

TEXAS REGISTER

TEXAS STATE LIBRARY

JUL 23 1979

TEXAS DOCUMENTS

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Office of the Secretary of State

NOTES ON THE ISSUE

As a result of legislation passed by the 66th Legislature and recently approved federal regulations, the Savings and Loan Section of the Texas Finance Commission has adopted rule amendments on an emergency basis that affect home loan borrowers and lenders in Texas. According to the new amendments, lenders must make a bona fide offer to the borrower to lend money on a fixed interest rate rather than a variable rate. The lender cannot coerce the borrower into a variable interest rate instead of the conventional fixed rate loans. The new regulations also say variable interest rate borrowers must get interest reductions when the money market falls, not just increases when it rises. Also adopted was a rule amendment allowing the 250 state-chartered savings and loan associations to make 40-year loans as do federally chartered institutions. Until now, they have been limited to 30-year loans.

The Department of Human Resources has proposed to repeal all its rules governing the Adult Denture Program. Because expenditures for the program approached the level of appropriated funds for fiscal year 1979 by November 1978, the program was terminated at that time. The rules were not repealed pending possible funding for the 1980-81 biennium. However, the legislature made no appropriation for the program, and therefore, the department proposes to repeal the rules.

The Texas Education Agency proposes rule amendments concerning emergency teaching permits, special assignment permits, and temporary classroom assignment permits. These rules set out (1) provisions applicable for all permits; (2) general requirements for persons requesting a permit; (3) requirements for emergency teaching permits; (4) requirements for vocational education emergency teaching permits by specialization area; (5) requirements for special assignment permits; and (6) requirements for temporary classroom assignment permits.

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

Artwork: Gary Thornton



*George W. Strube, Jr.
Secretary of State*

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Executive Orders

WPC-7F

Executive Order WPC-7 as amended by WPC-7A and WPC-7D is amended as follows and shall be known as WPC-7 as Amended July 13, 1979, extending guidelines for motor gasoline end-user allocation to an additional county.

WHEREAS, the same findings and circumstances that existed on June 19, 1979, with regard to Dallas, Harris, and Tarrant Counties continue to exist; and

WHEREAS, those same findings and circumstances exist additionally in Parker County.

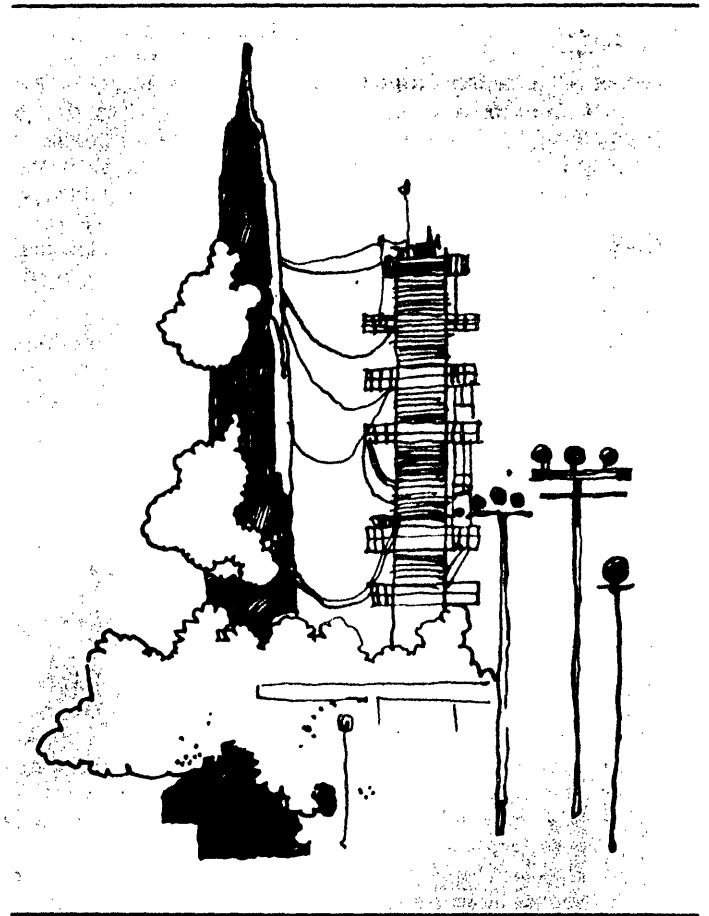
NOW, THEREFORE, I, William P. Clements, Jr., Governor of Texas, under the authority vested in me, do hereby determine and declare that the county of Parker is experiencing a shortage of motor gasoline available for retail distribution, such that the public health, safety, and welfare is endangered, and I do hereby include this county in the allocation system for all motor gasoline retail outlets outlined in Sections 1-11 of WPC-7 issued June 19, 1979, and as amended June 20, 1979 (WPC-7A), and July 3, 1979 (WPC-7D).

This amendment of WPC-7 as amended June 20, 1979 (WPC-7A), and July 3, 1979 (WPC-7D), is effective at 12:01 a.m. on July 19, 1979, and shall remain in full force and effect until modified, amended, or rescinded by me.

Issued in Austin, Texas, on July 13, 1979.

Doc. No. 794439 William P. Clements, Jr.
Governor of Texas

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



Article 4399, Vernon's Texas Civil Statutes, requires the attorney general to give written opinions to certain public officials. The Texas Open Records Act, Article 6252-17a, Section 7, Vernon's Texas Civil Statutes, requires that a governmental body which receives a request for release of records seek a decision of the attorney general if the governmental body determines that the information may be withheld from public disclosure. Opinions and open records decisions issued under the authority of these two statutes, as well as the request for opinions and decisions, are required to be summarized in the *Texas Register*.

Copies of requests, opinions, and open records decisions may be obtained from the Opinion Committee, Attorney General's Office, Supreme Court Building, Austin, Texas 78701, telephone (512) 475-5445.

Requests for Opinions

Summary of Request for Opinion RQ-109

Request from Joe Resweber, county attorney, Harris County.

Summary of Request:

(1) After the payment of the principal of and all interest on the entire issue of \$1,500,000 Harris County hospital bonds, Series 1950, can the surplus in the Interest and Sinking Fund created for the payment of the principal of and interest on said bond issue be expended for other purposes?

(2) If the first question is answered in the affirmative, for what purposes may such surplus be used?

(3) If the first question is answered in the negative, how can the surplus be disposed of?

Doc. No. 794385

Summary of Request for Opinion RQ-110

Request from Dr. Kenneth H. Ashworth, Coordinating Board, Texas College and University System, Austin.

Summary of Request:

(1) Does the governing board of Texas A&M University System have the authority to change the name of Moody College to Texas A&M University at Galveston?

(2) Does the governing board of North Texas State University have the authority to redesignate the Texas College of Osteopathic Medicine as NTSU/TCOM Texas College of Osteopathic Medicine?

(3) If a board of regents can rename an institution under its control, is such action subject to the approval of the Coordinating Board?

(4) If Coordinating Board approval is not required, could such name change have any effect on the role and scope of the institution?

Doc. No. 794386

Summary of Request for Opinion RQ-111

Request from Joe Resweber, county attorney, Harris County.

Summary of Request:

(1) May monies derived from sale of the bonds which were issued pursuant to Proposition No. One of the April 14,

1973, Harris County Bond Election be used for the construction of an addition on to the present Harris County Detention Home?

(2) May the said monies be used for the construction of a new separate detention home?

Doc. No. 794387

Summary of Request for Opinion RQ-112

Request from Tim Curry, criminal district attorney, Tarrant County.

Summary of Request:

(1) Does a justice of the peace, acting in his capacity as a magistrate, have the authority to administer the warnings set forth in Article 15.17, Code of Criminal Procedure, at places within his own county other than his courtroom?

(2) Does a justice of the peace, acting in his capacity as a magistrate, have the authority to administer the warnings set forth in Article 15.17, Code of Criminal Procedure, within the security perimeter of the county jail in a line-up or show-up room?

(3) If the answer to either (1) or (2) is yes, does a justice of the peace, acting in his capacity as a magistrate, have a duty under any circumstance to leave his own courtroom and travel to other locations within the county to administer the warnings in Article 15.17, Code of Criminal Procedure?

Doc. No. 794417

Summary of Request for Opinion RQ-113

Request from Kenneth H. Ashworth, Coordinating Board, Texas College and University System, Austin.

Summary of Request: Are community junior college districts eligible to vote as governing bodies regarding the members of the board of directors for the appraisal district established under Senate Bill 621?

Doc. No. 794418

Summary of Request for Opinion RQ-114

Request from Andy Shuval, executive director, Texas Prosecutors Coordinating Council, Austin.

Summary of Request: Are the four-year terms provided for members of the Texas Prosecutors Coordinating Council constitutional?

Doc. No. 794419

Summary of Request for Opinion RQ-115

Request from Thomas F. Lee, district attorney, Del Rio.

Summary of Request: May a police officer suspended for a specific number of days under Article 1269m, Vernon's Texas Civil Statutes, appeal that suspension to the Civil Service Commission?

Doc. No. 794420

Summary of Request for Opinion RQ-116

Request from Joe H. Golman, chairman, Texas Cosmetology Commission, Austin.

Summary of Request:

(1) Would a present member of the Cosmetology Commission who was appointed to represent a certain facet of the industry continue to serve in that category even though that position has been deleted by Senate Bill 384?

(2) May a person who is a lay member that is registered as a lobbyist continue to serve on the Cosmetology Commission after September 1, 1979, provided he does not lobby for any facet of the cosmetology industry?

Doc. No. 794421

Summary of Request for Opinion RQ-117

Request from Felipe Reyna, criminal district attorney, McLennan County.

Summary of Request:

(1) Is a radar detector a "criminal instrument" as that term is defined in Section 16.01 of the Texas Penal Code?

(2) Can a "radar detector" be seized for evidentiary purposes from a motor vehicle which has been used by a defendant charged with the offense of speeding?

Doc. No. 794422

Summary of Request for Opinion RQ-118

Request from John J. Kavanagh, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, Austin.

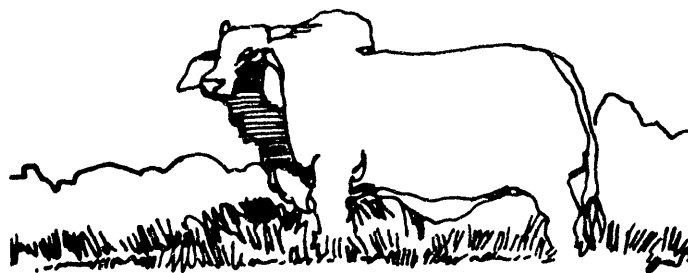
Summary of Request: Are the facilities of the Texas Department of Mental Health and Mental Retardation authorized to pay Texas Health Facilities Commission application fees for projects donated to the state?

Issued in Austin, Texas, on July 16, 1979.

Doc. No. 794423

C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

For further information, please call (512) 475-5445.



An agency may adopt emergency rules after determining what it considers to be an imminent peril to the public health, safety, or welfare. These rules may be effective immediately on filing with the secretary of state 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 the emergency adoption of rules.

Numbering System—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

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

Savings and Loan Department of Texas

The Savings and Loan Section of the Finance Commission and the savings and loan commissioner of Texas have amended the following rules on an emergency basis to be effective immediately on filing for a period of 120 days.

Pursuant to legislation passed by the 66th Legislature of the State of Texas, effective August 27, 1979, and recent federal regulations in effect as of July 1, 1979, the Savings and Loan Section of the Finance Commission and the savings and loan commissioner of Texas find a necessity to promulgate the following amended emergency rules in order that state-chartered savings and loan associations be able to compete on an equal basis with federally chartered savings and loan associations and to assist the savings and loan commissioner of Texas in supervising savings and loan associations consistent with the best interest of the public served. These rules are each an integral and necessary part.

Fees and Charges 056.07.00

Rules 056.07.00.001 and .002 amended on an emergency basis pursuant to the Administrative Procedure and Texas Register Act, Article 6252-12a, Vernon's Annotated Civil Statutes, and under the statutory authority of Article 342-114, Vernon's Annotated Civil Statutes, and are set forth as follows:

.001. Fee for Charter Application. Applicants for new charters for savings and loan associations shall pay a fee of **\$5,000** [\$3,000]. This fee shall be paid at the time of filing and shall include the cost of filing, processing, and hearing of said application. In addition, the applicant shall pay the cost of a formal record and any cost incurred by the department in connection with investigation and travel expenses.

.002. Fee for Additional Office or Agency. Applicants for additional offices and/or agencies under Chapters .02 and .03 of these rules and regulations, except mobile facilities under Chapter .02, shall pay a fee of **\$2,500** [\$1,500]. This fee shall be paid at the time of filing and shall include the cost of filing, processing, and hearing of said application. In addition, the applicants shall pay the cost of a formal record and any

cost incurred by the department in connection with investigation and travel expenses.

Doc. No. 794393

Loans 056.08.00.001

Rule 056.08.00.001 is amended on an emergency basis pursuant to the Administrative Procedure and Texas Register Act, Article 6252-12a, Vernon's Annotated Civil Statutes, and under the statutory authority of Article 342-114, Vernon's Annotated Civil Statutes, and is set forth as follows:

.001. Definitions of Improved Real Estate, Home, and Business Property.

(a) (No change.)

(b) For the purpose of this Chapter .08, the term "home" shall mean a ***structure designed for residential use by one family, or a structure*** [dwelling designed for occupancy by a single family unit, or a dwelling] designed for occupancy for one to four family units if one of such units is owner-occupied or the borrower in good faith intends so to do. ***The term also includes a townhouse or a condominium unit designed for residential use, provided the record owner thereof owns the underlying real estate or an undivided interest therein, and such property when owned in common with others is necessary or contributes to the use and enjoyment of such structure or unit.***

(c) (No change.)

(d) For the purpose of this Chapter .08, the term "agency created by federal law" shall mean any agency whatsoever originally or otherwise created or sponsored by or under the laws of the United States of America, including but not limited to the Federal Housing Administration, the Veterans Administration, the Small Business Administration, Farmers Home Federal Loan Mortgage Corporation, and the Government National Mortgage Association.

Doc. No. 794394

056.08.00.002

Rule 056.08.00.002 is amended on an emergency basis pursuant to the Administrative Procedure and Texas Register Act, Article 6252-12a, Vernon's Annotated Civil Statutes, and under the statutory authority of Article 342-114, Vernon's Annotated Civil Statutes, and is set forth as follows:

.002. Terms and Conditions of Real Estate Loans. Every association may make real estate loans to members upon the terms and conditions specified herein.

(1) All loans on improved real estate, except loans made on building lots or building sites as defined in Rule .001(a)(2) above, made by an association shall be repayable in equal monthly installments of principal and interest sufficient to amortize the full debt, both principal and interest, within a period not exceeding **40** [30] years from the date the loan is made except in the following instances:

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

(D) ***Real estate loans containing a provision for a variable interest rate which may be adjusted up or down in relation to the movement in the index of the average "cost-of-funds to FSLIC insured savings and loan***

associations all districts" as computed by the Federal Home Loan Bank Board and published in the "Federal Home Loan Bank Board Journal," or to the movement of such other index as the commissioner shall approve, provided the association has made a bona fide offer to lend the same amount of money on a fixed rate for the entire term of the loan, and the borrower after comparing the options has in writing rejected the offer for a fixed rate and elected to take the alternative mortgage instrument which contains the following provisions:

(i) That interest rate adjustments (and loan payment charges resulting from them) may not be made more than once in any 12-month period, and the first adjustment shall not be made prior to one year after the date of the first regular monthly payment.

(ii) That any increase or decrease in the interest rate shall not exceed 1/2 of 1.0% per annum with a maximum net increase not to exceed 2.5% more than the original loan rate and in no event in excess of the legal rate applicable to the loan when made.

(iii) That downward adjustments shall be mandatory, but increases may be at the note holder's option. The fact that an association may not have invoked a permissible increase, in whole or in part, shall not be deemed a waiver of the association's right to invoke said increase at any time thereafter within the limits imposed by this clause.

(iv) That rate decreases shall be applied first to reduction of extended loan maturity (but not below original maturity), and then to reduction of monthly payments; however, loan terms shall not be reduced to such an extent that monthly payments would be increased.

(v) That the borrower shall be notified by written notice of any rate adjustment at least 30 days before the date the new rate will begin. The notification to the borrower shall include:

- (I) current and new rates;
- (II) old and new index rates;
- (III) accumulated but unused rate changes,

if any;

(IV) current monthly payment and remaining maturity;

(V) for increases, a description of borrower options, including the new payment and maturity if the loan is extended to the maximum; and

(VI) for decreases, a description of the way the decrease will be applied.

(vi) Upon notification of an increase in interest rate, the borrower shall have the following options:

(I) to request that loan maturity be extended up to a maximum of 40 years (but not to the extent that monthly payments would be reduced below the original loan payment amount);

(II) to repay the loan within 90 days after such notification, either in full or in part, without a prepayment charge, except where such collection is required by an agency created by federal law.*

(III) not respond to the notice, in which event monthly payments will be adjusted upward to reflect the higher rate.

