year funding of three-year designation (HSA 1), Central Texas Health Systems Agency, Inc., grant application August 1, 1980, through July 31, 1982, (HSA 2); Northeast Texas Health Systems Agency Inc., application for continuation of three-year designation 1981-1982, (HSA 7); Camino Real Health Systems Agency application for renewal of full designation and grant for 1981-1982 program year (HSA 9).

Information may be obtained from Mike Ezzell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: April 30, 1981, 9:55 a.m.
Doc. No. 812887

Texas Health Facilities Commission

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

Certificate of Need
Mercy Hospital of Laredo, Laredo
AH80-1205-013

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

Filed: April 29, 1981, 9:45 a.m.
Doc. No. 812859

Texas Department of Human Resources

Friday, May 8, 1981, 10 a.m. The board of the Texas Department of Human Resources will meet in Room 1B, 706 Banister Lane, Austin. According to the summarized agenda, the board will consider the following items: election of a presiding officer of the board of the Texas Department of Human Resources; proposed policies in the long-term care program, proposed policies on long-term care swing beds in hospitals; Title XX reimbursement, adjustments to fiscal year 1981 operating budget; legislative matters; report on competitive procurement; report on intermediate care for the mentally retarded; authorization of certain individuals to sign papers or instruments on behalf of the commissioner; final rule—change in budgeting fair standard contributions from ineligible spouses in the Medicaid Program, technical amendments to program policies and procedures, commissioner's report, and meet in executive session on personnel matters, pending and contemplated litigation, and real property

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

Filed: April 20, 1981, 10:21 a.m.
Doc No. 812861

State Board of Insurance

Thursday, May 7, 1981, 10 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, to consider Docket 6381—application of Georgia U. S. Corp., Atlanta, Georgia, to acquire control of Fidelity Southern Insurance Company, Houston.

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

Filed: April 28, 1981, 1:16 p.m.
Doc No. 812802

Board for Lease of State-Owned Lands

Thursday, May 7, 1981, 2 p.m. The Board for Lease of State-Owned Lands will meet in Room 831 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will consider the approval of the previous board meeting, and bids received at the April 7, 1981, oil, gas, and other minerals lease sale.

Information may be obtained from Linda K. Fisher, Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-2071.

Filed: April 29, 1981, 3:49 p.m.
Doc. No. 812863

Texas State Board of Medical Examiners

Friday, May 1, 1981, 8 a.m. The Medical School Liaison Committee of the Texas State Board of Medical Examiners met at the A&M College of Medicine in Bryan and Temple. According to the agenda, the committee continued its periodic informal review of campuses and related medical school activities. The committee also met in executive session under authority of Article 6252-17, as related to Article 4590-i, §2.06 and Attorney General Opinion H-484 (1974). The meeting was held on less than seven days' notice because it was the only time the committee could have a quorum and because the final agenda needed to be approved by those attending.

Information may be obtained from Jean Davis, 211 East 7th, Austin, Texas, (512) 475-0741.

Filed: April 28, 1981, 4:13 p.m.
Doc. No. 812807

Midwestern State University

Wednesday, May 6, 1981, 3 p.m. The Personnel and Curriculum Committee of the Midwestern State University Board of Regents will meet in the board room of the Hardin Administration Building, Midwestern State University, Wichita Falls, to consider the promotion and tenure recommendations for the 1981-82 academic year.

Information may be obtained from Dr. Jesse W. Rogers, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6611, ext. 22.

Filed: April 29, 1981, 9:22 a.m.
Doc. No. 812858

Texas Optometry Board

Wednesday, May 6 and 7, 1981, 8 p.m. and 8:30 a.m., respectively. The Texas Optometry Board and its committees will meet at the Sheraton Crest Hotel, Austin. According to the agenda summary, the committees will meet on May 6. On May 7, there will a general business meeting. Items on

the agenda of that meeting include: election of officers; reports of secretary-treasurer, executive secretary, legal counsel, and committee chairmen; old business—discussion of attorney general's opinion regarding separation of offices; new business—requests of licensees for duplicate licenses and reinstatement of license; executive session (to discuss contemplated and pending litigation with board attorney in compliance with Article 6252-17, §2(3)).

Information may be obtained from Lois Ewald, Suite H-101, 5555 North Lamar, Austin, Texas 78751, (512) 458-2141 or 820-1493 (Tx An).

Filed: April 28, 1981, 4:09 p.m.
Doc. No. 812808

Board of Pardons and Paroles

Monday-Friday, May 11-15, 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 change relating to general operation, executive clemency, parole, and all hearings conducted by this agency; and take action upon gubernatorial directives.

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

Filed: April 28, 1981, 11:12 a.m.
Doc. No. 812800

Wednesday, May 13, 1981, 9 a.m. The Board of Pardons and Paroles will meet in the diagnostic unit of the Texas Department of Corrections, Huntsville. A parole panel consisting of members of the Board of Pardons and Paroles and/or parole commissioner(s) will conduct administrative release violation hearings and reinstatement hearings.