*For the purpose of this subparagraph (D) of Chapter .08, a prepayment penalty shall be deemed to be required by an agency created by federal law if such penalty is stated

to be required for any insurance, guaranty, or purchase by such agency in any rule, regulation, or order published by such agency or if an association uses any form of promissory note or other loan instrument containing such requirement by such agency. Notice required under this section shall be deemed given when it is deposited in the United States mail, postage prepaid, addressed to the current owner of the property described in the deed of trust securing the note and any other person personally liable on the loan, as those persons' names and addresses appear on the association's records at the time of giving notice.

If the prospective borrower has questions regarding any disclosure or action, she or he may contact the Savings and Loan Department, Box 1089, Austin, Texas 78767, 1004 Lavaca Street, Austin, Texas 78701, telephone (512) 475-7991.

(E) Real estate loans for home units containing a provision for graduated monthly payments during the first 10 years of the loan provided the full loan is structured to amortize both principal and interest within a period not exceeding 40 years from the date the loan is made, and which contain the following provisions:

(i) That monthly payments during the first five years of such loan shall be in an amount sufficient to pay the full interest charged on said loan together with prorated taxes, insurance, and governmental charges assessable for the period of payment. Sums paid in excess of required amount shall be credited to prepaid interest, principal, or escrow for taxes and insurance as optioned by borrower.

(ii) That monthly payments during the period after five years and before 10 years from the original date of said loan shall be in an amount sufficient to pay full interest charge, prorated taxes, insurance, and governmental charges together with a principal payment equal to the amount necessary to amortize the full loan within a period not to exceed 50 years.

(iii) That monthly payments after 10 years from the date of the original loan shall be in an amount sufficient to amortize the remaining balance due and owing on said loan together with such additional charges as may be legal or agreed upon, within a period not to exceed 30 years.

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

Doc. No. 794395

056.08.00.007, .008

Rules 056.08.00.007 and .008 amended on an emergency basis pursuant to the Administrative Procedure and Texas Register Act, Article 6252-12a, Vernon's Annotated Civil Statutes, and under the statutory authority of Article 342-114, Vernon's Annotated Civil Statutes, are set forth as follows:

.007. *Property Improvement Loans.* Any association may make improvement loans, secured or unsecured, for the maintenance, repair, modernization, improvement, and equipment of real estate, provided the net amount advanced, which shall not include future interest or premium charges for health, accident, credit life, and/or property insurance which may be added to the amount of the note, on any such

loan shall not exceed the sum of **\$40,000** [\$20,000], and such loan is to be repaid in equal monthly installments of principal and interest sufficient to amortize the debt, both principal and interest, 241 months or less from the date the loan is made.

.008. *Consumer and Mobile Home Loans.* With regard to consumer and mobile home loans:

(1) (No change.)

(A) (No change.)

(B) An association may make loans on which the net amount advanced does not exceed **\$40,000** [\$20,000] to borrowers, and it may purchase participations in like loans as are secured by real estate which has an appraised value of as much as the net amount advanced and provided the loan shall be repayable in equal monthly installments of not more than 241 months from the date the loan is made.

(2)-(6) (No change.)

(7) Definitions.

(A) (No change.)

(B) As used in the provisions of Chapter .08 [00.008], the term "net amount advanced" shall mean all funds disbursed to the borrower or to others for the borrower's account to cover costs or expenses required in connection with the loan but shall not include the amount of future interest or premium charges for health, accident, *credit life*, and/or property insurance which may be added to the amount of the note.

Issued in Austin, Texas, on July 16, 1979.

Doc. No. 794396

L. Alvis Vandygriff
Commissioner

Savings and Loan Department of Texas

Effective Date: July 16, 1979

Expiration Date: November 13, 1979

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

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

Numbering System—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

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

Texas Education Agency

Teacher Certification

Emergency Teaching Permits, Special Assignment Permits, and Temporary Classroom Assignment Permits 226.62.22.010-.060, .090

The Texas Education Agency proposes to amend Rules 226.62.22.010-.060 and .090, which concern emergency teaching permits, special assignment permits, and temporary classroom assignment permits (TCAPS). These rules were previously numbered as Rules 226.62.06.010-.060 and .090. As originally filed, Rule .010 was subsections (a)-(d) of Rule 226.62.06.010, Rules .020-.060 were subsections (e)-(i), and Rule .090 was paragraph (1) of Rule 226.62.06.010. The changes are part of a reorganization and recodification of the regulations concerning teacher certification.

Rule .010 sets out general provisions applicable for all permits. Rule .020 sets out general requirements which must be met by the individual for whom a permit is requested. Rule .030 sets out requirements for emergency teaching permits. Rule .040 addresses vocational education emergency teaching permits by specialization area. Rules .050 and .060 set out general and specific requirements for special assignment permits. Rule .090 addresses temporary classroom assignment permits (TACPS) which permit individuals to teach outside their certified teaching fields in departmentalized grades 6-12.

The proposed amendments represent a reorganization and editorial revision of existing material. The Texas Education Agency does not anticipate that the proposed amendments to Rules .010-.060 and .090 will have state or local fiscal implications.

Public comment on the proposed amendments to Rules .010-.060 and .090 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for policies and services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All

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

These amendments are proposed under the authority of Section 13.032, Texas Education Code.

.010. General Provisions.

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

(1) *A superintendent who is unable to secure an appropriately certified individual to fill a vacant position may pursue one of the following options:*

(A) *request an emergency teaching permit for an individual who is not certified or is not certified at the appropriate level for regular teacher of young children, elementary, junior high, or high school classroom assignments (62.22.030-.040);*

(B) *request a special assignment permit for an individual who is not certified for assignment to a professional service, special education, bilingual education, or kindergarten position (62.22.050-.060); or*

(C) *activate a temporary classroom assignment permit for a teacher who is certified to teach in grades 6-12, but who will be assigned outside the certified area(s) at the secondary level (62.22.070).*

(2) *A permit is issued to the local public school district, not to the individual for whom the permit was requested or activated.*

(3) *A permit is issued on the basis of the teacher's having completed the requirements for the permit requested.*

(4) *A permit is valid only for the remainder of the scholastic year during which it is issued and only in the school system through which the application for the permit was made.*

(5) *If the requested permit is not utilized, it should be returned to the Division of Teacher Certification for Cancellation.*

(6) *A permit may be issued on a hardship basis for an individual who does not meet full permit requirements, provided that:*

(A) *complete documentation of local conditions which necessitate the assignment of an individual who does not meet permit requirements is on file with the Division of Teacher Certification;*

(B) *the individual can meet full permit requirements prior to renewal; and*

(C) *request for renewal is made directly to the Division of Teacher Certification.*

(7) *An appropriately certified applicant who was not employed for a position that was filled by an individual for whom a permit was requested by the superintendent may appeal the decision of a local school board directly to the commissioner of education.*

[The requirements and procedures for the issuance of emergency teaching permits and permits for special assignment are as follows:

(1) Conditions under which application for an emergency teaching permit may be made. When a superintendent of a school district is unable to secure an individual fully certified to fill a position vacancy in his system, he may

apply for an emergency teaching permit for an uncertified person to fill that position.

[(2) Application procedures for an emergency teaching permit. The superintendent of a school district makes application for an emergency teaching permit. The application is submitted to the Division of Teacher Certification and includes:

[(A) application form;

[(B) an affidavit stating that the superintendent is unable to secure a person fully certified for the position and that the individual for whom the permit is requested is the best qualified person available;

[(C) fee of \$1.00; and

[(D) official transcripts.

[(3) Validity of emergency teaching permits. An emergency teaching permit is valid only for the remainder of the scholastic year during which it is issued and only in the school system through which the application for the permit was made.

[(4) General requirements of an applicant for an emergency teaching permit. The applicant for whom an emergency teaching permit is requested must be:

[(A) a citizen of the United States or be in process of becoming a naturalized citizen as evidenced by filing a declaration of intent;

[(B) be at least 18 years of age;

[(C) of good moral character; and

[(D) able to speak and understand the English language sufficiently to use it easily and readily in conversation and teaching.]

.020. General Requirements of an Individual for Whom a Permit Is Requested [Emergency Teaching Permits which Require Completion of a Teacher Education Program].

[(a) The individual for whom a [the initial emergency teaching] permit is requested must:

(1) hold a [standard] bachelor's degree from an accredited institution of higher learning; or, for some vocational permits, specified work experience in lieu of a degree (Specific Requirements for Vocational Permits: 62.22.040);

(2) be a citizen of the United States or be in process of becoming a naturalized citizen as evidenced by filing a declaration of intention;

(3) be at least 18 years of age;

(4) be of good moral character; and

(5) be able to speak and understand the English language sufficiently to use it easily and readily in conversation and teaching.

[(2) if the permit requested is for teaching at the secondary level, have the minimum qualifications of one teaching field as provided in the "Standards for Teacher Education in Texas"; and the permit must be issued only for teaching in that field.

[(3) if the permit requested is for teaching at the elementary level, have the minimum of 12 semester hours specifically designated as elementary education;

[(4) if the permit requested is for the teacher of young children (ages three through eight), have at least 12 semester hours in the professional development area, including three semester hours each in the teaching of developmentally reading, the teaching of mathematics, and the teaching of language development, and at least 12 semester hours in the area of specialization; and

[(5) be able to complete all requirements for certification within a three-scholastic-year period from the date of issuance of the initial permit.

[(b) In addition, an individual for whom a bilingual education emergency permit is requested must:

[(1) be bilingual in English and the language of the target population; and

[(2) have been admitted to a college approved program for bilingual education.

[(c) The superintendent of schools is authorized to renew emergency teaching permits a maximum of two consecutive times provided that the:

[(1) permit is renewed for the same assignment in the same school system as the initial permit;

[(2) school district has on file from an institution of higher learning a plan for removal of deficiencies stating that:

[(A) the individual meets the grade-point average required for admission to the college's teacher education program leading to certification recommendation; and

[(B) all requirements for the certificate can be completed within the following two years;

[(3) school district has on file for each renewal a valid transcript of a minimum of six semester hours of college/university credit completed toward the certificate in the level of the assignment and it is evident that at least one-third of the total deficiency is removed each year; and

[(4) school district has on file for each renewal the Emergency Teaching Permit Renewal form completed prior to duty date.

[(5) permits that must be renewed through the Texas Education Agency:

[(A) special assignment permits (including special education permits);

[(B) kindergarten permits;

[(C) bilingual education permits;

[(D) vocational permits;

[(E) permits renewed for "hardship" reasons.]

.030. Emergency Teaching Permits: Requirements and Procedures [Special Requirements for Teachers Requiring Emergency Teaching Permits Who May Earn Certification Other than by Completion of an Approved Bachelor's Degree Program].

(a) **Requirements.** An emergency teaching permit is available for an individual who is not certified or who is not certified at the level of the assignment, provided that the following requirements are met:

(1) If the permit requested is for teaching at the elementary level, the individual must have completed 12 semester hours specifically designated as elementary education; or if the permit requested is for teaching at the secondary level, the individual must have completed minimum requirements for one teaching field and the permit can be issued only for teaching in that field; and

(2) The individual must be able to complete all requirements for certification within three scholastic years from the date of issuance of the initial permit (exception: some vocational education areas, as specified in Procedure Number 62.10.040).

(3) A bilingual permit may be issued for a person who meets requirements for the level of assignment and who:

(A) is bilingual in English and the language of the target population; and

(B) has been admitted to a college-approved program for bilingual education.

(4) A Reserve Officer Training Corps permit may be issued by the Texas Education Agency for a person who teaches ROTC and meets the requirements of the Reserve Officer Training Corps.

(5) An individual with a high school certificate and a teaching field in a foreign language may teach foreign language at the elementary level on an emergency teaching permit.

(A) The individual must complete six semester hours of elementary education during the first year in which the permit is valid.

(B) Continuation in this assignment should be documented as follows:

(i) a teacher service record verifying continuation in this assignment; and

(ii) a transcript showing the completion of six semester hours of elementary course work should be placed in the individual's file at the local district.

(6) Individuals who have completed a program for teaching the severely/profoundly handicapped (including but not limited to deafblind) children but do not hold a valid Texas teacher certificate may be placed on an emergency teaching permit to teach severely/profoundly handicapped children until all certification requirements are met. These provisions are in effect only until August 31, 1980.

(7) An emergency teaching permit is available for an individual who is assigned to teach the deaf and/or severely hard of hearing provided that:

(A) the employing school district or cooperative has one or more fully certified deaf and/or severely hard of hearing teacher(s) serving in this instructional program; and

(B) the individual has completed one year of teaching experience or six semester hours directly related to teaching the deaf and/or severely hard of hearing.

(8) An emergency teaching permit is available for an individual who is assigned to teach speech and hearing therapy provided that:

(A) the employing school district or cooperative has one or more fully certified speech and hearing therapy teacher(s) serving in this instructional program;

(B) the individual has completed one year of teaching experience or six semester hours directly related to speech and hearing therapy; and

(C) the individual has completed a minimum of 24 semester hours in the field of speech.

(b) Application procedure for initial permit.

(1) The superintendent of a school district makes application for an emergency teaching permit. The application is submitted to the Division of Teacher Certification and includes:

(A) an accurately completed application form;

(B) an affidavit stating that the superintendent is unable to secure a person fully certified/qualified for the position and that the individual for whom the permit is requested is the best qualified person available;

(C) deficiency plan for completion of certificate requirements, verifying that the individual meets the grade point average required for admission to the

Teacher Education Program, and all requirements for the certificate can be completed within the following three years;

(D) fee of \$1.00; and

(E) official transcripts.

(2) The Division of Teacher Certification will use as the effective date of the initial emergency teaching permit the date the application is signed and notarized in the local school district office or 60 days prior to the date that it was received in the Division of Teacher Certification.

(c) Renewal procedures.

(1) Two emergency teaching permit renewals are available provided that all requirements for renewal are completed. For some vocational education areas, only one permit renewal is available.

(2) The superintendent of a public school district is authorized to renew emergency teaching permits a maximum of two consecutive times provided that the following renewal requirements and procedures are met:

(A) the permit is renewed for the same assignment in the same school district as the initial permit;

(B) emergency teaching permits are renewed by placing the following items in the teacher's personnel file in the local school district office:

(i) renewal form completed on reverse side of original permit prior to beginning date of teaching duties;

(ii) deficiency plan for completion of certificate requirements, verifying that the individual meets the grade point average required for admission to the Teacher Education Program, and all requirements for the certificate can be completed within the following two years; and

(iii) official transcripts showing a minimum of six semester hours or one-third of the deficiencies for the target certificate have been removed each year.

(3) Requests for renewal of emergency teaching permits must be submitted to the division of teacher certification when:

(A) The initial permit was issued on a hardship basis;

(B) All renewal requirements have not been completed;

(C) The renewal is for a change of assignment and/or school district;

(D) The renewal is for nonconsecutive years; or

(E) The renewal is for a vocational assignment.

(F) The following items must be submitted with the renewal request:

(i) an accurately completed application;

(ii) \$1.00 fee;

(iii) deficiency plan for completion of certificate requirements; and

(iv) official transcripts of credits complete after issuance of initial permit.

[(a) Kindergarten teacher. A kindergarten teacher for whom an initial emergency teaching permit is requested must hold one of the following valid permanent certificates:

[(1) elementary;

[(2) all level (art, music, physical education);

[(3) librarian (based on a previous provisional elementary teaching certificate);

[(4) vocational homemaking;

[(5) deaf/severely hard of hearing;

[(6) speech/hearing therapy;

[(7) other special education (based on a previous provisional teaching certificate).

(Once a school system has secured an initial permit for a kindergarten teacher for the given position, the superintendent may request the further allowable permits for the individual in keeping with the requirements for initial permits. The individual holding one of the valid permanent certificates listed above must have completed a minimum of six semester hours of kindergarten education in an approved program of kindergarten education and his permit must not have been renewed more than one time.

[(b) Vocational education.

[(1) Vocational homemaking teachers. Initial permits are available for vocational homemaking teachers who hold a bachelor's degree in home economics from an accredited institution of higher education but who have not earned certification by completion of an approved bachelor's degree program. For such a permit to be issued, the individual must:

[(A) contact a Texas college or university approved by the State Board of Education to prepare vocational homemaking teachers and request recommendation for an emergency teaching permit; and

[(B) develop a plan for meeting the requirements for a vocational homemaking education certificate with the college or university.

(As many as two renewals of the emergency teaching permit may be granted provided the vocational homemaking teacher has completed a minimum of six semester hours of the required college or university credits prior to each renewal. All requirements for the certificate must be met within the three-year period.

[(2) Home economics pre-employment laboratory teachers. Vocational teachers of home economics pre-employment laboratory programs who have been approved by the Department of Occupational Education and Technology may earn certification other than by completion of an approved bachelor's degree program. Procedures for obtaining emergency permits for these teachers are the same as those for all other vocational teachers earning certification without completion of an approved bachelor's degree program.

[(3) Other vocational personnel. To obtain an initial emergency teaching permit for other vocational personnel, a statement of qualifications is submitted to the appropriate Texas Education Agency program director of the vocational field for which the applicant is seeking approval for review. The applicant is notified of the results of the review and, if approvable, any additional requirements necessary for permanent certification. (Note: Vocational-technical personnel teaching adults and courses taught in a post-secondary level, and the vocational-technical personnel in a post-secondary institution, are issued a credential rather than a teaching certificate.)

[The initial emergency teaching permit is issued only upon the recommendation of the Texas Education Agency division director of public school occupational programs. Attached to the recommendation are any additional requirements that must be met if an individual has been given conditioned approval. A copy of the certification requirements is mailed to the applicant at the time the permit is issued.

[Applicants for renewals of emergency teaching permits are reviewed and recommended by the director of public school occupational programs. Permits are issued provided that:

[(A) the individual has established a plan for completing specified professional requirements with an institution approved to offer the specified courses in the field for which the certificate or endorsement is requested;

[(B) the individual submits a transcript or other official evidence from an approved institution showing satisfactory completion of a minimum of six semester hours of the specified courses on the individual's plan for meeting certification requirements; and

[(C) the applicant's superintendent submits evidence that the individual has successfully completed one year of employment in vocational programs for which the permit is requested.

[In addition to the above requirements, the recommendation of approval from the director of public school occupational programs is necessary for permits issued for individuals who received their first permit on a conditional basis.

[(c) ROTC personnel.

[(1) Emergency teaching permits are issued when requested for personnel who teach ROTC and who meet the requirements of the Reserve Officers Training Corps.

[(2) The initial permits for ROTC instructors are requested from and issued by the Texas Education Agency for a \$1.00 fee.

[(3) Renewals are made by submitting letters to the Division of Teacher Certification stating that the individual will again be assigned to instruct ROTC. The individual's social security number must be included in each letter (no fee for renewal).

[(d) Sixth grade permits.

[(1) Individuals who hold high school certificates may teach departmentalized sixth grade in their teaching fields.

[(2) Submit original permit request, official transcripts, completed application, and \$1.00 fee to the Division of Teacher Certification.

[(3) A renewal is made by submitting a letter stating that the individual will again be assigned to teach in the sixth grade (no fee for renewal).

[(e) Foreign language permits. Individuals with high school certificates may teach departmentalized sixth grade in their major fields on emergency teaching permits. The initial permit is requested from the Texas Education Agency (fee: \$1.00). Thereafter, for an individual to continue teaching in this assignment, the superintendent should send the Texas Education Agency a letter stating the individual's name, social security number, and area of assignment (no fee). No permit renewal or additional college work is required.]

.040. Vocational Education Emergency Teaching Permits: Requirements and Procedures [Conditions of Eligibility for a Permit for Special Assignment].

(a) Requirements for vocational agriculture emergency teaching permits.

(1) Agriculture coordinated vocational-academic education (CVAE).

(A) Valid vocational agriculture certificate.

(B) One permit may be issued to allow the teacher to attend a summer workshop after the first year of teaching this student population or to complete six

hours of upper-level specified technical agriculture courses in the area of specialization approved by the Texas Education Agency.

(2) Agriculture vocational education for the handicapped (VEH).

(A) Valid vocational agriculture certificate.

(B) One permit may be issued to allow the teacher to attend a summer workshop after the first year of teaching this student population or to complete six hours of upper-level specified technical agriculture courses in the area of specialization approved by the Texas Education Agency.

(3) Agriculture pre-employment laboratory (regular).

(A) Valid vocational agriculture certificate.

(B) One permit may be issued to allow the teacher to attend a summer workshop after the first year of teaching this student population or to complete six hours of upper-level specified technical agriculture courses in the area of specialization approved by the Texas Education Agency.

(4) Agriculture cooperative part-time training.

(A) Valid vocational agriculture certificate.

(B) One permit may be issued to allow the teacher to attend a summer workshop after the first year of teaching this student population or to complete a three-hour upper-level specialized course in the area of specialization approved by the Texas Education Agency.

(b) Requirements for vocational distributive education emergency teaching permit.

(1) Original permit:

(A) bachelor's degree from an accredited institution; and

(B) two years of approvable and successful wage-earning experience in the distributive occupations.

(2) Permit renewal—completion of a minimum of six semester hours of specified courses.

(c) Requirements for vocational health occupations emergency teaching permit.

(1) Original permit:

(A) bachelor's degree or demonstration of abilities in teaching, coordination, and management of student learning experiences;

(B) licensure or certification as a professional practitioner in one or more health occupations; and

(C) two or more years of employment experience within a licensed hospital or other health agency.

Note: Instructors in pre-employment laboratory programs leading to a specific occupational competence must have their licensure or certification and work experience within that occupational area.

(2) Permit renewal—completion of a minimum of six semester hours of specified courses.

(d) Requirements for vocational homemaking emergency teaching permits.

(1) Useful Homemaking and Homemaking Cooperative Program teachers.

(A) Original permit:

(i) bachelor's degree in home economics from an accredited institution; and

(ii) deficiency plan for useful homemaking on file with the Division of Teacher Certification.

(B) Permit renewal for useful homemaking—completion of a minimum of six semester hours of specified deficiencies.

(2) Homemaking pre-employment Laboratory Program teachers (Options II and III).

(A) Original permit:

(i) approval of statement of qualifications:

(I) bachelor's degree and three years of wage-earning experience in the occupation or skilled trade for which instruction is offered; or

(II) high school graduate or equivalent and five years of wage-earning experience in the occupation or skilled trade for which instruction is offered;

(ii) deficiency plan on file with the Division of Teacher Certification.

(B) Permit renewal—completion of a minimum of six semester hours of specified deficiencies.

(3) Homemaking-Coordinated Vocational-Academics Education (CVAE)/Vocational Education for the Handicapped (VEH) Program teachers.

(A) Original permit:

(i) approval of statement of qualifications—bachelor's degree in home economics from an accredited institution;

(ii) original emergency teaching permit may be issued to a teacher with a valid vocational homemaking certificate who has not completed a workshop for homemaking CVAE/VEH teachers.

(B) Permit renewal—completion of one Texas Education Agency-sponsored three-week summer workshop for homemaking CVAE/VEH teachers.

(e) Requirements for vocational occupational orientation emergency teaching permit.

(1) Original permit:

(A) Bachelor's degree from an accredited institution;

(B) Two years of wage-earning experience, other than teaching, in one or more occupations for which occupational education may be conducted.

(2) Permit renewal—completion of a minimum of six semester hours of specified courses.

(f) Requirements for vocational office education emergency teaching permit.

(1) Cooperative and pre-employment laboratory teachers.

(A) Original permit:

(i) bachelor's degree with major or minor in business;

(ii) two years of wage-earning experience in office occupations.

(B) Permit renewal—completion of a minimum of six semester hours of specified courses.

(2) Teachers of coordinated vocational-academic education (CVAE) and vocational education for the handicapped (VEH) pre-employment laboratory programs.

(A) Original permit:

(i) bachelor's degree and two years of wage-earning experience in office occupations; or

(ii) high school graduate or equivalent and five years of wage-earning experience in office occupations.

(B) Permit renewal—completion of a minimum of six semesters hours of specified courses.

(3) Data processing teachers.

(A) Original permit:

(i) bachelor's degree and two years of data processing occupational experience, one of which must be continuous and full time; or

(ii) high school graduate or equivalent; two years of post high school education or training in technical, scientific, or mathematical fields; and three years of data processing occupational experience, one of which must be continuous and full time.

(B) Permit renewal—completion of a minimum of six semester hours of specified courses.

(g) Requirements for vocational trades and industry emergency teaching permit.

(1) Original permit:

(A) bachelor's degree and three years of full-time, wage-earning experience in the occupation to be taught; or

(B) high school graduate or equivalent and five years of full-time, wage-earning experience in the occupation or skilled trade to be taught.

(2) Permit renewal—completion of a minimum of six semester hours of specified courses.

(h) Application procedure for original vocational emergency teaching permit.

(1) A statement of qualifications must be submitted to the Division of Teacher Certification for approval prior to placement of a teacher in a vocational assignment.

(2) The individual's statement of qualifications must be re-evaluated when changing vocational assignments.

(3) The superintendent of the employing school district should submit an application for the permit, copy of approval letter, official transcripts (if applicable), and \$1.00 fee to the Division of Teacher Certification.

(4) When the permit is issued, the superintendent will be advised regarding additional requirements for permanent certification in the areas of health occupations, occupational orientation, office education, and trades and industry. Teachers in other vocational areas should secure deficiency plans from an approved Texas college/university.

(i) Application procedure for renewal of a vocational emergency teaching permit.

(1) All vocational emergency teaching permits must be renewed by the Division of Teacher Certification.

(2) Deficiency plan for completing specified professional requirements for the desired certificate or endorsement.

(3) Completion of a minimum of six semester hours of the specified deficiencies prior to renewal of the permit.

(4) Verification by employing superintendent that the individual successfully completed one year of employment in the vocational program for which the permit is requested.

(5) Submission of an application with \$1.00 fee (money order or cashier's check) and official transcripts or evidence of workshop attendance to the Division of Teacher Certification.

[When a superintendent of a school district is unable to secure an individual fully certified to fill a certain special assignment position vacancy in his system, he may apply for

a permit for special assignment for an uncertified person to fill that position.]

.050. Special Assignment Permits: General Provisions [Application Procedures for a Permit Special Assignment].

(a) A special assignment permit may be issued to an employing school district for an individual who holds a valid Texas teacher certificate but needs additional preparation in the area of assignment.

(1) The superintendent of a school district applies for the special assignment permit by submitting:

(A) an accurately completed application form;

(B) an affidavit stating that the superintendent is unable to secure a person fully certified/qualified for the position and that the individual for whom the permit is requested is the best qualified person available; and

(C) a deficiency plan for completion of certificate requirements verifying that all requirements can be completed by the end of the second permit year;

(D) no fee (\$1.00 fee for school psychologist and associate school psychologist only).

(2) The special assignment permit is valid only for the remainder of the scholastic year during which it is issued, only in the school system through which the application for the permit is made, and only for the specific assignment for which the permit was requested.

(b) One renewal of the special assignment permit is available provided that all requirements for renewal are completed. The following items must be submitted to the Division of Teacher Certification for renewal:

(1) an accurately completed application; and

(2) official transcripts showing completion of a minimum of six semester hours of deficiencies.

(c) Exceptions to the general special assignment permit provisions are stated in Procedure Number 62.22.060.

[The superintendent of a school district makes application for a permit for special assignment. The application is submitted to the Division of Teacher Certification and includes:

(1) the application form;

(2) an affidavit stating that the superintendent is unable to secure a person fully certified for the position and that the individual for whom the permit is requested is the best qualified person available; and

(3) a permit fee of \$1.00 (for speech and hearing, deaf/severely hard of hearing, school psychologist, and associate school psychologist only).]

.060. [Validity of a Permit for] Special Assignment Permits: Specific Requirements.

(a) Special education permit areas.

(1) Deficient vision:

(A) valid Texas teacher certificate;

(B) six semester hours directly related to teaching students with deficient vision, or one year of teaching experience;

(C) ability to read and write Braille and to teach the reading and writing of Braille; and

(D) one or more units in operation in this specific area in the employing school district or cooperative with a teacher fully certified in this area.

(2) Early childhood education for handicapped children:

(A) valid Texas elementary, all-level, vocational homemaking, deaf and/or severely hard of hearing, or speech and hearing therapy certificate; and

(B) six semester hours directly related to early childhood education or education for handicapped children or a combination of both, or one year of teaching experience.

(3) Emotionally disturbed:

(A) valid Texas teacher certificate; and

(B) six semester hours directly related to teaching the emotionally disturbed, or one year of teaching experience.

(4) Homebound or hospitalized:

(A) valid Texas teacher certificate; and

(B) one year of teaching experience;

(C) only one permit is available—no renewal.

(5) Language and/or learning disabilities (LLD):

(A) valid Texas teacher certificate; and

(B) six semester hours directly related to teaching the language and/or learning disabled, or one year of teaching experience.

(6) Mentally retarded:

(A) valid Texas teacher certificate; and

(B) six semester hours directly related to teaching the mentally retarded, or one year of teaching experience.

(7) Physically handicapped (also referred to as minimally brain injured);

(A) valid Texas teacher certificate; and

(B) six semester hours directly related to teaching the physically handicapped, or one year of teaching experience.

(8) Severely/profoundly handicapped.

(A) Special assignment permit requirements—prior service:

(i) valid Texas special education certificate, or valid Texas teacher certificate with a special education endorsement; and

(ii) two years of successfully teaching severely/profoundly handicapped children, including but not limited to deaf/blind children in an accredited and/or approved school, agency, or institution.

(B) Special assignment permit requirements—no prior service:

(i) valid Texas teacher certificate; and

(ii) six semester hours of field experience in an accredited and/or approved school, agency, or institution.

(b) Kindergarten.

(1) Valid Texas elementary, all-level, librarian (based on elementary certificate), vocational homemaking, deaf/severely hard of hearing, or speech and hearing therapy certificate.

(2) One renewal is available provided that six semester hours of kindergarten course work is completed prior to renewal.

(c) Bilingual education.

(1) Valid Texas teacher certificate; and

(2) Six semester hours in an approved bilingual teacher preparation program at an institution of higher education; or

(3) Have demonstrated professional-level oral and written proficiency in the language of the target

population as measured by an examination approved by the Texas Education Agency; or

(4) Have successfully completed six semester hours in the study of the language of the target population at an institution of higher education.

(5) Renewal requirements. A special assignment permit for bilingual education may be renewed a maximum of three times. To renew the permit which allows a person to continue an assignment in an approved bilingual education program, the individual must:

(A) identify regular progress, a minimum of six semester hours, in an approved bilingual teacher preparation program at an institution of higher education;

(B) demonstrate progress toward professional-level oral and written proficiency in the language of the target population by showing an improved score on an examination approved by the Texas Education Agency.

(d) Learning resources:

(1) valid Texas teacher certificate;

(2) one year of teaching experience; and

(3) nine semester hours of course work designed to develop basic learning resources competencies.

(e) Counselors.

(1) Counselor (regular):

(A) valid Texas teacher certificate;

(B) 30 semester hours graduate-level credit with graduate-level preparation in counseling; and

(C) three years of teaching experience.

(2) Special education counselor:

(A) valid Texas teacher certificate;

(B) 30 semester hours graduate-level credit including graduate-level preparation for the special education counselor assignment; and

(C) three years of teaching experience.

(3) Vocational counselor:

(A) valid Texas teacher certificate;

(B) 12 semester hours of graduate-level credit in counseling; and

(C) a combination of three years experience, which includes teaching experience, and not less than one year of wage-earning experience in an occupation for which vocational education is being conducted in the public secondary schools, or two years of teaching experience in an approved vocational program preparing students for gainful employment.

(D) To obtain an initial special assignment permit, a statement of qualifications is submitted to the Division of Teacher Certification along with a notarized teacher service record and college transcript. The applicant is notified of the result of the review and, if approvable, any additional requirements necessary for permanent certification.

(E) Course work must be completed at a rate of not less than six semester hours per year until the requirements for a professional counselor and vocational counselor certificate are met. The 12 hours identified as vocational counselor courses must be completed first.

(f) Supervisors.

(1) Supervisor (regular):

(A) valid Texas teacher certificate;

(B) 30 semester hours graduate-level credit with graduate-level preparation in supervision; and

(C) three years of teaching experience.

(2) Special education supervisor:

(A) valid Texas teacher certificate;

(B) three years of acceptable teaching experience in an approved school;

(C) 30 semester hours graduate-level credit including graduate-level preparation for the special education assignment; and

(D) valid special education certificate and six semester hours in supervision and/or administration, or valid supervisor or administrator certificate and six semester hours in special education, including a survey course in education for handicapped children.

(3) Vocational supervisor.

(A) Valid Texas teacher certificate, appropriate for the grade level of the teachers or programs consistent with the supervisory assignment; and

(B) Three years of successful public school teaching experience in an approved vocational education program preparing students for gainful employment. Supervisors of homemaking education programs are not required to have the three years of teaching experience in a vocational education program preparing students for gainful employment.

(C) To obtain an initial special assignment permit, a statement of qualifications is submitted to the Division of Teacher Certification along with a notarized teacher service record. The applicant is notified of the results of the review and, if approvable, any addition requirements necessary for permanent certification.

(D) Course work must be completed at a rate of not less than six semester hours per year until full certification requirements are completed.

(g) Visiting teachers.

(1) Visiting teacher (regular):

(A) valid Texas teacher certificate;

(B) three years of teaching experience, or three years experience in an approved social welfare agency; and

(C) completion of 15 semester hours of graduate-level course work in the social or behavioral sciences, six of which must be in the specialization area required for the professional visiting teacher certificate.

(2) Special education visiting teacher:

(A) valid Texas teacher certificate;

(B) three years of teaching experience; and

(C) 30 semester graduate-level hours, including graduate-level preparation for the special education visiting teacher assignment.

(h) Educational diagnostician:

(1) valid Texas teacher certificate;

(2) three years of teaching experience;

(3) 30 semester hours graduate credit from an accredited college in the field of education or a related field, including graduate preparation for the educational diagnostician assignment;

(4) six semester graduate-level hours in tests and measurements, at least three semester hours of which are individualized testing; and

(5) six semester hours in special education.