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

Filed: April 28, 1981, 11:12 a.m.
Doc. No. 812801

State Pension Review Board

Monday, May 11, 1981, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board will meet in Room G35B of the State Capitol. According to the agenda, the committee will meet in a regularly scheduled weekly work session to discuss upcoming legislation.

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

Filed: April 29, 1981, 9:21 a.m.
Doc. No. 812862

Public Utility Commission of Texas

Monday, May 11, 1981, 8:30 a.m. The Public Utility Commission of Texas has rescheduled a prehearing conference to be held in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3843—application of McCulloch Electric Cooperative, Inc., for an electric rate increase. The conference was originally scheduled for May 6, 1981.

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

Filed: April 28, 1981, 4:16 p.m.
Doc. No. 812809

Wednesday, May 13, 1981, 10 a.m. The Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3852—application of Elliott Subdivision for authority to increase rates within Matagorda County.

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

Filed: April 28, 1981, 4:18 p.m.
Doc. No. 812810

Friday, May 15, 1981, 10 a.m. The Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3837—application of Country Squire Water and Sewer, Inc., for authority to increase rates within Orange County.

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

Filed: April 28, 1981, 4:18 p.m.
Doc. No. 812811

Wednesday, June 24, 1981, 9 a.m. The Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3770—application of M&S Water System for a rate increase within Travis County.

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

Filed: April 29, 1981, 4:19 p.m.
Doc. No. 812883

Monday, July 6, 1981, 9 a.m. The Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3617—complaint of Texas Daily Newspaper Association concerning expansion of operating authority of Southwestern Telephone Company beyond the rendition of telecommunication service.

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

Filed: April 29, 1981, 4:19 p.m.
Doc. No. 812884

Tax Assessor Examiners Board

Thursday, May 14, 1981, 9 a.m. The Tax Assessor Examiners Board will meet at 9501 IH 35 North, Austin. According to the summarized agenda, the board will meet in a work session and consider the following matters: action and discussion items; future legislation; and new and old business. The board will also meet in executive session.

Information may be obtained from Ben H. Tow, 9501 IH 35 North, Austin, Texas, (512) 837-9800 or 1-800-252-9304.

Filed: April 29, 1981, 4:19 p.m.
Doc. No. 812877

Teachers' Professional Practices Commission

Monday and Tuesday, May 11 and 12, 1981, 9 a.m. daily. The Teachers' Professional Practices Commission will meet in the second floor conference room, 158 East Riverside Drive, Austin. According to the agenda, the commission will hear two complaints brought by two practicing professionals against two other practicing professionals pursuant to §13.201-§13.218 of the Texas Education Code. The hearings will be closed and will be heard by the commission en banc.

Information may be obtained from Bill Borgers, 201 East 11th Street, Austin, Texas 78701, (512) 475-6836.

Filed: April 29, 1981, 4:17 p.m.
Doc. No. 812876

Texas Water Commission

Tuesday, May 19, 1981, 9:30 a.m. The Texas Water Commission will conduct the following hearings in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin.

TA-4010—application by William E. Lanyon for a temporary permit to divert and use 120 acre-feet of water for a four-month period from reservoir, Skull Creek, Colorado River, Colorado River Basin, for industrial purposes in Colorado County.

TA-4011—application by Louis Peters for a permit to divert and use 1,200 acre-feet of water for a one-year period from Lavaca River, Lavaca River Basin, for irrigation use in Jackson County.

TA-4030—application by Natural Gas Pipeline Company of America for a permit to divert and use 19 acre-feet of water for a one-year period from reservoir on Murvaul Bayou, Sabine River, Sabine River Basin, for industrial purposes in Panola County.

TA-4031—application by Natural Gas Pipeline Company of America for a permit to divert and use 31 acre-feet of water for a one-year period from Big Cypress Creek, Cypress Basin, for industrial purposes in Marion County

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: April 28, 1981, 3:05 p.m.
Doc. Nos. 812803-812806

Thursday, June 4, 1981, 10 a.m. The Texas Water Commission will conduct hearings in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, in the following applications:

Application 4116 of Woodland West Lake Association for a permit to impound 42 acre-feet in an existing reservoir on an unnamed tributary of Rush Creek, tributary of the Trinity River, Trinity River Basin, for recreational purposes in Tarrant County.

Application 4117 of June Spires, Mrs. Joe Cohn for a permit to divert and use 950 acre-feet of water per annum from the San Antonio River, San Antonio River Basin, for irrigation purposes in Goliad County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: April 29, 1981, 3:02 p.m.
Doc. Nos. 812878 and 812879

Friday, June 5, 1981, 10 a.m. The Texas Water Commission will conduct hearings in Room 618 of the Stephen F. Austin Building, 1700 North Congress, Austin, on the the following applications:

Application 4115 of Florence Goodman Wedd, et al seeking a permit to use five acre-feet on an unnamed tributary of the Angelina River, tributary of Neches River, Neches River Basin, for irrigation purposes in Nacogdoches County.