(i) School psychologist:

(1) institutional certification as having completed a doctoral degree in a program the content of which is primarily psychological in nature from an accredited university or college (may appear on official transcript)

and recommendation by the institution, or licensure by Texas State Board of Examiners of Psychologists; and

(2) fee of \$1.00.

(j) Associate school psychologist:

(1) institutional certification as having completed and master's degree in a program the content of which is primarily psychological in nature in an accredited university or college (may appear on official transcript) and recommendation by the institution, or licensure by Texas State Board of Examiners of Psychologists; and

(2) fee of \$1.00.

[The permit for special assignment is valid only for the remainder of the scholastic year during which it is issued, only in the school system through which the application for the permit is made, and only for the specific assignment for which the permit was requested].

.090. Temporary Classroom Assignment Permits.

(a) The superintendent of a public school district may activate a temporary classroom assignment permit (TCAP) for an individual assigned to teach outside the certified teaching fields in departmentalized grades 6-12.

(b) A TCAP may only be activated in compliance with the following provisions:

(1) An emergency need should be evident.

(2) The TCAP may only be used for assignment to teach a maximum of two subjects for which the teacher is not certified.

(3) The TCAP is only applicable for classroom teaching assignments in a departmentalized situation. The TCAP should not be used for the following assignments:

(A) elementary, grades kindergarten through

five;

(B) self-contained sixth grade;

(C) bilingual education;

(D) special education;

(E) vocational education; or

(F) professional service positions.

(4) The TCAP must be activated on or before the date teaching duties begin.

(c) A TCAP is valid only for the school year and the assignment for which it is activated.

(d) A TCAP expires at the end of the school year or at the end of the assignment, whichever occurs first.

(e) An emergency teaching permit will not be issued for a certified individual who does not meet TCAP requirements.

(f) Requirements for a teacher who will be assigned on a TCAP.

(1) Hold one of the following valid Texas teacher certificates:

(A) elementary;

(B) junior high school;

(C) high school;

(D) all-level;

(E) vocational homemaking;

(F) vocational agriculture.

(2) To teach two or more class periods in subject(s) for which the teacher is not currently certified, 12 semester hours of course work toward completion of each teaching field is required for assignment.

(3) If assigned to teach only one class period in a field for which the teacher is not currently certified, com-

pletion of fewer than 12 semester hours is required for assignment.

(4) If assigned to teach in departmentalized grades seven through eight, an elementary certified teacher must have 18 semester hours in the subject taught. A TCAP may be activated for a teacher who has fewer than 18 semester hours, provided the teacher meets TCAP requirements.

(5) No temporary classroom assignment permit is required if the teacher is assigned to teach only one class period in a field for which he or she has completed 12 or more semester hours of preparation.

(g) Procedure for activation of a temporary classroom assignment permit. No action by the Division of Teacher Certification is required. The original permit is activated by the employing superintendent by placing the following materials in the teacher's personnel file:

(1) Temporary Classroom Assignment Permit form accurately completed prior to the date on which teaching duties begin;

(2) documentation of conditions causing the need to assign a teacher who is not fully certified in the subject(s) to be taught may include conditions such as:

(A) resignation or severance of personnel;

(B) unexpected enrollment or unusual population increases;

(C) demands for additional class sections or courses; or

(D) declining enrollment.

(E) Conditions may be stated in the lower margin on the front page of the TCAP form.

(3) deficiency plan for the target certificate, verifying that the individual meets the grade point average required for admission to the Teacher Education Program; and all requirements for the teaching field(s) can be completed within the following year; and

(4) current official transcripts verifying completion of semester-hour requirements for assignment.

(h) One renewal of the temporary classroom assignment permit may be activated by the superintendent, in compliance with the following requirements:

(1) renewal for the same assignment by the same school district which activated the original TCAP;

(2) placement of the following materials in the teacher's personnel file:

(A) a Temporary Classroom Assignment Permit form, completed for renewal prior to the date on which teaching duties begin; and

(B) transcript showing completion of six semester hours of deficiencies for appropriate teaching field;

(3) deficiency plan for the target certificate, verifying that:

(A) the individual meets the grade point average required for admission to the Teacher Education Program; and

(B) all requirements for the teaching field(s) can be completed within the following year.

[The superintendent or his designated representative is authorized to activate for members of the staff temporary classroom assignment permits if:

[(1) An emergency need is evident;

[(2) The individual:

[(A) holds a valid Texas elementary, junior high, high school, all-level, vocational homemaking, or vocational agriculture certificate;

[(B) is assigned more than one class outside his or her teaching field but cannot be assigned in more than two fields for which he or she is not certified and has at least 12 hours in the field(s) of assignment; or

[(C) is assigned only one class outside his or her teaching field but has less than 12 hours in that field; and

[(3) The school district has on file the Temporary Classroom Assignment Permit (TCAP) form completed prior to duty date.

[(4) TCAPs apply only to classroom teaching assignments in a departmentalized situation. They may not be used for elementary, special education, librarian, counselor, administrator, supervisor, visiting teacher, bilingual, or vocational assignments.

[(5) Elementary teachers assigned to teach a subject in departmentalized grades seven through eight must have 18 semester hours in the subject taught. A TCAP may be activated for a teacher who has fewer than 18 semester hours, provided the teacher meets TCAP requirements.

[(6) Emergency teaching permits will not be issued by the Texas Education Agency for certified individuals who do not meet TCAP requirements.

[The superintendent or his designated representative may renew a temporary classroom assignment permit one time provided that the:

[(1) permit is renewed for the same assignment in the same school system as the initial permit;

[(2) school district has on file from an institution of higher learning a plan for removal of deficiencies stating that:

[(A) the individual meets the grade-point average required for admission to the college's teacher education program leading to certification recommendation; and

[(B) all requirements for the certificate can be completed within the following year;

[(3) school district has on file a valid transcript of a minimum of six semester hours of college/university credit completed toward the certificate in the level of the assignment;

[(4) school district has on file the Renewal Temporary Classroom Assignment Permit form completed prior to the duty date.]

Doc. No. 794444

226.62.22.070-.080

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

The Texas Education Agency proposes to repeal Rules 226.62.22.070-.080 concerning general requirements for an applicant for a permit for special assignment and special requirements for permits for special assignment. These rules were previously numbered as Rules 62.06.070-.080. As originally filed, these rules were subsections (j) and (k) of Rule 226.62.06.010.

Material covered by Rule .070 is included in the proposed amendment to Rule .010, General Provisions. Material covered in Rule .080 is contained in the proposed amendment to Rule .060, Special Assignment Permits: Special Requirements.

The proposed amendment of which this repeal is a part is a reorganization of existing regulations. The Texas Education Agency does not anticipate that the proposed repeal will have state or local fiscal implications.

Public comment on the proposed repeal of Rules .070-.080 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for policies and services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These repeals are proposed under the authority of Section 13.032, Texas Education Code.

- .070. *General Requirements of an Applicant for a Permit for Special Assignment.*
- .080. *Special Requirements of an Applicant for a Permit for Special Assignment.*

Issued in Austin, Texas, on July 17, 1979.

Doc. No. 794435 M. L. Brockett
Commissioner of Education

Proposed Date of Adoption: September 8, 1979
For further information, please call (512) 475-7077.

Texas Department of Human Resources

Adult Denture Program

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

The Department of Human Resources proposes the repeal of all agency rules in its Adult Denture Program rule chapter. This program provided full and/or partial dentures for eligible Title XIX (Medicaid) recipients age 21 or over. In November 1978, expenditures resulting from the demand for services in this program approached the level of appropriated funds for fiscal year 1979. Since HEW regulations do not allow partial or selective services under the program, it was terminated, effective November 26, 1978, through the adoption of an emergency rule, Rule 326.41.03.006. The Adult Denture Program rules were not repealed, pending possible funding for the 1980-81 biennium; however, the legislature made no appropriation for this program for the biennium. As a result, the department is now proposing the repeal of these rules.

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

Written comments are invited and may be sent to Susan L. Johnson, assistant chief, Systems and Procedures Bureau—310, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

General Information 326.41.01

The repeal of Rules 326.41.01.001-.004 is proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes.

- .001. *Qualifications to be a Participating Provider (Dentist).*
- .002. *Civil Rights.*
- .003. *Secondary Liability of the Medicaid Program.*
- .004. *Definitions.*

Recipient/Patient Eligibility 326.41.02

The repeal of Rules 326.41.02.001 and .002 is proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes.

- .001. *Who Is Eligible.*
- .002. *Medical Care Identification Card (Including Explanation of Benefits).*

Program Benefits 326.41.03

The repeal of Rules 326.41.03.001-.006 is proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes.

- .001. *Scope of Services.*
- .002. *Limitations of the Title XIX Adult Denture Program.*
- .003. *Exclusions.*
- .004. *Prior Authorization Standards for Full and Partial Dentures.*
- .005. *Terms.*
- .006. *Program Discontinuance.*

Office Practices 326.41.04

The repeal of Rule 326.41.04.001 is proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes.

- .001. *Recipient/Patient Records.*

Claims 326.41.05

The repeal of Rules 326.41.05.001-.004 is proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes.

- .001. *Voided, Torn, Unused Claim Forms.*
- .002. *Claim Denials.*
- .003. *Withholding of Payment on Claims Filed.*
- .004. *Date of Authorization.*

Penalties 326.41.06

The repeal of Rules 326.41.06.001 and .002 is proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes.

- .001. *Disciplinary Action.*
- .002. *Fraud.*

Standards 326.41.07

The repeal of Rules 326.41.07.001 and .002 are proposed under the authority of Articles 695c and 695j-1, Texas Revised Statutes.

- .001. *Minimum Standards for Full Denture.*
- .002. *Minimum Standards for Partial Denture.*

Construction of Prosthetic Unit 326.41.08

The repeal of Rule 326.41.08.001 is proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes.

- .001. *Procedures Necessary for Construction.*

Support Documents 326.41.99

The repeal of Rules 326.41.99.200 and .400 is proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes.

- .200. *Reimbursement: Maximum Payment Per Denture Unit.*
- .400. *Agreement for Participation in Title XIX Adult Denture Program.*

Issued in Austin, Texas, on July 13, 1979.

Doc. No. 794366- Jerome Chapman
794374 Commissioner
Texas Department of Human Resources

Proposed Date of Adoption: August 24, 1979
For further information, please call (512) 475-4601.

Texas State Board of Medical Examiners

Licensure by Examination 386.02.00

The Texas State Board of Medical Examiners is proposing to amend Rule 386.02.00.03. The proposed amendment to the rule provides that an applicant for examination who failed the examination would be required to apply for re-examination in Texas within a two-year period. If the applicant did not adhere to the two-year requirement, that applicant would be required to submit new application and fee and would be required to retake the entire FLEX and jurisprudence examinations for licensure. This change in application policy would help insure that the board office has current file information regarding such applicant and would aid in proper qualification for examination by applicants.

The proposed rule amendment has been reviewed with the Texas State Board of Medical Examiners' accounting office, and it has been determined that there are no fiscal implications for either the State of Texas or any unit of local government.

Public comment on the proposed amendment to Rule .003 is invited. Comments may be submitted by telephoning the board office at (512) 474-6335 or by writing to the board at Southwest Tower Building, Suite 900, Austin, Texas 78701.

The amendment to Rule .003 is proposed under the authority of Article 4496 and Article 4509, Civil Statutes of Texas.

- .003. *Time, Place, and Scope of Examination.*
- (a)-(n) (No change.)

(o) Examinees who fail in a partial or complete examination shall be required to repeat the full day of the examination in which the appropriate failed subject occurred. If an examinee fails the FLEX examination on three occasions, that person : all be required to give evidence to the board of additional postgraduate training acceptable to the board and cannot take the FLEX examination for one year and until evidence of further postgraduate training has been accepted by the board. The examinee may apply one additional time for the FLEX examination. If the examinee again fails the FLEX examination, it will be at the board's discretion as to if the examinee will be allowed to sit for the examination again. For purposes of clarification, a FLEX examination shall be considered when it is administered by any appropriate licensing body. In the event an applicant has failed the examination on three occasions and has presented evidence of additional postgraduate training acceptable to the board, such applicant shall be required to take the full examination even though the applicant may have on prior occasions successfully passed one or more days of the examination. *In the event an applicant has failed the examination, such applicant must apply for re-examination in Texas within two years of the date of last failure. If applicant fails to adhere to this requirement, the application shall be considered inactive, null, and void, and the application fee submitted with such application shall be null and void. If applicant subsequently applies for re-examination after the two-year time limit has passed, such applicant must file the appropriate new application for examination, complete with new examination fee, before being allowed to retake the examination. Such applicant will then be required to retake the entire FLEX and jurisprudence examinations, even though such applicant may have on prior occasions successfully passed one or more days of the examination.*

Doc. No. 794443

Applications 386.07.00

The Texas State Board of Medical Examiners is proposing to adopt Rule 386.07.00.003. The proposed new rule provides for an orderly disposition of licensure applications which have been on file in the board office for a lengthy period of time, as well as future applications which are applicable. The proposed rule also allows ample time for completion of an application by a prospective licensee.

The rule has been reviewed with the Texas State Board of Medical Examiners' accounting office, and it has been determined that there are no fiscal implications for either the State of Texas or any unit of local government.

Public comment on the proposed new rule is invited. Comments may be submitted by telephoning the board office at (512) 474-6335 or by writing to the board at Southwest Tower Building, Suite 900, Austin, Texas 78701.

Rule .003 is proposed under the authority of Article 4496 and Article 4509, Civil Statutes of Texas.

.003. *Incomplete Applications.* An application for licensure by reciprocity or examination which has been filed with the board office and which is in excess of two years old from the date of initiation of such application shall be considered null, void, and inactive, and any fee previously submitted

with that application shall be null and void. Any further application procedure for licensure will require submission of new application on forms approved by the board, with inclusion of applicable licensure fee.

Issued in Austin, Texas on July 16, 1979.

Doc. No. 794442 A. Bryan Spires, Jr., M.D.
Secretary-Treasurer
Texas State Board of Medical Examiners

Proposed Date of Adoption: August 24, 1979
For further information, please call (512) 474-6335.



Texas State Board of Examiners of Psychologists

Applications 400.02.00.010

The Texas State Board of Examiners of Psychologists is proposing to amend Rule 400.02.00.010, which deals with the requirements for psychological associate certification (master's level). It was decided that a statement was needed to clarify the board's intent and continued use of this rule in determining the qualifications of those who make application.

The members of the board anticipate that this amendment will have no fiscal implications for state or local government.

Public comment on the proposed amendment of Rule .010 is invited. Persons should submit their comments in writing to Patti Bizzell, executive secretary, Texas State Board of Examiners of Psychologists, 5555 North Lamar, Building H, Suite 126, Austin, Texas, 78751.

This amendment to the rule is proposed under the authority of Article 4512c, Texas Civil Statutes.

.010. Subdoctoral Certification. For a degree conferred before September 1, 1980, the board requires a master's degree *which is primarily psychological in nature* of at least 30 semester credit hours for subdoctoral certification, at least 24 graduate-level semester credit hours of which (exclusive of practicum) must have been in psychology. Six semester credit hours of thesis credit may be counted toward these 24 credit hours, if the thesis is in psychology. No hours obtained after the degree was conferred may be counted.

Three hundred clock hours of practicum or experience in psychology, supervised by a licensed psychologist, must be completed before the written examination may be taken.

For a degree conferred after August 31, 1980, the board requires a master's degree *which is primarily psychological in nature* of at least 42 semester credit hours for subdoctoral certification, at least 27 graduate-level semester credit hours of which (exclusive of practicum) must have been in psychology. Six semester credit hours of thesis credit in a department of psychology may be counted toward these 27 semester credit hours. No hours obtained after the master's degree was conferred may be counted. Four hundred and fifty clock hours of practicum or experience in psychology, supervised by a licensed psychologist, or in the case of exempt agencies, by a supervisor who is eligible for licensure, must be completed before the written examination may be taken.

Doc. No. 794429

400.02.00.018

The Texas State Board of Examiners of Psychologists is proposing to amend Rule 400.02.00.018, which describes the degree requirements for certification of psychologists. It was decided that several portions of the rule are either redundant or no longer applicable and are therefore being deleted and/or modified.

The members of the board anticipate that this amendment will have no fiscal implications for state or local government.

Public comment on the proposed amendment of Rule .018 is invited. Persons should submit their comments in writing to Patti Bizzell, executive secretary, Texas State Board of Examiners of Psychologists, 5555 North Lamar, Building H, Suite 126, Austin, Texas 78751.

This amendment to the rule is proposed under the authority of Article 4512c, Texas Civil Statutes.

.018. Degree Requirements for Certification of Psychologists. After July 1, 1979, a doctoral degree based upon a program of studies whose content is "primarily psychological" means a doctoral degree granted from a department of psychology [or educational psychology] in a *regionally* [an] accredited institution where the applicant's transcript designates a major in psychology [or educational psychology].

After July 1, 1979, the substantial equivalence of a doctoral degree based upon a program of studies whose content is primarily psychological means a doctoral degree based on a minimum of 90 semester hours in psychology in a post-baccalaureate doctoral program which includes the following content areas: abnormal psychology, cognitive processes, comparative psychology, developmental psychology, history of psychology, learning, motivation, psychology of personality, physiological psychology, professional ethics in psychology, psychopharmacology, research design, sensation and perception, social psychology, statistics, theory and systems in psychology.

Consideration should be given to the sequence in which the educational processes and training are taken.

Until July 1, 1979, the substantial equivalency of a doctoral degree based upon a program of studies whose content is pri-

marily psychological means a doctoral program in which 70% of the course work completed is in psychology. This is a continuation of the board policy which has been in effect *since* [throughout] 1976.

Any student intending to apply for certification under the substantial equivalence clause after July 1, 1979, must file with the Texas State Board of Examiners of Psychologists an affidavit during his or her first semester of graduate study which sets out the intended program of studies. [Any student intending to apply for certification under the substantial equivalency clause before July 1, 1979, must file with the Texas State Board of Examiners of Psychologists an affidavit within six months of the date of publication of this rule in the *Texas Register*, which sets out the program of studies he or she is currently pursuing.]

The board will consider post-doctoral course work in determining the eligibility of an applicant when such course work terminates in a doctoral degree that is consistent with this rule.

Doc. No. 794430

Practice 400.03.00.006

The Texas State Board of Examiners of Psychologists is proposing to amend its rule of practice, Rule 400.03.00.006, which addresses the incorporation of psychologists to practice psychology. It was determined that the amendment was needed to more clearly state the appropriate way to incorporate if that was the desire of the psychologist.

The members of the board anticipate that this amendment will have no fiscal implications for state or local government.

Public comment on the proposed amendment of Rule .006 is invited. Persons should submit their comments in writing to Patti Bizzell, executive secretary, Texas State Board of Examiners of Psychologists, 5555 North Lamar, Building H, Suite 126, Austin, Texas 78751.

This amendment to the rule is proposed under the authority of Article 4512c, Texas Civil Statutes.

.006. Incorporation of Practice. A psychologist may incorporate. If he or she incorporates, this must be accomplished under the Professional Corporation Act but only in the name of the licensed psychologist(s). [An individual practice in psychology may be incorporated under the Professional Incorporation Act if desired but only in the name of the licensed psychologist.] In group practice, all members of the professional corporation must be licensed by the board.

Doc. No. 794431

400.03.00.017

The Texas State Board of Examiners of Psychologists is proposing to adopt a new rule of practice, Rule 400.03.00.017, which addresses the use of specialty designations by psychologists.

The members of the board anticipate that this amendment will have no fiscal implications for state or local government.

Public comment on the proposed amendment of Rule .017 is invited. Persons should submit their comments in writing to Patti Bizzell, executive secretary, Texas State Board of Examiners of Psychologists, 5555 North Lamar, Building H, Suite 126, Austin, Texas, 78751.

This new rule is proposed under the authority of Article 4512c, Texas Civil Statutes.

.017. Use of Specialty Designations. A psychologist may not use a specialty designation to describe his or her practice without adequate demonstrated training and experience in that specialty area.

Doc. No. 794433

400.03.00.018

The Texas State Board of Examiners of Psychologists is proposing to adopt a new rule of practice, Rule 400.03.00.018, which deals with the use of false, deceptive, or misleading statements regarding any psychological service. It was decided that a statement was needed to make explicit the guidelines of the board and the profession.

The members of the board anticipate that this amendment will have no fiscal implications for state or local government.

Public comment on the proposed amendment of Rule .018 is invited. Persons should submit their comments in writing to Patti Bizzell, executive secretary, Texas State Board of Examiners of Psychologists, 5555 North Lamar, Building H, Suite 126, Austin, Texas 78751.

This new rule is proposed under the authority of Article 4512c, Texas Civil Statutes.

.018. Use of Statements Regarding Services. A psychologist may not make any false, deceptive, or misleading statements regarding any psychological services.

Doc. No. 794432

Specialty Certification

Health Service Provider 400.05.01.

The Texas State Board of Examiners of Psychologists is proposing to amend its specialty certification rule, Rule 400.05.01.002, which deals with the criteria for health service providers in psychology. It was decided to delete the phrase "educational psychology" because it is redundant and adds no meaning to the intent of the board's use of this rule.

The members of the board anticipate that this amendment will have no fiscal implications for state or local government.

Public comment on proposed amendment of Rule .002 is invited. Persons should submit their comments in writing to Patti Bizzell, executive secretary, Texas State Board of Examiners of Psychologists, 5555 North Lamar, Building H, Suite 126, Austin, Texas 78751.

This amendment to the rule is proposed under the authority of Article 4512c, Texas Civil Statutes.

.002. Criteria for Health Service Provider in Psychology. Effective January 1, 1978, the following are the board's re-

quirements for a licensed psychologist to be eligible for specialty certification as a health service provider in psychology.

(1) (No change.)

(2) The psychologist must hold a doctorate degree from a department of psychology [or educational psychology] in a regionally accredited educational institution.

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

Issued in Austin, Texas, on July 15, 1979.

Doc. No. 794428 Patti Bizzell
Executive Secretary
Texas State Board of Examiners of
Psychologists

Proposed Date of Adoption: August 24, 1979
For further information, please call (512) 458-3295.

Teacher Retirement System of Texas

Membership Credit

Service Eligible for Membership 334.03.01

The Teacher Retirement System of Texas is proposing to amend Rule 334.03.01.006 to reflect an action by the 66th Legislature removing the \$25,000 ceiling. Rule .006 clarifies service eligible for membership and removes language which limited deposits to the first \$25,000 compensation earned.

The proposed amendment to Rule .006 has no fiscal implications for the state or local government.

Public comment on the proposed amendment to Rule .006 is invited. Persons should submit their comments in writing to Leonard Prewitt, executive secretary, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

The amendment to Rule .006 is proposed under the authority of Sections 3.21(a) and 3.59, Texas Education Code.

.006. Part-Time or Temporary Employment. Part-time (less than one-half the standard work load), irregular, seasonal, or temporary employment for a definite period of less than 4-1/2 months during a school year is ineligible *unless such employment, when combined with other employment in Texas public educational institutions during the same school year, qualifies as service eligible for membership or when such other employment in itself qualifies as service eligible for membership.* [Members who receive credit for a year of service in regular employment shall make deposits and receive credit for all compensation up to \$25,000 in that year, including compensation received for part-time, irregular, seasonal, or temporary employment.]

Doc. No. 794471

Compensation 334.03.03.001-.006

(Editor's note: The texts of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Teacher Retirement System of Texas, 1001 Trinity, Austin, or in the offices of the Texas Register Division, 503E Sam Houston Building, Austin.)

The Teacher Retirement System of Texas is proposing to repeal Rules 334.03.03.001-.006. These rules relate to compensation subject to deposit and credit with the retirement system. They are to be replaced by Rules .010-.015 which reorganize and revise these existing rules in the light of recent legislation removing the \$25,000 ceiling on annual compensation.

The staff of the retirement system has determined that repeal of these rules will have no fiscal affect on the state or units of local government.

Public comment on the repeal of these rules is invited. Persons should submit their comments in writing to Leonard Prewitt, executive secretary, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

These rules are proposed for repeal under the authority of Sections 3.02(c) and 3.59(i) of the Texas Education Code as amended.

.001. Value of Room and Board.

.002. Compensation Not Paid in Money.

.003. Bonuses.

.004. Salary Supplements.

.005. Required Deposits.

.006. Bonuses, Sick Leave Pay, and Terminal Leave Pay.

Doc. No. 794463

334.03.03.008

The Teacher Retirement System of Texas is proposing to amend Rule 334.03.03.008 to include statutory requirements for reporting federal and private funds available for retirement contributions and to require reporting under existing law the beginning dates of certain contracts. Subsection (a) is the existing rule on payroll reporting dates. Subsection (b) gives the particulars of reporting federal and/or private grants and remitting the employer's contributions as required by House Bill 2083, Acts of the 66th Legislature. Subsection (c) requires employees with certain contractual employment periods not conforming to the school year to be reported at the times specified.

The proposed amendment to Rule .008 has no fiscal implications for the state or for units of local government.

Public comment on the proposed amendment to Rule .008 is invited. Persons should submit their comments in writing to Leonard Prewitt, executive secretary, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

The amendment to Rule .008 is proposed under the authority of Section 3.59(i), Texas Education Code.

.008. Payroll Report Dates.

(a) The executive secretary shall establish dates on which payroll reports are due and the method to be used in reporting such deposits to the Teacher Retirement System. School officials shall be notified of such regulations.

(b) *Each employer must report each month on forms furnished by the Teacher Retirement System those employees eligible to participate in the Teacher Retirement System or Optional Retirement Program who receive part or all of their salary from federal funds and/or private grants. Reporting districts must transmit to the retirement system 8.5% of the monies paid as salary in ad-*

dition to the amount transmitted for member contributions. If the maximum percentage legally provided for retirement purposes from these funds is less than 8.5%, the employer shall transmit the amount provided and indicate by letter the name of the grant and the rate.

Information furnished shall include the employee's tax number, name, salary paid from funds, contribution amount, fund source, and any other information designated by the TRS staff. In addition all colleges and universities shall indicate whether the person is a member of TRS or ORP. When reporting, all independent school districts will use the TEA school district federal grants code sheet or similar code provided by TRS.

(c) Members who have a qualified contract shall be reported by each school district on a form provided by TRS.

(1) A qualified contract is an employment agreement which meets the following criteria:

(A) Service under the agreement must begin on or after July 1, but not later than August 31, of the same calendar year.

(B) Service contemplated by the agreement must be for a definite period extending past August 31 of the same calendar year in which service under the agreement began, as evidenced by an enforceable legal obligation on the part of the public school to employ and to compensate the employee for such period.

(C) Not included are employees who can be terminated by the school district without the school being obligated to pay a fixed amount stated in a contract.

(2) Contracts with a beginning date in July should be submitted to TRS in the July report. Contracts with a beginning date in August should be filed with the August or September report.

Doc. No. 794472

334.03.03.010-.015

The Teacher Retirement System is proposing to adopt Rules 334.03.03.010-.015 relating to a member's annual compensation subject to deductions for deposit and credit. Their adoption coupled with the repeal of Rules .001-.006 clarifies and recodifies previous regulations concerning this matter and conforms the rules to legislation enacted by the 66th Texas Legislature removing the \$25,000 ceiling on annual compensation.

Rule .010 defines the term "annual compensation" to include salary, certain payments for vacation and sick leave upon termination, other payments made to the member if reported as taxable income of the member by the employer, and the value of "maintenance." Rule .011 provides that terminal vacation and sick leave pay is to be credited in the last year of employment but that payments conditioned upon retirement cannot be credited in any year. Rule .012 defines "maintenance" as housing and utilities furnished in lieu of salary and as a part of an employment contract. The value of maintenance is to be set by the executive secretary but is not to exceed \$400 per month. The value of maintenance is to be its value as compensation to the member and may neither include its value to the employer nor that furnished which is not necessary for the support of the member and his or her family. Employers are to obtain prior valuation of maintenance

from the retirement system before submitting deposits. Application for valuation is to be made upon employment or when maintenance is first provided. Rule .013 provides that bonuses and salary supplements reported as taxable income are annual compensation but that expense allowances, payments not reported as taxable income, fringe benefits, payments made to third parties for the benefit of a member, payments conditioned upon retirement, and benefits taxable in a future year are not includable in annual compensation. Rule .014 sets forth the member's statutory rate of deposits on annual compensation—6.65%, requires deposits, including those for maintenance, to be deducted by the employer from each pay period's salary, and requires the submission of deposits with each month's reports to the retirement system. Rule .015 authorizes credit only for annual compensation actually received.

The staff of the retirement system has determined that there are no fiscal implications to the state or any unit of local government that would result from adoption of these rules.

Public comment on these proposed rules is invited. Persons should submit their comments in writing to Leonard Prewitt, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

These rules are proposed under the authority of Sections 3.02(c) and 3.59(i), Texas Education Code as amended.

.010. *Compensation Subject to Deposit and Credit.* A member is required to make deposits on and is entitled to credit for annual compensation. A member's annual compensation in any school year consists of salary paid or payable to the member for service eligible for membership during that school year plus the following items paid or furnished the member for such service:

(1) payments of money for vacation or sick leave made upon termination of employment from a public school subject to the provisions of Rule .011;

(2) other payments of money made directly to the member and reported as a part of the income or wages of the member by the employer to the U.S. Internal Revenue Service, subject to the provision of Rule .013; and

(3) the value of maintenance, subject to provisions of Rule .012.

No other payments or other items furnished may be included in a member's annual compensation.

.011. *Vacation and Sick Leave Pay.*

(a) Vacation and sick leave payments are annual compensation for the year in which paid or for the last year of employment if payment is deferred.

(b) However, if any such payment is conditioned upon the member's retirement under the Teacher Retirement System, it shall not be included in the annual compensation for any year.

.012. *Maintenance.*

(a) "Maintenance" consists of housing and utilities furnished to the member in lieu of salary and as a part of an employment contract between a public school and the member.

(b) The value of maintenance includable in annual compensation shall be determined by the executive secretary or a designee but shall not exceed \$400 per month.

(c) In determining the value of maintenance, the retirement system will take into account the value to the in-

stitution of the facilities and services provided over and above their value as compensation to the member and shall reduce the value credited as compensation accordingly. The value of the facilities and services shall not necessarily be market or rental value but shall be the value of the maintenance as compensation to the member. The value of that portion of the facilities or services furnished which are not necessary for support of the member and his or her family shall be excluded from the value credited.

(d) Employers shall submit to the retirement system an application for valuation of maintenance for each of its employees who receive such maintenance as herein defined. Applications must be submitted whenever an employee receiving maintenance is first employed or whenever maintenance is first provided. Only after the retirement system notifies the employer of the value of compensation assigned to maintenance shall deposits based on the maintenance value be submitted.

.013. Other Payments.

(a) Bonuses and salary supplements, if authorized by law and if reported as income by the member's employer to the U.S. Internal Revenue Service, shall be included in annual compensation.

(b) Payments of money to the member not reported as income to the member by the employer and payments of expense allowances are presumed not to be a part of a member's annual compensation. Such presumption may only be rebutted by proof that the member has reported such amounts to the U.S. Internal Revenue Service as net income from employment in the public schools of Texas. Further, no expense allowance may be included in compensation to the degree that it bears a reasonable relationship to expenses incurred or reasonably presumed to have been incurred.

(c) Payments of money made for the benefit of the member and fringe benefits not specifically included in compensation under these rules shall not be included in the member's annual compensation.

(d) No payment is includable in annual compensation if it is conditioned upon the member's retirement.

(e) Terminal pay qualifying as annual compensation is includable in the last year of employment.

(f) Benefits provided by an employer which may be taxable in a future year are not compensation.

.014. Required Deposits.

(a) Members shall deposit with the Teacher Retirement System 6.65% of the compensation received each pay period, including compensation received for part-time, irregular, seasonal, or temporary employment in a school year in which the member rendered service eligible for membership.

(b) Deposits due for a pay period, including deposits due on maintenance, must be deducted by the employer from the member's salary for that pay period.

(c) The employer must submit the deposits with each regular payroll report to TRS.

.015. *Annual Compensation Creditable for Benefit Calculation.* Unless otherwise provided by law or these rules, a member shall receive credit only for annual compensation actually received.

Doc. No. 794465

Delinquent Report of Service 334.03.04

The Teacher Retirement System of Texas is proposing to amend Rules 334.03.04.003 and .005 relating to delinquent reports of service. The proposed rule changes will incorporate changes made by the 66th Legislature. Rule .003 will eliminate fees on delinquent deposits assessed on years prior to the 1974-75 school year. Rule .005 clarifies the procedure for establishing credit for unreported payments or maintenance.

The proposed amendments to Rules .003 and .005 have no fiscal implications for the state or for units of local government.

Public comment on the proposed amendments to Rules .003 and .005 is invited. Persons should submit their comments in writing to Leonard Prewitt, executive secretary, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

The amendments to Rules .003 and .005 are proposed under the authority of Section 3.59(i), Texas Education Code.

.003. *Delinquent Deposits.* A fee will be charged on delinquent deposits at the rate of 5.0% per annum of the deposits due from the end of the school year in which the deposits were due **or the end of the 1974-75 school year, whichever is later** until the date of payment.

.005. *Verification of Claims.* Members who claim unreported **payments** [salary supplements] or **maintenance** [compensation not paid in money] **as all or part of annual compensation** after the school year in which it was actually received **must** [may] verify the claim by presenting [as evidence] to the Teacher Retirement System **such evidence as the staff of the system may require to provide clear and convincing proof of the existence and amount of such compensation, including but not limited to** a certified copy of the minutes of the governing board of his employing institution, **certified copies of any written contracts between the member and the employer, a verified statement by the employer of the reasons why such compensation was not reported earlier, and copies of income tax documents showing that such alleged compensation was reported as income for the member.** A fee for delinquent deposits as provided in Rule .003 will be assessed when applicable on the value of such payments [salary supplements] or **maintenance** [compensation not paid in money].