Application 4118 of Richard P. Ruff for a permit to authorize impoundment of six acre-feet of water on an unnamed tributary of Hurricane Creek, tributary of Cedar Creek, tributary Neches River, Neches River Basin, for recreational purposes in Angelina County.

Application 4119 of C. W. Marshall for a permit to modify existing levee and divert not to exceed 94.9 acre-feet per year from Mission River, San Antonio-Nueces Coastal Basin, for recreational purposes in Refugio County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: April 29, 1981, 3:03 p.m.
Doc. Nos. 812880-812882

The West Central Texas Council of Governments, Regional Advisory Council on Aging, will meet at the Royal Inn, East Highway 80, Abilene, on May 7, 1981, at 10 a.m. Information may be obtained from Dorothy Vanderslice, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

Doc. No. 812799

Meetings Filed April 29, 1981

The Bexar-Medina-Atascosa Counties Water Control and Improvement District 1, Board of Directors, met in the district office, Natalia, on May 4, 1981, at 10 a.m. Information may be obtained from Clifford Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Brazos Valley Development Council, Executive Committee, will meet at the Brazos Center, 3232 Briarcrest Drive, Bryan, on May 7, 1981, at 1:30 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805, (713) 822-7421.

The Education Service Center Region XV, Joint Committee, will meet at 100 North Magdalen, San Angelo, on May 12, 1981, at 10 a.m. The Board of Directors will meet at the same location and the same day, at 1:30 p.m. Information may be obtained from Clyde Warren, Box 5199, San Angelo, Texas 76902, (915) 655-6551.

The Hays County Central Appraisal Board met in the board room of the William Johnson Administration Building, Mountain City, on May 4, 1981, at 2 p.m. Information may be obtained from H. William Beare, Jr., P.O. Box 1287, San Marcos, Texas 78666, (512) 396-4777.

The Sabine Valley Regional MH/MR Center, Board of Trustees, held an emergency meeting at 1501 East Marshall Avenue, Longview, on April 30, 1981, at noon. Information may be obtained from Frances H. Willis, P.O. Box 6800, Longview, Texas, (214) 297-2191.

The West Central Texas Council of Governments, Private Industry Council, will meet at K-Bob's Steak House, 1149 East North 10th Street, Abilene, on May 14, 1981, at 10 a.m. Information may be obtained from Kathy Hawkins, P.O. Box 3195, Abilene, Texas, (915) 672-8544.

Doc. No. 812857

Regional Agencies

Meetings Filed April 28, 1981

The Gregg County Appraisal District met in the Spring Hill Administration Building, Highway 300 North, Longview, on May 4, 1981, at 7 p.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 757-8214.

The High Plains Underground Water Conservation District 1, Board of Directors, met in the conference room, 2930 Avenue Q, Lubbock, on May 4, 1981, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

Meetings Filed April 30, 1981

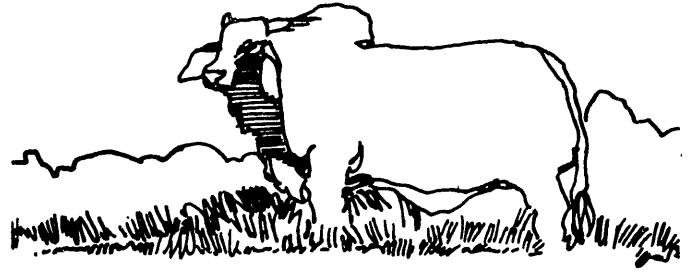
The Edwards Underground Water District, Board of Directors, will meet in the meeting room, second floor, Tower Life Building, San Antonio, on May 12, 1981, at 10 a.m. Information may be obtained from Thomas P. Fox, 1200 Tower Life Building, San Antonio, Texas 78205, (512) 222-2204.

The Fisher County Appraisal District Board will meet in the Hospitality Room of the Fisher County Courthouse, Roby, on May 11, 1981, at 7 p.m. Information may be obtained from Billie L. Holcomb, Box 516, Roby, Texas 79543, (915) 776-2733.

The Gulf Bend MH/MR Center, Board of Trustees, will meet at 2105 Port Lavaca Drive, Victoria, on May 7, 1981, at noon. Information may be obtained from the Gulf Bend MH/MR Center, 2105 Port Lavaca Drive, Victoria, Texas 77901, (512) 578-5262.

The Panhandle Health Systems Agency, Panhandle Regional Planning Commission and Plan Development Committee, is rescheduling a meeting to be held at the Psychiatric Pavilion, 7701 Evans, Amarillo, on May 7, 1981, at 6:30 p.m. Information may be obtained from E. L. Melin, P.O. Box 9257, Amarillo, Texas 79105.

Doc. No. 812889



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 342-401 a(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 Air Control Board

Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received during the period of April 20-24, 1981.

Information relative to these applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the Central Office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the Central Office of the Texas Air Control Board at the address stated above and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

Week Ending April 24, 1981

Champlin Petroleum Co., Garden City; natural gas processing plant; southwest Conger gas plant; 8775; new source

Diamond Shamrock Corp., Dimmitt; fuel grade ethanol production facility; Rodeo cut-off; 8774; new source

Manatt's, Inc., Canton; asphalt plant; address unavailable; 8773; new source

Arrow Materials, Inc., Helotes; gravel washer; FM Road 1560; 8772; new source

Graves Grain and Gin Co., Waxahachie; grain storage facility; Route 1, Bells Chapel Road; 8771; new source

Baron Corp., Granite Shoals; portable crushing and screening plant; address unavailable; 7794A; new source

Jagoe Public Co., Eastland; rock crushing plant (PX-2; Truly pit; 4740; new source

Issued in Austin, Texas, on April 28, 1981.

Doc No 812854 Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: April 29, 1981, 9:25 a.m.

For further information, please call (512) 451-5711, ext. 354.

Contested Case Hearing

In the matter of H.T.C. Industries, Inc., Contested Case Hearing 155

Pursuant to the authority provided in the Texas Clean Air Act, Vernon's Texas Civil Statutes, Article 4477-5, §3.15-§3.17, hereinafter referred to as the Act, and the procedural rules of the Texas Air Control Board, §103.11(3) (131.02.02.001(3)) and §103.41 (131.02.04.001), an examiner for the Texas Air Control Board will conduct a hearing to consider whether Construction Permit C-8710 should be issued to H.T.C. Industries, Inc., (hereinafter referred to as the company), for the construction of an animal by-product rendering plant to be located at 1812 North Bell Street, San Angelo, Tom Green County.

Said company is directed to appear at the time and place shown below and demonstrate by preponderance of evidence why the Texas Air Control Board should issue a construction permit for the proposed facility as authorized by §3.27 of the Act, and Regulation VI of the rules and regulations of the Texas Air Control Board.

The record of this hearing will be used by the Texas Air Control Board in determining whether to issue the construction permit pursuant to §3.27 of the Act and Regulation VI of the Texas Air Control Board.

Information regarding the application for the permit and copies of the board's rules and regulations are available at the regional office of this agency located at 835 Tower Drive, Odessa, Texas 79760; the Central Office of this agency located at 6330 Highway 290 East, Austin, Texas 78723; and the Office of the Planning Department, City of San Angelo, Texas 79620.

The examiner has set the hearing to begin at 7 p.m. June 3, 1981, at the City of San Angelo, city council chambers, Urban and College, San Angelo, Texas 79620.

Prospective parties to the hearing will be the Texas Air Control Board staff, the company, Mr. and Mrs. Richard Lawson, Rose M. Stewart, Richard Nelson, and Pauline Lawson. Any other persons desiring to be made a party to the hearing may apply to Examiner Nathan Johnson, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. No person will be admitted as a party unless the request is received at the address shown above with a postmark date no later than May 11, 1981. At the hearing, only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. If an interested person desires to give testimony at the hearing but does not desire to be a party, he or she may call the Legal Division of the Texas Air Control Board at (512) 451-5711, extension 358, to determine the names and addresses of all admitted parties. These parties may then be contacted about the possibility of presenting testimony.

Pursuant to the procedural rules of the Texas Air Control Board, §103.46 (131.02.05.006), the examiner has scheduled a prehearing conference on May 12, 1981, at 7 p.m. at the city council chambers, City of San Angelo, Urban and College, San Angelo, Texas 79620. All persons admitted as parties must attend the conference and are required to submit a list of disputed issues for consideration at the hearing. At this conference, a specific date prior to the hearing on the merits will be established for the exchange of witness lists, short

summaries of their prospective testimony, and copies of written and documentary evidence pursuant to §103.46(2) (131.02.05.006(2)).

Interested members of the general public who plan to attend the hearing are encouraged to telephone the Central Office of the Texas Air Control Board in Austin, at (512) 451-5711, extension 358, or the Region 6 office in Odessa at (915) 337-5496, a day or two prior to the hearing date in order to confirm the setting since continuances are granted from time to time.

Issued in Austin, Texas, on April 28, 1981.

Doc. No. 812855 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: April 29, 1981, 9:54 a.m.
For further information, please call (512) 451-5711, ext. 354.

State Commission for the Blind Consultant Proposal Request

Parties and General Information. The State Commission for the Blind (hereinafter referred to as the commission) requests proposals for consulting services under the provisions of Article 6252-11c. Each private consultant who wishes to make an offer should contact Rolando Garza, information officer, (512) 475-3245, for additional information concerning the proposal. The closing date for receipt of offers of consultant services will be June 12, 1981. Each proposal will be reviewed by a review committee appointed by the executive director of the commission.

Purpose and Authority. The purpose of this proposal is to provide to the commission:

- (1) a 28-minute, 30-second color motion picture on blind persons, suitable for television format,
- (2) a second version of this motion picture approximately 20 minutes in length.