Doc. No. 794473

Purchase of Credit for Out-of-State Service 334.03.07

The Teacher Retirement System of Texas is proposing to amend Rule 334.03.07.002 relating to the purchase of credit for out-of-state service. The proposed rule reflects action by the 66th Legislature to eliminate the \$25,000 ceiling on annual compensation. Changes in enumeration within the rule are also made.

The proposed amendment to Rule .002 has no fiscal implications for the state or for units of local government.

Public comment on the proposed amendment to Rule .002 is invited. Persons should submit their comments in writing to Leonard Prewitt, executive secretary, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

The amendment to Rule .002 is proposed under the authority of Section 3.59(i), Texas Education Code.

.002. Cost. *The cost of establishing out-of-state service is [Cost—] 12% per year of the full annual salary rate for the first year of service in Texas which is both after the out-of-state service and after September 1, 1956. Annual salary is limited to \$8,400 for years prior to September 1, 1969, and \$25,000 for years after September 1, 1969, but before September 1, 1979. No limit exists for years after September 1, 1979.* In addition, a crediting fee of 5.0% per annum of the amount of deposits due and paid shall be charged from the end of the school year in which the member was first eligible to purchase credit for such service until payment for the credit is received. The date of first eligibility to purchase credit for any year of out-of-state service shall be the latest of the following dates:

- (1)(a) the date the member received 10 years' credit for service in the public schools of Texas;
- (2)(b) the date the Teacher Retirement Law made the out-of-state service available for credit;
- (3)(c) the date in which the member qualified to deposit payment for each year of out-of-state service under the one-for-two rule in effect until March 20, 1975;
- (4)(d) the date the member completed one year of creditable service in the public schools of Texas after relevant out-of-state service.

No deposits for out-of-state service credit may be made before the member accumulates 10 years of credit for service in the public schools of Texas.

Doc. No. 794474

Creditable Time and School Year 334.03.10

The Teacher Retirement System of Texas is proposing to amend Rule 334.03.01.006 by deleting an unneeded sentence concerning bonuses paid as terminal pay. The substance of this provision is being transferred to a new rule on compensation.

The proposed amendment to Rule .006 has no fiscal implications for the state or for units of local government.

Public comment on the proposed amendment to Rule .006 is invited. Persons should submit their comments in writing to Leonard Prewitt, executive secretary, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

The amendment to Rule .006 is proposed under the authority of Section 3.59(i), Texas Education Code.

.006. Date of Service. All credit for service will be based on the date on which service was rendered, without regard to the date of payment for the service, except that credit for service cannot be allowed until the member has been paid for that service. [A bonus paid as terminal pay shall be considered as salary for the last year of service.]

Doc. No. 794475

Developmental Leave 334.03.11

The Teacher Retirement System of Texas is proposing to amend Rules 334.03.11.001 and .002 on developmental leave to reflect changes made by the 66th Legislature and to clear

up the language on the deadline for deposits. Rule .001 will change the deposits due for years 1979-80 and after to 15.15% as provided by law and make the deadline for deposits the end of the first creditable year after the leave. Rule .002 allows the member to obtain on request a cost statement rather than requiring the system to automatically provide the statement. Also the word "during" is changed to "by the end of" to better reflect the deadline.

The proposed amendments to Rules .001 and .002 have no fiscal implications for the state or for units of local government.

Public comment on the proposed amendments to Rules .001 and .002 is invited. Persons should submit their comments in writing to Leonard Prewitt, executive secretary, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

The amendments to Rules .001 and .002 are proposed under the authority of Section 3.59(i), Texas Education Code.

.001. Development Leave, Eligibility, and Cost.

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

(d) To obtain each school year of credit for developmental leave, the member must *for school years prior to 1979-80* make a deposit equal to 14.15% of the member's annual compensation rate during the last school year of creditable service which preceded the developmental leave. *For the school year 1979-80 and years after, the member must make a deposit equal to 15.15% of the member's annual compensation rate during the last school year of creditable service which preceded the developmental leave.* Persons making deposits for developmental leave credit must be employed in the public schools of Texas at the time of the deposit. A member must make the deposits for developmental leave credit *by the end of* [within] the first creditable school year of service after taking developmental leave. A member who does not make deposits *by the end of* [within] that year loses eligibility for purchasing credit for any preceding developmental leave.

.002. Application and Payment for Developmental Leave Credit.

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

(e) TRS will acknowledge receipt of the form. A cost statement for developmental leave *may be obtained on request by* [will be sent to] the member upon his or her return to employment. The cost statement will contain space for certification by the employer granting the leave that the developmental leave as approved was in fact taken.

(f) Credit will be granted to the member if the cost statement including the employer's certification and the full amount of the required deposits are submitted *by the end of* [during] the first school year of creditable service after the member's return to employment.

Doc. No. 794476

Credit for Previous Work Experience of Distributive Education Teachers 334.03.12

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Teacher Retirement System of Texas, 1001 Trinity, Austin, or in the offices of the Texas Register Division, 503E Sam Houston Building, Austin.)

The Teacher Retirement System of Texas is proposing to repeal the rule relating to credit for previous work experience of distributive education teachers. The purpose of this repeal is to do away with a rule which is no longer needed. The 66th Legislature repealed the authority which had previously existed for this credit.

The proposed repeal of Rule 334.03.12.001 has no fiscal implications for the state or for units of local government.

Public comment on the proposed repeal of Rule .001 is invited. Persons should submit their comments in writing to Leonard Prewitt, executive secretary, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

The repeal of Rule .001 is proposed under the authority of Section 3.59(i), Texas Education Code.

.001. Credit for Eligible Previous Work Experience Credit.

Doc. No. 794464

Other Special Service Credit 334.03.13

The Teacher Retirement System of Texas is proposing to adopt a new rule, Rule 334.03.13.001, relating to the purchase of special service credit for employment in the Callier Center for Communications Disorders and the Houston Speech and Hearing Center before these institutions became a part of the University of Texas System. The adoption of the proposed rule is made necessary by the enactment of legislation by the 66th Texas Legislature authorizing such credit. The proposed rule applies the rules governing crediting of regular service in the retirement system to this employment. It provides that credit will be granted on a school year basis, that credit may be purchased in units of one year or more, and that credit for the earliest years of employment will be purchased first. The proposed rule requires the University of Texas to verify from records in its possession the information needed to grant credit for the employment and makes application for credit the responsibility of the member. The proposed rule incorporates the statutory requirements for deposits and fees and provides that credit established for the employment pursuant to the rule can be used to determine eligibility for all benefits payable by the retirement system as well as for calculating the member's standard annuity.

The staff of the retirement system upon the advice of its consulting actuary has determined that there will be no significant fiscal costs to the state or local government as a result of the adoption of this rule.

Public comment on this proposed rule is invited. Persons should submit their comments in writing to Leonard Prewitt, executive secretary, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

This rule is proposed under the authority of Sections 3.23(a) and 3.59(i) of the Texas Education Code.

.001. Employment for Institutions Subsequently Becoming State Educational Institutions.

(a) A member who was employed by the Callier Center for Communications Disorders or the Houston Speech and Hearing Center before such institutions become a part of the University of Texas System may purchase credit with the

retirement system for that employment. Eligibility of this employment for credit shall be subject to the rules for crediting regular employment eligible for membership, except for the requirement that the employer be a Texas public educational institution.

(b) Such employment shall be credited by school year. A member may purchase credit in units of one year or more. For purposes of calculating fees, the years of credit purchased shall begin with the earliest eligible year of such employment not yet credited.

(c) The fact of employment, the amount and dates of employment, and such other information as may be necessary to establish employment for these institutions as eligible for credit must be verified by the University of Texas System from records previously maintained by these institutions in its possession. It shall be the responsibility of each member eligible for this credit to make application for this credit and to have the service verified. Members should contact the Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701, for forms and instructions for establishing this credit.

(d) The cost for each year of credit for this employment shall be a deposit of 12% of the salary received for the first full 12 months of service as a member of the retirement system that occurs after the employment for which credit is sought under this rule plus the following fees:

(1) a crediting fee of 5.0% of the amount of the deposit for each year of credit from the end of the year of employment to be credited to the date of deposit, and

(2) membership fees that would be due had the service credited been employment in Texas public educational institutions.

(e) Fees other than membership fees shall be credited to the individual member's account.

(f) Each year of credit under this rule shall be granted only upon proper verification and payment in full of all amounts due. Credit when established shall be treated as membership service credit for purposes of determining eligibility for all benefits payable by the retirement system as well as for calculating the member's standard annuity.

Doc. No. 794466

Optional Retirement Program 334.03.14

The Teacher Retirement System of Texas is proposing to adopt new rules, Rules 334.03.14.001 and .002, relating to the membership rights of present and former participants in the Optional Retirement Program (ORP). These rules incorporate existing interpretations of the attorney general and recent legislation enacted by the 66th Texas Legislature. Proposed Rule .001 provides that the persons legally eligible to elect ORP participation must do so in writing on a form prescribed by the retirement system and submitted through the employer to the system. Proposed Rule .002 prohibits return to TRS membership by an ORP participant unless the person is employed in a position only eligible for TRS membership or the person elects to resume TRS membership during the election period provided by law, September 1, 1979, through August 31, 1980. This proposed rule also provides that a person who returns to membership in the retirement system after participating in ORP or a person who fails to elect ORP within the statutory election period may not later elect ORP participation. It also provides that an ORP partici-

pant with vested rights to an ORP annuity will continue in ORP even if later becoming employed in a position in higher education which normally would not be eligible for ORP. Rule .002 further provides that an ORP participant gives up previous accrued credit and benefits with the retirement system, although if the ORP participant later returns to membership, he or she may reinstate previous credit with the system pursuant to law. Finally, the rule requires an ORP participant who also has simultaneous service in a position covered by the retirement system only to remain in ORP.

The staff of the retirement system has determined that there are no fiscal implications of the state of any unit of local government that would result from the adoption of these new rules.

Public comment on these proposed rules is invited. Persons should submit their comments in writing to Leonard Prewitt, executive secretary, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

These rules are proposed under the authority of Sections 3.59(i) of the Texas Education Code.

.001. Election of ORP. Members of the retirement system (TRS) may elect to participate in the Optional Retirement Program (ORP) if (1) the member is employed in a position in a Texas public institution of higher education eligible for ORP participation, (2) the time limit for electing to participate in ORP has not expired, and (3) the person has never exercised an election between TRS and ORP participation. Persons who elect to participate in ORP must do so in writing on a form provided by the Teacher Retirement System to employing institutions for use by their eligible employees. A copy of the election to participate in ORP must be submitted to the Teacher Retirement System by the employer.

.002. ORP and TRS.

(a) A person who elects to participate in ORP is not eligible to return to TRS membership unless:

(1) the person becomes employed in a position only eligible for membership in TRS and is not required to remain in ORP as provided in subsection (c) of this rule, or

(2) the person elects to resume participation in TRS under Rule 334.04.00.008(a).

(b) A person who has elected to participate in ORP and who later returns to TRS membership may not again elect ORP participation. A person who fails to elect ORP participation during the statutory election eligibility period may not subsequently elect participation.

(c) An ORP participant who, after at least one year's participation in ORP, becomes employed in a state institution of higher education in a position not eligible for ORP shall nevertheless continue to participate in ORP and shall not be eligible for TRS membership. A year's participation in ORP consists of the amount of participation sufficient to give the person vested ORP benefits.

(d) A person who elects ORP participation chooses ORP in lieu of TRS membership and benefits. Upon election of ORP, a member of TRS loses all benefit rights in TRS other than a right to the return of annual contributions, even if the member has 10 or more years of creditable service under TRS. However, a member who returns to TRS membership under the provisions of law is entitled to any TRS benefits which may accrue thereafter in addition to any ORP benefits to which he may have become entitled. ORP participants returning to TRS membership may establish service credit,

under applicable rules governing reinstatement of accounts, for all years of service in Texas public educational institutions except for those years when the person participated in ORP.

(e) An ORP participant who, while still employed in a position eligible for ORP participation, is also employed in a position only eligible for TRS membership remains an ORP participant and is ineligible for TRS membership or credit based on any such employment even if he or she later returns to TRS membership.

Doc. No. 794467

Termination of Membership and Refunds 334.04.00.008

The Teacher Retirement System of Texas is proposing a new rule, Rule 334.04.00.008, implementing legislation enacted by the 66th Texas Legislature permitting participants in the Optional Retirement Program (ORP) to resume membership in the retirement system and reinstate withdrawn accounts with the system. During the period from September 1, 1979, to August 31, 1980, ORP participants may elect in a form prescribed by the retirement system to return to membership in the retirement system. The election will be effective with the month next following the month in which the election is received by the employer. Withdrawn accounts and credit may be reinstated at any time after resumption of membership by repaying the withdrawn amount plus a reinstatement fee of 10% per year of the amount due compounded annually from the date of withdrawal to the date of repayment. Former ORP participants who return to membership other than by this election must reinstate under other statutory provisions. ORP participants who elect to resume membership by this election may not use other statutory provisions to reinstate previously withdrawn accounts.

The staff of the retirement system has determined that there are no fiscal implications for the state or any unit of local government that would result from this rule.

Public comment on the proposed rule is invited. Persons should submit their comments in writing to Leonard Prewitt, executive secretary, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

This rule is proposed under the authority of Sections 3.23(a) and 3.59(i) of the Texas Education Code as amended.

.008. Reinstatement of Membership and Service Credit by ORP Participants.

(a) Any participant in the Optional Retirement Program (ORP) is eligible to elect to become a member of the Teacher Retirement System between September 1, 1979, and August 31, 1980, inclusive, by filing a written application in a form prescribed by the retirement system. The form shall be submitted to the employer who shall transmit it to the retirement system with its next report. The election shall be effective on the first day of the month following the month in which the change is received by the employer.

(b) ORP participants who elect to return to membership in the retirement system between September 1, 1979, and August 31, 1980, under subsection (a) of this rule, are eligible to reinstate all previously held TRS credit under the provisions of this rule only. Reinstatement may occur at any time after resumption of membership in the retirement

system. All eligible credit must be reinstated at one time. If the member's account was withdrawn, the member must pay the accumulated contributions plus a reinstatement fee of 10% per year of the amount due compounded annually from the date of withdrawal to the date of repayment. Reinstatement fees will be credited to the State Contribution Account. Credit will be reinstated upon application by the member on a form prescribed by the retirement system and the deposit of all required payments. No credit may be established for service in public education while an ORP participant.

(c) Former ORP participants who return or have returned to TRS member in the retirement system other than by an election under this rule must make reinstatement under Rule 334.04.00.006 or Rule 334.04.00.007, if applicable.

Doc. No. 794468

334.04.00.009

The Teacher Retirement System of Texas is proposing to adopt a new rule, Rule 334.04.00.009, as a result of the enactment of legislation affecting the transfer of service for credit between the Employees Retirement System (ERS) and the Teacher Retirement System (TRS). The new law will permit the waiver of the statutory requirement that service credit can be transferred to the system in which the member has been covered for the last five consecutive years. This waiver is permitted because the new law permitting transfer of credit between the system will be repealed effective September 1, 1980. Withdrawn TRS accounts cannot generally be reinstated until after two subsequent consecutive years of service under TRS coverage. The law governing transfer of credit provides that withdrawn accounts in one system are to be transferred and reinstated in the other system under the law and rules governing reinstatement in the system receiving the transferred service. Therefore, the proposed rule permits the transfer of the right to reinstate withdrawn ERS credit before the law is repealed but requires two years of TRS service after the withdrawal before actual reinstatement for credit will be permitted.

The staff of the retirement system has determined that there are no fiscal implications for the state or any local unit of government that would result from the adoption of this proposed rule.

Public comment on this proposed rule is invited. Persons should submit their comments in writing to Leonard Prewitt, executive secretary, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

The rule is proposed under the authority of Sections 3.23(a) and 3.59(i) of the Texas Education Code as amended.

.009. Reinstatement of Transferred ERS Coverage Service. A member with service covered by the Employees Retirement System which has been withdrawn (after waiving the requirement of five consecutive years of service under TRS) may transfer the right to establish the credit under the rules governing reinstatement of service credit in the retirement system. However, the member may not actually reinstate the credit before rendering the required amount of subsequent creditable service required by law for reinstating a withdrawn account.

Doc. No. 794469

Benefits

Service Retirement 334.05.01.004, .015

The Teacher Retirement System of Texas proposes to amend Rules 334.05.01.004 and .015 to reflect a legislative change and make clearer the requirements allowing limited work after retirement in May. Rule .004 removes a reference to the repealed statutory \$25,000 ceiling. It also prevents using salaries from the system and the Employees Retirement System for the same month. Rule .015 is amended to allow only those members whose school year duties overlap slightly into June to retire May 31 under certain circumstances.

The proposed amendments to Rules .004 and .015 have no fiscal implications for the state or for units of local government.

Public comment on the proposed amendments to Rules .004 and .015 is invited. Persons should submit their comments in writing to Leonard Prewitt, executive secretary, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

The amendments to Rules .004 and .015 are proposed under the authority of Section 3.59(i), Texas Education Code.

.004. Actual Compensation. Actual compensation paid to a member [(not to exceed \$8,400 in any school year prior to September 1, 1969, or \$25,000 for any school year after September 1, 1969, in which a member has a creditable year of service)] is used in computing the *best five-years' average compensation* [best five-year average salary]. *Best five-years' average compensation for members with credit transferred from the Employees Retirement System may not include compensation for any month which was credited or should have been credited by the Employees Retirement System if the member received compensation for service during the same month covered by the Teacher Retirement System.*

.015. Eligibility for Retirement on the end of May [Last Day of Previous Month]. Any member who completes all service required by his *or her* contract for the full school year *by the 15th of June* terminates his *or her* employment in public education in Texas *by the 15th of June* and satisfies all other requirements for retirement *before the 31st of May* [on or before the 15th of the month in which he is last employed pursuant to that contract] shall be eligible for retirement on the last day of *May* [the previous month]. All salary due for the entire term of employment shall be paid to the member and teacher retirement deposits reported by the *end of May* [effective date of retirement]. Such member may continue to work in the same position under the provisions of Section 3.37(a)(2) of the Texas Education Code. In other circumstances, the retirement shall be the last day of the month in which the member is last employed and satisfies all conditions for retirement. No member who has accumulated 12 months of service in the final school year before retirement may use this rule to add compensation for any additional period of service to his annual compensation.

Doc. No. 794477

334.05.01.016

The Teacher Retirement System of Texas is proposing a new rule, Rule 334.05.01.016, relating to withdrawal from service

which is a condition for retirement under the Teacher Retirement System. Because legislation enacted by the 66th Texas Legislature permits employment after retirement up to one-half time and because the Board of Trustees of the retirement system has established employment at one-half the standard workload as eligible for membership and credit with the retirement system, the concept of withdrawal from service needs more specific definition. The proposed rule would require a member to have terminated employment for at least one workday immediately following the member's proposed date of retirement.

The staff of the retirement system has determined that there are no fiscal implications for the state or for units of local government.

Public comment on the proposed adoption of this rule is invited. Persons should submit their comments in writing to Leonard Prewitt, executive secretary, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

The rule is proposed under the authority of Section 3.59(i) of the Texas Education Code as amended.

.016. Withdrawal from Service. Except as provided in Rule .015, a member has not withdrawn from service for the purposes of retirement under Rule .001 until he or she terminates employment in a position otherwise eligible for membership for at least one workday immediately following the member's proposed date of retirement.

Doc. No. 794470

Employment after Retirement 334.06.00

The Teacher Retirement System of Texas is proposing to amend Rules 334.06.00.007, .008, .010, and .011 on employment after retirement to conform with the law as passed by the 66th Legislature. The purpose of the rule changes will be to change one-third time to one-half time and make the language on required deposits for re-retirement conform to the various statutes. Rule .007 drops the reference to age 60 and allows a retired person to work up to one-half time. Rule .008 changes from one-third to one-half time with the appropriate changes made in the definition of the two terms. Rule .010 changes one-third references to one-half references. Rule .011 makes the percentage due for re-retirement clearer. The percentage is that percentage which would have been due had the person been an active member during the years in question.

The proposed amendments to Rules .007, .008, .010, and .011 have no fiscal implications for the state or for units of local government.

Public comment on the proposed amendments is invited. Persons should submit their comments in writing to Leonard Prewitt, executive secretary, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

The amendments to Rules .007, .008, .010, and .011 are proposed under the authority of Section 3.59(i), Texas Education Code.

.007. Retired Person May Work without Affect on Annuity [Employment of Retired Person]. Any retired person [who is over age 60] may, without affecting the service retirement annuity, be employed during any month in a "public

school" of Texas on as much as **one-half** [one-third] the full-time load for the particular position according to the personnel policies of the employer.

.008. "One-Half" ["One-third"] Time. "One-half" ["One-third"] time" employment shall in no case exceed **92** [59] clock hours in any calendar month. **Determination of half-time will be made on a monthly basis using calendar months.** Actual course instruction in state-supported colleges (including junior colleges), universities, and high schools shall not exceed during any month **one-half** [one-third] the normal load for full-time employment at the same teaching level. (This would usually limit employment in instruction in colleges and universities to no more than **two** [one] three-semester-hour **courses** [course] during any one semester of the long term, **two two-semester-hour courses** [one three-semester-hour course] during a nine-week term, or one **three-semester-hour** [two-semester-hour] course during a six-week term. Employment in instruction in public high schools would usually be limited to no more than **two courses** [one course] during any one semester of the long term.)

.010. Monthly Certified Statement. The employer will furnish the retirement system a monthly certified statement of all employment after retirement containing information necessary for the executive secretary to classify employment as "substitute," "not more than **one-half** [one-third] time," or "regular employment exceeding **one-half** [one-third] time" within the provisions of this section.

.011. Requirements to Become an Active Member after Retirement.

(a) A member retired under a service retirement annuity may again become an active member, receive additional membership service credit, and re-retire under provisions of the retirement formula then in effect provided the member meets the following requirements:

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

(3) deposits an amount equal to **the percentage of each year's annual compensation which would have been deducted had the person been an active member of the retirement system after his or her** [6.0% of his total annual compensation after his] return to employment plus a reinstatement fee of 5.0% per year on each year's annual contribution computed from the end of each respective year of service to the date of deposit; and

(4) (No change.)

(b) **Employment after retirement for which benefits were not suspended will not constitute eligible service under this rule.**

Issued in Austin, Texas, on July 18, 1979.

Doc. No. 794478 Leonard Prewitt
Executive Secretary
Teacher Retirement System of Texas

Proposed Date of Adoption: August 24, 1979

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

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, and the adoption may go into effect no sooner than 20 days after filing, except where a federal statute or regulation requires implementation of a rule on shorter notice.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

Numbering System—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

Comptroller of Public Accounts

Tax Administration

Motor Vehicle Division 026.02.06.004

Under the authority of Texas Taxation—General Annotated, Article 6.09 (Vernon 1969), the comptroller of public accounts has adopted Rule 026.02.06.004 to read as follows:

.004. Motor Vehicle Transferred on Incorporation.

(a) Except as provided in (b) below, motor vehicle sales and use tax is due upon the transfer of title to a motor vehicle between corporations or between a corporation and an individual or a partnership. Taxable transfers include those between parent and subsidiary corporations, and the purchase by one corporation of the entire assets, including motor vehicles, of another corporation.

(b) The following are exceptions to the principle stated in (a) above:

(1) Initial incorporation—change in form of doing business. Motor vehicle sales and use tax is not due if, in connection with the incorporation of a partnership or sole proprietorship, title to a motor vehicle is transferred from the partnership or proprietorship into the new corporation's name for no consideration other than stock in the new corporation.

(2) Formation of a subsidiary corporation. Motor vehicle sales and use tax is not due if, in connection with the initial incorporation of a subsidiary, title to a motor vehicle is transferred from the parent corporation or another subsidiary corporation into the name of the new subsidiary for no consideration other than stock in the new corporation.

(3) Dividend. Under present law, a corporation may declare a dividend in the form of cash or other property. Motor vehicle sales and use tax is not due on the transfer to a shareholder of title to a motor vehicle pursuant to a corporation's formal declaration of the motor vehicle as a dividend.

(4) Dissolution. Motor vehicle sales and use tax is not due upon the transfer of title to a motor vehicle into a shareholder's name in connection with the distribution of assets upon formal dissolution of a corporation. However, for purposes of this rule, forfeiture of a corporate charter for

nonpayment of franchise taxes does not constitute formal dissolution; therefore, all transfers of motor vehicles to shareholders upon forfeiture of the corporate charter will be subject to the motor vehicle sales and use tax.

(5) Merger or consolidation. Motor vehicle sales and use tax is not due upon the transfer of title to a motor vehicle into the name of a surviving corporation when such transfer is made pursuant to a statutory merger or consolidation of two or more corporations.

Doc. No. 794450

026.02.06.005-.008

The comptroller of public accounts has adopted the repeal of Rules 026.02.06.005, Corporate Spin-Off; .006, Corporate Merger; .007, Transfer of a Motor Vehicle from a Dissolved Business; and .008, Transfer of Motor Vehicles from a Wholly Owned Subsidiary Corporation to Its Parent Corporation. Notice of the proposed repeal was published in the June 15, 1979, issue of the *Texas Register* (4 TexReg 2161). The repeal of Rules .005-.008 was proposed because the substance of these rules is being incorporated into Rule .004 as part of a consolidation of various rules covering corporate motor vehicle transfers. The repeal and reincorporation are nonsubstantive and will not effect any changes in administrative policy.

Pursuant to the authority of Texas Taxation—General Annotated, Article 6.09 (Vernon 1969), the comptroller of public accounts has repealed Rules .005-.008.

Issued in Austin, Texas, on July 18, 1979.

Doc. No. 794451- Bob Bullock
794454 Comptroller of Public Accounts

Effective Date: August 8, 1979

Proposal Publication Date: June 15, 1979

For further information, please call (512) 475-6897.



Texas State Board of Dental Examiners Conduct

Professional Signs 382.19.01

Rule 382.19.01.005 is promulgated under the authority of Article 4551d, Revised Civil Statutes of Texas as amended.

.005. *Abbreviations and Designations.* The separate use of any word, words, or abbreviations, such as dentist, general dentistry, D.D.S., D.M.D., or any word, words, or abbreviations of any specialty practice or limitation of practice shall be deemed a separate item. It is intended hereby to specifically prohibit the use of additional window, yard, street, or stairway signs. The word "clinic" in connection with the practice of dentistry or the designation "dental clinic" or the following word combinations shall be limited to the following:

(1) A dentist may utilize the words "dental clinic," "dental complex," "dental center," "dental building," "dental office," or the single word "dentist" on one of his permitted three signs.

(2) In addition to the description of the type of dental practice such as "general dentistry," "practice limited to orthodontics," etc. which generally follows a dentist's name, a dentist may describe his practice on a permitted dental sign by "prefixing" any of the following terms provided such is truthful and not misleading and conforms to all other rules and regulations, to wit: "endodontic dental office (clinic or

center)," "oral surgery dental office (clinic or center)," "oral pathology dental office (clinic or center)," "pedodontic (or children's) dental office (clinic or center)," "periodontic dental office (clinic or center)," "prosthetic (prosthodontic) dental office (clinic or center)."

(3) The use of words, terms, or descriptions like "Texas," "Southwest," "Houston," "River Road," "1700 South Lamar," or other terms or designations of a dental practice is deemed to be an assumed name and is prohibited.

(4) The use of words, terms, or attempted descriptions of a dental practice like "comprehensive," "preventive," "total," "exclusive(ly)," "family," "community," "cosmetic," "x ray," "hygiene," "hygienically," or other words of similar import are prohibited in any advertisement, advertising media, announcement, display, notice, sign, or listing pertaining to a dental practice, including newspapers, letterheads, envelopes, professional cards, appointment cards, and calling cards, except as permitted elsewhere in the rules and regulations of the board.

(5) A dentist shall not use or permit his name to become a part of the name of the building or address where he practices or offers to practice dentistry.

Issued in Austin, Texas, on July 13, 1979.

Doc. No. 794413

Carl C. Hardin, Jr.
Executive Director
Texas State Board of Dental Examiners

Effective Date: August 6, 1979

Proposal Publication Date: April 6, 1979

For further information, please call (512) 475-2443.

The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes an agenda or a summary of the agenda as furnished for publication by the agency and the date and time of filing. Notices are posted on the bulletin board outside the offices 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 Department of Agriculture

Wednesday, August 1, 1979, 2 p.m. The Texas Mohair Producers Board of the Texas Department of Agriculture will meet in the meeting room at the Inn of the Hills, Kerrville. The agenda includes approval of May 29, 1979, meeting minutes; financial and collections report; warehouse representative report; and scheduling the date and place of the next board meeting.

Additional information may be obtained from Fred Campbell, 516 Central National Bank Building, San Angelo, Texas 76901, telephone (915) 655-3161.

Filed: July 18, 1979, 4:40 p.m.
Doc. No. 794495

Texas Air Control Board

Friday, July 27, 1979, 9:30 a.m. The Texas Air Control Board will meet in the auditorium, 8520 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will consider the following items: reports by the executive director; report on recent significant litigation; status of Houston Area Oxidant Study; and hearing examiner's reports.

Additional information may be obtained from John B. Turney, 8520 Shoal Creek Boulevard, Austin, Texas 78758, telephone (512) 451-5711, extension 354.

Filed: July 17, 1979, 9:55 a.m.
Doc. No. 794415

Texas Commission on Alcoholism

Sunday, July 29, 1979, 1 p.m. The Texas Commission on Alcoholism will meet in Room 503G, Sam Houston Building, Austin, to consider the following items: funding policy for councils on alcoholism; counter-proposal of Panhandle Regional Health Systems Agency for MOA; financial report; report on Texas Association of Secondary School Principals; resolutions for awards ceremony; commissioner's orientation;

appointments to Advisory Council; certifying facilities; HJR 167; and policy on appointment of commission officers. The commission will also meet in executive session.

Additional information may be obtained from Sherman Lening, 809 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-2577.

Filed: July 17, 1979, 11:04 a.m.
Doc. No. 794427

Sunday, July 29, 1979, 1 p.m. The location of a meeting of the Texas Commission on Alcoholism has been changed to Room 3-102, Joe C. Thompson Convention Center, 26th and Red River Streets, Austin.

Additional information may be obtained from Sherman Lening, 809 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-2577.

Filed: July 18, 1979, 4:09 p.m.
Doc. No. 794482

State Banking Board

Tuesday, July 24, 1979, 2 p.m. The State Banking Board will meet at 2601 North Lamar, Austin. According to the agenda summary, the board will conduct a voting session on the following applications: applications for charter for Republic Bank of Irving, Irving, and Bank of Cypress Trails, Westfield; conversion application for First State Bank, Mount Calm, interim charter applications of Allied Texas Bank, Jacksonville, and First Western Bank, Houston; domicile changes for Chandler State Bank, Chandler; First City Bank of Lewisville, Lewisville, and Quinlan State Bank, Quinlan; motions for rehearing for American Bank and Trust, Palestine, Allied Mission Bend Bank, Houston, First State Bank, Hewitt, and The Bank of Kerrville, Kerrville; consideration of motion to withdraw application on domicile change for Bank of Commerce, Point Comfort; and a review of applications approved but not yet open.

Additional information may be obtained from O. A. Cassity, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed: July 16, 1979, 2:59 p.m.
Doc. No. 794409

Coordinating Board, Texas College and University System

Thursday, August 9, 1979, 8:30 a.m. The Administrative Council of the Coordinating Board, Texas College and University System, will meet in Parlor D, Sheraton Crest Inn, 111 East 1st Street, Austin, to consider the following items: final adoption of proposed amendment to Rule 251.20.02.020, Coverage for Dependents; staff recommendations for proposed rule on administrative costs; the right of the institutions to offer a plan of health coverage that does not meet the council's standards; the application of the state-appropriated insurance matching premium to dependent coverage; and ORP eligibility standards.

Additional information may be obtained from James McWhorter, P.O. Box 12788, Austin, Texas 78711.

Filed: July 18, 1979, 9:54 a.m.
Doc. No. 794445

Texas Cosmetology Commission

Monday, July 30, 1979, 9 a.m. The Texas Cosmetology Commission has made emergency additions to a meeting scheduled to be held in the Ramada Inn Convention Center, 1011 South Akard Street, Dallas. The additions concern a letter from the barber board; request for reinstatement of license by Edward Torres; show cause hearing on Foxy Lady Beauty Salon; and Examination Committee report.

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

Filed: July 18, 1979, 4:11 p.m.
Doc. No. 794517

Texas State Board of Dental Examiners

Saturday, August 25, 1979, 8 a.m. The Texas State Board of Dental Examiners will meet in the board meeting room, Airport-Marina Hotel, Dallas/Fort Worth International Airport, Dallas, to consider the adoption of or amendments to its rules and regulations. The board will also conduct disciplinary hearings.

Additional information may be obtained from Carl C. Hardin, Jr., 718 Southwest Tower, 7th and Brazos Streets, Austin, Texas 78701.

Filed: July 16, 1979, 3:43 p.m.
Doc. No. 794412

Texas Education Agency

Wednesday, July 25, 1979, 1:15 p.m. The Foundation School Program Budget Committee of the Texas Education Agency will meet in Room 114 of the LBJ Office Building, Austin, to revise Foundation School Program estimates for the 1978-79 school year and approve estimates for the 1979-80 and 1980-81 school years.

Additional information may be obtained from Richard Bennett, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-4747.

Filed: July 17, 1979, 12:42 p.m.
Doc. No. 794434

Good Neighbor Commission

Friday, July 27, 1979, 9 a.m. The Good Neighbor Commission will meet in the Holiday Inn Downtown, El Paso, to hear remarks from El Paso Alderwoman Polly Harris, Senator Tati Santiesteban, and state representatives from El Paso and to consider the following items: report on final results of

legislation in the 66th Legislature affecting the Good Neighbor Commission; report on program activities; report on fiscal matters; and report by commissioners.

Additional information may be obtained from Eddie Auriapa, P.O. Box 12007, Austin, Texas 78711, telephone (512) 475-3581.