Authority for this proposal can be found in Title V, Texas Human Resources Code, Chapter 91.

Commission's Obligations. The commission's public information officer and media librarian will act as liaison persons and will provide information regarding content. The executive director will have authority to make binding decisions regarding the production. After script approval, any changes which alter the script in a fashion and which requires additional cost to produce will be paid for by the commission. The cost of such production changes will be negotiated between the consultant and the commission.

Consultant's Obligations. The consultant shall design and produce two 16mm color sound motion pictures:

- (1) a full-length version approximately 28 minutes 30 seconds in length, and
- (2) an abbreviated version approximately 20 minutes in length.

The 20-minute version will be identical to the first 20 minutes of the longer version unless changes are agreed to by both parties of this agreement. The full-length version is to

be developed in accordance with the commission's film proposal. For payment purposes, the consultant will submit a statement of services rendered in a form acceptable to the commission.

Distribution Agreement. The exclusive world-wide distribution rights to the program will reside with the consultant, who will prepare and distribute a brochure on the film and enter the film in appropriate film festivals. The commission will be paid a royalty (to be negotiated) on all sales of film prints, video tape, and video discs of the program. Upon agreement by both parties to this agreement, if the program is distributed in any format by a third-party distributor, the royalty income of such distribution will be divided on a 50/50 basis between the commission and the consultant. In the event that the program is distributed on television, the commission will be paid a percentage of the gross income of such distribution. The commission will be provided the opportunity to purchase the program in either film or video tape formats at the laboratory costs plus no more than 25% handling charges. The total number of these copies shall not exceed the aggregate amount of 25 copies. The commission, U.S. Department of Education, and the Comptroller General of the United States shall have the right of access to any books, documents, papers, or other records of the consultant which are pertinent to this agreement and the royalties generated therein in order to make audit, examination, exemptions, and transcripts.

Termination. The commission or the consultant may terminate this contract with 30 working days written notice for failure of either party to perform his or its obligations. If the contract is terminated by either party, the consultant will be paid for all work performed up to the date of termination.

Issued in Austin, Texas, on April 28, 1981.

Doc. No. 812856 Evans Wentz
Executive Director
State Commission for the Blind

Filed: April 29, 1981, 8:58 a.m.
For further information, please call (512) 475-3245.

Central Texas Council of Governments Central Texas Area on Aging Public Hearings

The Central Texas Area Agency on Aging of the Central Texas Council of Governments has submitted the following schedule of public hearings for May. The agenda for each hearing includes: (1) explanation of formulation of the area plan; (2) distribution and completion of questionnaire; and (3) suggestions and comments on future goals.

Monday, May 4, 1981, 11:30 a.m.

Harvest House
300 North 11th Street
Temple, Texas 76501

Golden Haven
505 North 2nd Street
Temple, Texas 76501

Tuesday, May 5, 1981, 11:30 a.m.

Casa Hispanica
801 South Main Street
Temple, Texas 76501

Friendship House
1609 East Avenue I
Temple, Texas 76501

Wednesday, May 6, 1981, 11:30 a.m.

Belton Senior Center
842 South Mitchell
Belton, Texas 76513

Thursday, May 7, 1981, 11:30 a.m.

Holland Center
P.O. Box 367
Holland, Texas 76534
Little River Nutrition Center
P.O. Box 525
Route 2
Temple, Texas 76501

Friday, May 8, 1981, 11:30 a.m.

Rogers Senior Center
P.O. Box 369
Mesquite Street
Rogers, Texas 76569
Oenaville Center
Route 1, Box 112
Troy, Texas 76579

Monday, May 11, 1981, 11:30 a.m.

Bob Gilmore Center
2205 East Highway 190
Killeen, Texas 76541
H.C.C.A.A. Senior Center
916 Parkhill
Killeen, Texas 76541

Tuesday, May 12, 1981, 11:30 a.m.

Nolanville I.S.D.
North 5th Street
Nolanville, Texas 76559
Seaton Community Center
Route 3
Temple, Texas 76501

Wednesday, May 13, 1981, 11:30 a.m.

Hamilton Senior Center
200 East Gentry
Box 305
Hamilton, Texas 76531
Hico Senior Center
P.O. Box 305
Hico, Texas 76457

Thursday, May 14, 1981, 11:30 a.m.

Copperas Cove Senior Center
108 East Avenue E
Copperas Cove, Texas 76522
Mills County Senior Center
Route 3
Box 165
Goldthwaite, Texas 76844

San Saba Community Center
P.O. Box 846
2905 West Wallace
San Saba, Texas 76877

Friday, May 15, 1981, 11:30 a.m.

Gatesville Senior Center
208 Lutterloh
Gatesville, Texas 76528

Monday, May 18, 1981, 11:30 a.m.

Lampasas Senior Center
309 East 3rd Street
Lampasas, Texas 76550
Lometa Senior Center
Box 5
Lometa, Texas 76853

Tuesday, May 19, 1981, 11:30 a.m.

Rockdale Aycock Center
601 Baxter
Rockdale, Texas 76567
Rockdale Ackerman Center
614 Ackerman
Box 998
Rockdale, Texas 76567

Wednesday, May 20, 1981, 11:30 a.m.

Cameron Senior Center
701 North Emancipation
Cameron, Texas 76520
Buckholts Senior Center
Route 2
Box 121
Buckholts, Texas 76518

Thursday, May 21, 1981, 11:30 a.m.

Milano Senior Center
Route 1
Box 104-A
Milano, Texas 76556
Gause Community Center
P.O. Box 4
Gause, Texas 77857

Friday, May 22, 1981, 11:30 a.m.

Thorndale Nutrition Site
10 South Main
Thorndale, Texas 76577

Issued in Belton, Texas, on April 23, 1981.

Doc. No. 812754- Jack C. Knox, Director
812781 Area Agency on Aging
Central Texas Council of
Governments

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

For further information, please call (817) 939-1801, ext. 61.

Legislative Information System of Texas

Toll-Free Telephone Number

The Texas Senate and House of Representatives are providing information on the activities of the 67th Legislature through a toll-free statewide WATS line to the Legislative Information System of Texas (LIST).

Information available includes bill status, schedules and agendas of committee meetings and hearings, and lists of bills by author, committee, and subject.

The LIST statewide toll-free telephone number is **1-800-252-9693** for calls from outside the Austin area. For calls originating in Austin, the telephone number is (512) 475-3026.

Texas Department of Public Safety Consultant Proposal Request

The Texas Department of Public Safety in accordance with Article 6252-11c (pending funding from the Traffic Safety Section of the State Department of Highways and Public Transportation), invites bidders to submit a proposal for consultant/production services for the development and implementation of group instructional materials regarding the national 55 mph speed limit. Bidders will develop a plan, design and produce materials, and assist in starting the program.

Description of Services. In order to seek increased compliance with the 55 mph speed limit, the successful bidder will accomplish the following tasks:

- (1) Develop 100 kits or package units designed to communicate and reflect the advantages of reduced speed on Texas streets and highways. The kit will be used for small group instruction situations, i.e., business clubs, schools, industry, and private businesses.
- (2) Include in each kit a 16 mm film, brochures, instructor's guide, shipping box, and necessary support material.
- (3) Provide necessary audio/visual materials, brochures, packaging, scripting, production, duplication for the group instruction kit.
- (4) Be responsible for concept, production, scripting, duplication, and delivery of a minimum of 100, eight- to 12-minute 16 mm films and/or video tapes on speed differential, traveling with the flow of traffic and the 55 mph speed limit. Accompanying supportive materials such as brochures, shipping boxes, and miscellaneous support items are expected to be provided by the bidder.
- (5) Recommend guidelines for use of these materials within the groups which are from industry, schools, fleet owners, and private citizens.

All materials are expected to be of high quality and written and produced under the guidelines of the Texas Department of Public Safety and the State Department of Highways and Public Transportation.

Schedule. Successful bidder must meet the following estimated schedule and milestones:

- June 15—Complete contract agreement.
- July 30—Complete script and program concept.
- August 30—Complete rough answer prints, support materials, and distribution plan.
- September 3—Complete production of all materials, begin distribution of materials, and implement program.

Experience Required. Contractor should have prior experience in educational communications, group instruction, and traffic safety communication techniques. The successful bidder for this contract must prove ability to produce professional-quality materials and demonstrate the ability to work in a logical and timely manner. Due to the limited time of the contract, the bidder must meet a stringent time schedule listed herein.

Proposal Submission. Bidders are encouraged to include whatever degree of detail deemed appropriate, but must include the following:

- (1) A general description of the approach to the proposed project including a project plan, schedule, and the tasks to be performed.
- (2) The qualifications of the organization, its background and experience, and the expertise of personnel that will be assigned to this proposed contract.

Monthly progress reports will be required to be submitted to the Texas Department of Public Safety.

Subcontractors must be approved by the project director of the Department of Public Safety. All materials, office help, supplies, and travel expense will be furnished by the bidder and will be included within the contract price. The Texas Department of Public Safety has a need to complete this project by the end of this fiscal year, September 30, 1981.

Proposals exceeding \$92,800 will automatically be eliminated.

Deadline for Proposal Submission. Proposals received by the Texas Department of Public Safety later than 5 p.m. May 29, 1981, will be ineligible. Please refer questions, intention, and proposal to Larry Todd, public information officer, Texas Department of Public Safety, P.O. Box 4087, Austin, Texas 78773, or call (512) 465-2083.

Selection Criteria. Selection of the contractor will be made by a committee of selected persons having expertise in traffic safety and the communication profession. Some panelists will be from outside the Texas Department of Public Safety and the State Department of Highways and Public Transportation.

Each member of the selection committee scores points from one to 10 in each applicable area as the proposals are studied and all scores are added. Points will be scored according to the firm's stated ability of the task to be performed, prior experience of organization and personnel assigned to project, interest prior to proposal being submitted, and organization's fulfillment of the needs of the project. The selection committee reviewing the proposals for this project will give serious consideration to firms with in-depth understanding and familiarity with the task to be performed and related departmental policies, procedures, and historical development of current Department of Public Safety applications and traffic

safety programs. An oral interview may be required of the firms receiving the three highest scores if the committee deems necessary, before final determination is made.

The willingness to appear before a panel of selectors in Austin is deemed necessary by this department.

The Texas Department of Public Safety in accordance with state statutory requirements and regulations invites proposals for consultant services for the continuation of the development and implementation of a 55 mph Public Support Program consistent with equal employment opportunity guidelines that will provide for the selection, assignment, and promotion of qualified personnel.

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

Doc. No. 812853 James B. Adams
Director
Texas Department of Public Safety

Filed: April 28, 1981, 4:16 p.m.

For further information, please call (512) 465-2000.

Railroad Commission of Texas

Public Hearing

The Railroad Commission of Texas has set a public hearing to discuss emergency procedures to implement the Staggers Rail Act of 1980. The hearing will be held at 1:30 p.m. on Monday, May 11, 1981, in Room 309 of the Railroad Commission Building at the intersection of IH 35 and Riverside Drive in Austin.

The commission invites participation by interested intrastate shippers, receivers, railroads, and the general public. Questions concerning this hearing should be directed to Owen T. Kinney, director of the Transportation Division, Railroad Commission of Texas, (512) 445-1330.

This public hearing will be conducted in compliance with the general and special rules of practice and procedure before the Transportation Division. Cross-examination of witnesses will not be allowed, although the presiding examiner may ask questions of any person testifying.

Issued in Austin, Texas, on April 28, 1981.

Doc. No. 812836 Owen T. Kinney, Director
Transportation Division
Railroad Commission of Texas

Filed: April 28, 1981, 4:10 p.m.

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

1981 Rail Plan Update

In accordance with the Local Rail Service Assistance Act of 1978, the rail planning section of the Railroad Commission of Texas has completed its 1981 update to the Texas State Rail Plan. The purpose of the Act was to allow financial assistance on light density branch lines prior to abandonment. In order to participate in the Federal/State Rail Assistance Pro-

gram, Texas is required to update its State Rail Plan on an annual basis. The Railroad Commission is the agency in the State of Texas designated to prepare and implement a State Rail Plan. The Federal Railroad Administration (FRA) must approve each update in order for the state to be eligible to receive federal funds for rail service assistance projects.

Public participation is a valuable tool in assessing the update, and comments on the document are invited. Copies of the update will be available for public inspection between 8 a.m. and 5 p.m. weekdays through May 29 at the following Railroad Commission offices:

One Energy Square
241 Pine Street, Suite 6-B
Abilene

239 Wilson Building
Corpus Christi

6200 Maple Avenue, Suite 102
Dallas

5200 Mitchelldale, Suite E-15
Houston

Park Central Building
2424 34th Street
Lubbock

2509 North Big Spring
Midland

812 Milam Building
San Antonio

1124 IH 35 South
Austin

The update is divided into five sections. Section I is an introduction to the Rail Service Assistance Program in Texas, providing a brief history of the program and summarizing past rehabilitation projects using federal funds. This section details the state's philosophy, goals, and objectives in relation to its rail system, and contains a brief discussion of abandonment alternatives available to the state. A response to FRA comments on the initial State Rail Plan also is contained in Section I.

Section II is an overview of the Texas rail system and includes several maps that identify various classes of rail service in the state. There are also short discussions on 20 line segments that have changed categories on a rail carrier's system diagram map since the initial rail plan. In addition, Section II contains a summary of the Rock Island liquidation and its effect on Texas' rail system.

The state sponsored five urban rail studies to address specific, local rail issues in various communities. The five communities which were studied are Bryan-College Station, Laredo, El Paso, Dallas-Fort Worth, and Houston. Section III briefly summarizes the findings and conclusions of each of these studies.

The fourth section contains the screening criteria for the State of Texas. The screening criteria is a planning process which identifies the extent to which railroad branch lines will be studied and evaluated under the Rail Service Assistance Program. The use of this screening and planning process allows for the systematic advancement of financial assistance projects which are consistent with the philosophy, goals, and objectives of the commission's rail program.

The final section, Section V, contains segment analyses of four branch lines that were studied in detail by the rail planning staff. Three of these segments, Amarillo-Norrick, Bushland-Adrian, and Etter-Morse-Hitchland, are portions of the Rock Island system in the Texas Panhandle that face an uncertain future because of the Rock Island liquidation. The fourth line studied was the Texas Central Railroad line between Dublin and Gorman. A brief summary of the findings of each of these analyses follows.

Since the Rock Island system was ordered liquidated in January 1980, various parties have attempted to restore rail service on the Etter-Morse-Hitchland line. Currently, no one is operating the subject line but the needs of farmers and grain elevators located on the line continue to require rail service. Most of the traffic on the line consists of grain, carbon black and petroleum products. If the line is permanently abandoned, six miles of new track will have to be constructed in order for the Santa Fe to serve three rail-dependent firms on the line. Three grain elevators would be forced to close, resulting in a direct employment loss of 25 people. Other shippers would have to pay increased transportation charges.

It was determined that the best alternative to abandonment on the Etter-Morse-Hitchland line would be reinstated operation by a short-line rail carrier. Since the experience of other states has indicated that the use of public money for operating subsidies does not solve long-term problems, the best use of federal funds on this segment would be for rehabilitation assistance. The physical condition of the line reflects many years of deferred maintenance with rotted ties, poor ballast, and lightweight rail. Rehabilitation is necessary if safe and efficient rail service is to be resumed.

The Bushland-Adrian segment also is a portion of the Rock Island system. Although no one currently is operating the line, the Llano Estacado Water District is negotiating purchase of the segment in order to use the right-of-way to ease the Panhandle's water problems. The majority of carloads on the line consists of grain and farm equipment. Permanent loss of rail service would result in increased transportation costs and increased charges for additional storage time at grain elevators. Continued operation of the line through a lease agreement between a Class I railroad and the water district would be the best alternative to abandonment. Deferred maintenance also is reflected on this segment, and federal funds would best be used to rehabilitate the line.

The third segment of the Rock Island system that was studied in detail is the 97-mile line between Amarillo and Norrick. The Panhandle Regional Planning Commission in Amarillo

currently is seeking public funds to purchase the line, which it then plans to lease to a Class I railroad to operate. Grain and carbon black are the primary commodities carried on this segment. Permanent loss of rail service will result in one rail-dependent firm closing, 70 employees losing their jobs, and increased transportation charges for all rail users on the line. The best alternative to abandonment on the Amarillo-Norrick line would be reinstated operation through a lease agreement with a Class I railroad. Rehabilitation is necessary for safe operation from Groom to Norrick.

Fifty percent of the peanut crop grown in Texas and Oklahoma is processed through facilities located on the Texas Central rail line. Rail facilities are essential to handle this large volume of peanuts and peanut hulls. While the Texas Central Railroad is a profitable operation, badly deteriorated track could eventually lead to abandonment. Since the Texas Central does not have the necessary funds to maintain the track at Class I standards, it has applied to the commission for federal rehabilitation funds. Peanuts are Texas' sixth largest cash crop, and continued operation of the Texas Central line is very important to the state's agricultural economy.

Detailed study of this 24.1-mile line revealed that loss of rail service would result in a total direct employment loss of 135 persons. This would be the result of one rail-dependent firm going out of business completely and one firm being forced to cut production and employees by 50%. In addition, all the shippers on the line would be forced to pay greatly increased transportation costs.

Three appendices are contained at the back of the update. The first is an example of the rail user questionnaire used in gathering data for the segment analyses. Appendix II is a copy of the state's benefit-cost methodology which was used in computing the benefits and costs of project implementation in the segment analyses. Appendix III is a large Texas rail system map which includes the state and federal highway network and counties and county seats. A key accompanies the map which describes each line segment by carrier, counties through which the line passes, and traffic density.

The deadline for submitting comments on the update is May 29. Comments should be sent to Mike Calhoun at the commission offices, 1124 IH 35 South, Austin, Texas.

Issued in Austin, Texas, on April 2, 1981.

Doc. No. 812837 Owen T. Kinney, Director
Transportation Division
Railroad Commission of Texas

Filed: April 28, 1981, 4:11 p.m.

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

Each issue of the *Register* includes a conversion table of *Texas Administrative Code* titles affected for that issue. Once a month a guide to agency activity for the previous month is published, as well as a cumulation of TAC titles affected for the previous month. Quarterly and annual indexes to the *Texas Register* are published separately and bound in light blue for distinction.

Guide to Agency Activity—April

The following is a list of the documents published in the April issues of the *Texas Register*.

AERONAUTICS COMMISSION, TEXAS

- Open Meetings
May 7 1416

AGRICULTURE, TEXAS DEPARTMENT OF

- Herbicide Regulations
Proposed 1489
Seed Division
Adopted
Texas Seed Law 1494

AIR CONTROL BOARD, TEXAS

- General
Adopted 1240
Motor Vehicles
Adopted 1242
Particulates
Adopted
visible emissions 1241
Permits
Adopted 1247
Toxic Materials
Adopted 1439
Volatile Organic Compounds
Adopted
alternate means of control 1246
alternate means of control in Aransas, Calhoun,
Hardin, Matagorda, Montgomery, San Patricio,
and Travis Counties 1440
compliance in Bexar, Brazoria, Dallas, El Paso,
Galveston, Gregg, Harris, Jefferson, Nueces,
Orange, Tarrant, and Victoria Counties 1256
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