Filed: July 16, 1979, 2:36 p.m.
Doc. No. 794408

Office of the Governor

Wednesday, July 25, 1979, 2:30 p.m. The Highway Cost Index Committee has rescheduled its meeting on an emergency basis. The committee will meet in Room 301, Finance Committee Hearing Room, State Capitol Building, Austin, to consider certification of the estimated amount to be allocated, transferred, and credited to the State Highway Fund from the Clearance Fund for the 1980 fiscal year.

Additional information may be obtained from Donald E. Harley, 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-6021.

Filed: July 19, 1979, 11:58 a.m.
Doc. No. 794511

Thursday, July 26, 1979, 9 a.m. The Juvenile Justice and Delinquency Prevention Advisory Board of the Criminal Justice Division will meet in the first floor assembly room at the Texas Law Center, 15th and Colorado, Austin. According to a summary of the agenda, the board will meet to consider the juvenile portion of the 1980 plan and juvenile projects and 1978-79 juvenile projects.

Additional information may be obtained from Willis Whatley, 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-6065.

Filed: July 18, 1979, 5:09 p.m.
Doc. No. 794493

Friday, July 27, 1979, 10 a.m. The Governor's Committee on Aging will meet in the fourth floor conference room of the Executive Office Building, 411 West 13th Street, Austin. The committee will consider the following items: energy crisis and the effects on services for the elderly and review of grants, including North Central Texas Area Agency on Aging (Title III and IIIC), Ark-Tex Area Agency on Aging (Title III and IIIC), Heart of Texas Area Agency on Aging (Title III and IIIC), South Texas Nutrition Project, Lower Rio Grande Valley Nutrition Project (Amigos Programs for Older Americans), Angelina/Nacogdoches Senior Nutrition and Activities Program (Deep East Texas), Brazoria County Nutrition Project (Houston/Galveston), Panhandle Area Agency on Aging Nutrition Project (Potter/Randall), City of San Angelo Senior Citizens Nutrition Program (Concho Valley), Matagorda County Nutrition Project (Houston/Galveston), Milano School Nutrition Project (Central Texas), McCulloch County Senior Citizens Nutrition Project (Concho Valley), East Texas Area Agency Nutrition Project (Smith/Wood/Upshur Counties), West Central Texas Area Agency on Aging Nutrition Plan (Title IIIC), South Plains

Rural Nutrition Project (Smyers/Lorenzo/Meadow ISD), and Maverick Multi-County Nutrition Project (Middle Rio Grande).

Additional information may be obtained from Donna Johnson, 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-2717.

Filed: July 17, 1979, 3:52 p.m.
Doc. No. 794436

Texas Department of Health

Saturday, August 4, 1979, 9 a.m. The Hospital Licensing Advisory Council of the Texas Department of Health will meet in Room T-607, 1100 West 49th Street, Austin, to consider advisory council procedures, hospital licensing standards, and hospital licensing survey procedures.

Additional information may be obtained from Walter L. Dick, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7245.

Filed: July 19, 1979, 9:55 a.m.
Doc. No. 794501

Sunday, August 12, 1979, 9:30 a.m.-4:30 p.m. The Early Periodic Screening Dental Treatment (EPSDT) Dental Advisory and Review Committee of the Texas Department of Health will meet in the EPSDT Dental Program Office conference room, 1700 South Lamar, Austin. According to the agenda summary, the committee will consider the following items: program changes—new coding and list of allowables; report of funds; and proposed budget for new biennium. The committee will also meet in executive session to consider utilization review reports.

Additional information may be obtained from Dr. C. C. Chandler, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7635.

Filed: July 19, 1979, 9:53 a.m.
Doc. No. 794499

Texas Health Facilities Commission

Thursday, July 19, 1979, 10 a.m. The Texas Health Facilities Commission made an emergency addition to the agenda of a meeting held in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to an agenda summary, the addition concerned the consideration of an application for an extension of an exemption certificate by Ysleta General Hospital, Inc., El Paso.

For additional information, contact Dan R. McNery, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: July 18, 1979, 4:14 p.m.
Doc. No. 794480

Thursday, July 26, 1979, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications:

exemption certificate

Thomas L. Goodnight Memorial Hospital, Caldwell, AH79-0425-021

North Central Texas Medical Foundation—Family Planning Clinic, Wichita Falls, AS79-0521-025

Harris Hospital—Methodist, Fort Worth, AH79-0605-003
San Antonio Community Hospital, San Antonio, AH79-0608-007

Texas Scottish Rite Hospital for Crippled Children, Dallas, AH79-0611-021

John Peter Smith Hospital, Fort Worth, AH79-0607-003
Brenham State School, Brenham, AA79-0608-019

motion to amend certificate of need

Wichita General Hospital, Wichita Falls, AH78-0816-001
Woodlawn Hills Nursing Home, San Antonio, AN78-0419-020

Institute for Rehabilitation and Research, Houston, AA78-0127-001

Hico City Hospital, Hico, AH78-0109-008R(121278)

petition for reissuance of certificate of need

Canton Residential Center, Canton, AN78-0705-008R

application for certificate of need

Big Sky Ranch, Midland, AO79-0413-021

application for declaratory ruling

Fisher County Hospital District, Rotan, AH79-0530-019

For additional information, contact Dan R. McNery, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: July 18, 1979, 4:12 p.m.
Doc. No. 794479

Thursday, August 2, 1979, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications:

certificate of need

Permian Basin Planned Parenthood, Inc., Odessa, AS79-0409-015

Lavaca Hospital District, Hallettsville, AH79-0419-027

motion to amend certificate of need order

Hillcrest Baptist Hospital, Waco, AH78-0721-037

For additional information, contact Dan R. McNery, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: July 18, 1979, 4:13 p.m.
Doc. No. 794481

Texas Indian Commission

Monday, July 30, 1979, 7:30 p.m. The Texas Indian Commission will meet at the Alabama-Coushatta Indian Reservation Community Center, Polk County. According to the agenda summary, the commission will consider the following items: review of Alabama-Coushatta programs; proposed change in organizational structure; and tribal vote on future management of reservation programs. The commission will also meet in an executive session to discuss personnel and will meet with the Tribal Council to decide on policy and management for fiscal year 1980-81.

Additional information may be obtained from Walt Broemer, 1011 Alston, Livingston, Texas 77351, telephone (713) 327-5285.

Filed: July 18, 1979, 11:20 a.m.
Doc. No. 794455

State Board of Insurance

Tuesday, July 24, 1979, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin, to consider the original incorporation of Nalico Life Insurance Company, Waco.

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

Filed: July 16, 1979, 2:34 p.m.
Doc. No. 794402

Tuesday, July 24, 1979, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin, to consider the application to acquire control of Metroplex Life Insurance Company, Arlington, by World Service Life Insurance Company, Denver, Colorado.

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

Filed: July 16, 1979, 3:33 p.m.
Doc. No. 794410

Wednesday, July 25, 1979, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance has rescheduled a hearing from July 12, 1979, to be held in Room 342, 1110 San Jacinto Street, Austin. The hearing officer will consider the revocation of the fire and casualty local recording agent's license of Alfred Ubando, doing business as Ubando Insurance Agency, San Antonio.

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

Filed: July 16, 1979, 2:35 p.m.
Doc. No. 794403

Wednesday, July 25, 1979, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin, to consider the charter amendment of Western American Life Insurance Company, Dallas.

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

Filed: July 16, 1979, 2:35 p.m.
Doc. No. 794404

Thursday, July 26, 1979, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin, to consider the approval of articles of agreement of Great American Lloyd's Insurance Company, Dallas.

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

Filed: July 16, 1979, 2:35 p.m.
Doc. No. 794405

Thursday, July 26, 1979, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin, to consider the original incorporation of Southeast Indemnity Company, Dallas.

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

Filed: July 16, 1979, 2:36 p.m.
Doc. No. 794406

Friday, July 27, 1979, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a hearing in Room 342, 1110 San Jacinto, Austin, to consider the revocation of Group I and Group II insurance agents licenses of Richard Green, Brownwood.

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

Filed: July 16, 1979, 2:36 p.m.
Doc. No. 794447

Monday, July 30, 1979, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 350, 1110 San Jacinto, Austin, to consider the charter amendment of Bankers Life Insurance Company of America, Dallas.

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

Filed: July 16, 1979, 2:36 p.m.
Doc. No. 794407

Texas Department of Labor and Standards

Tuesday, August 7, 1979, 10 a.m.-noon. The Mobile Homes Division of the Texas Department of Labor and Standards will meet in Suite K-111, 5555 North Lamar, Austin, to conduct a hearing pursuant to Article 6252-13a concerning rules on the deadline for reporting installations and certificate of registration fees.

Additional information may be obtained from Janice Kuntz, P.O. Box 12157, Austin, Texas 78711, telephone (512) 475-5712.

Filed: July 17, 1979, 8:42 a.m.
Doc. No. 794425

Texas Commission on Law Enforcement Officer Standards and Education

Thursday, August 2, 1979, 10 a.m. The Texas Commission on Law Enforcement Officer Standards and Education will meet in the second floor conference room, 1106 Clayton Lane, Austin. According to the agenda summary, the commission will consider the following items: entry of official orders for the issuance of peace officer proficiency certificates; the amendment of Rules 210.01.02.001 and .004; the repeal of Rule 210.01.02.003; proposal to adopt new Rule 210.01.02.004; the amendment of agency records; applications for continuing academy certification; and staff activity reports.

Additional information may be obtained from Fred Toler, 1106 Clayton Lane, Austin, Texas 78723, telephone (512) 459-1171.

Filed: July 18, 1979, 9:53 a.m.
Doc. No. 794446

Texas Department of Mental Health and Mental Retardation

Friday and Saturday, July 27 and 28, 1979, 1 p.m. and 8:30 a.m., respectively. The State Planning Council for Developmental Disabilities of the Texas Department of Mental Health and Mental Retardation will meet at Howard Johnson's Motor Lodge, 7800 North Interregional, Austin. The agenda includes review of Texas Tech assistance project; review of internal audit procedures; reports from consumer groups; discussion of consumer input by DD Council; discussion of hiring additional council staff; placement of council; discussion of commissioner's rules regarding grants review and comment; discussion of federal legislation—council priorities; and discussion of training for council.

Additional information may be obtained from Clarence Jackson, Box 12668, Austin, Texas 78711, telephone (512) 454-3761, extension 317.

Filed: July 18, 1979, 4:41 p.m.
Doc. No. 794494

Texas Motor Vehicle Commission

Friday, July 27, 1979, 9:30 a.m. The Texas Motor Vehicle Commission will meet in Suite 200, National Building, 815 Brazos Street, Austin. The commission will consider the following items: hearing report in Proceeding No. 161—All Star Honda, Applicant v. Honda North and Honda East, Protestants; order of license revocation of Curtis Fountain Pontiac-Buick-GMC, Inc., Mexia; order of dismissal in Proceeding No. 145—Johnson Pontiac Company and Vann York, Mo-

vants v. General Motors Corporation, Respondent; order of dismissal in Proceeding No. 170—Freeman Imports, Applicant v. Precision Motors, Inc., Protestant; order of dismissal in Proceeding No. 172—Lute Riley Honda, Applicant v. David McDavid Pontiac-GMC, Inc., Protestant; and order of dismissal in Proceeding No. 159—Villa Oldsmobile, Inc., Protestant v. Oldsmobile Division, General Motors Corporation, Respondent, and Garmon Walden, Intervenor.

Additional information may be obtained from Russell Harding, Suite 200, National Building, 815 Brazos Street, Austin, Texas 78701, telephone (512) 476-3587.

Filed: July 18, 1979, 4:10 p.m.
Doc. No. 794483

Board of Nurse Examiners

Monday, July 23, 1979, 8:30 a.m. The Board of Nurse Examiners met in emergency session in Suite 216, 510 South Congress, Austin, to conduct disciplinary hearings and consider one irregular endorsement. The meeting will be continued on July 24 if necessary to complete agenda.

Additional information may be obtained from Margaret Rowland, 510 South Congress, Suite 216, Austin, Texas 78704, telephone (512) 478-9602.

Filed: July 17, 1979, 9:57 a.m.
Doc. No. 794414

Board of Pardons and Paroles

Monday-Friday, July 30-August 3, 1979, 9 a.m. daily. The Board of Pardons and Paroles will meet at 711 Stephen F. Austin Building, Austin. The board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by this agency; and to take action upon gubernatorial directives.

Additional information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: July 17, 1979, 9:22 a.m.
Doc. No. 794426

Texas Parks and Wildlife Department

Tuesday, July 31, 1979, 2 p.m. The Fisheries Division of the Resources Protection Branch of the Texas Parks and Wildlife Department will meet in Room A-200, 4200 Smith School Road, Austin. The division will consider the application of Marina Cove Corporation for a permit to remove approximately 1,200 cubic yards of marl (total) from Clear Lake for the purpose of dredging a channel for a marina. The dredged spoil would be used as fill on adjacent private property. The project is located at 4800 Nasa Road One, approximately two miles west of Seabrook, Harris County. Adjacent property owners are Mariner Village Townhouses and El Carey Estates (Corps of Engineers Public Notice 13572).

Additional information may be obtained from Chester D. Harris, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4831.

Filed: July 18, 1979, 4:11 p.m.
Doc. No. 794484

Thursday, August 23, 1979, 2 p.m. The Parks Division of the Texas Parks and Wildlife Department will meet in Room A-100 of the headquarters building, 4200 Smith School Road, Austin. According to the agenda summary, the division will hold a public hearing as authorized by Article 5421q, Vernon's Texas Civil Statutes, concerning Phase B design/development of facilities at Palmetto Bend State Park Site, Jackson County. Work will include roads, utilities, multi-use campsites, tent campsites, restrooms, headquarters building, maintenance building, and two residences.

Additional information may be obtained from Dr. Harold D. Toy, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4995.

Filed: July 17, 1979, 3:57 p.m.
Doc. No. 794437

Texas State Board of Pharmacy

Monday, July 23, 1979, 9 a.m.-noon. The Texas State Board of Pharmacy met in emergency session in the Vista Room, Fairmont Hotel, Ross and Akard Streets, Dallas. According to the agenda summary, the board reviewed the practical experience program and the summer policy meeting.

Additional information may be obtained from Priscilla Jarvis, Southwest Tower, Suite 1121, 211 East 7th Street, Austin, Texas 78701, telephone (512) 478-9827.

Filed: July 16, 1979, 2:20 p.m.
Doc. No. 794401

Texas Board of Private Investigators and Private Security Agencies

Thursday, July 19, 1979, 1 p.m. An emergency addition was made to the agenda of a meeting of the Texas Board of Private Investigators and Private Security Agencies held in the first floor conference room at 7600 Chevy Chase Drive, Austin. Additionally, the board met in executive session to discuss personnel matters.

Additional information may be obtained from Clema D. Sanders, 7600 Chevy Chase Drive, Suite 500, Austin, Texas, telephone (512) 475-3944.

Filed: July 19, 1979, 9:35 a.m.
Doc. No. 794497

Public Utility Commission of Texas

Thursday, August 2, 1979, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 400N, 7800 Shoal Creek Boulevard, Austin, in Docket 2692, the application of Mobilfone Service, Inc., to amend a certificate of convenience and necessity within Cameron County.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: July 16, 1979, 3:42 p.m.
Doc. No. 794411

Tuesday, August 7, 1979, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, in Docket 1909, the application of Cedar Shores Estates Water Works for a rate increase within Bosque County.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: July 17, 1979, 9:53 a.m.
Doc. No. 794416

Tuesday, August 14, 1979, 9:30 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, in Docket 2639, petition of inquiry into actions of Hewitt Water Company concerning rates charged within McLennan County.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: July 18, 1979, 9:50 a.m.
Doc. No. 794449

Tuesday, August 28, 1979, 9 a.m. The Hearings Division of the Public Utility Commission of Texas has rescheduled a hearing to be held in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider Docket 2600, the application of Cave Springs Water Corporation for a rate increase within Kerr County.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 485-0100.

Filed: July 19, 1979, 9:54 a.m.
Doc. No. 794498

Texas Real Estate Commission

Monday, July 30, 1979, 10 a.m. The Texas Real Estate Commission will meet in Room 119, Stephen F. Austin Building, 17th and Congress Streets, Austin, to consider the following items: staff reports for May and June 1979; education and school matters; request for public hearing on proposed amendments to Rule 402.03.15.C21 (advertising); proposed rules concerning Sections 5, 6, 7, 9, 13, and 14 of the Texas Real Estate Licensing Act; final action on proposed amendments to Rules 402.03.01.001 (partnerships) and 402.03.06.003 (corporations); and setting fees pursuant to Section 11, Article 6573a. The commission will also meet in executive session to discuss pending litigation involving the Recovery Fund.

Additional information may be obtained from Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, telephone (512) 475-4250.

Filed: July 17, 1979, 4:51 p.m.
Doc. No. 794438

Commission on Standards for the Teaching Profession

Friday, July 20, 1979, 8:30 a.m. The Commission on Standards for the Teaching Profession made an emergency addition to the agenda of a meeting held in the board room, 150 East Riverside Drive, Austin. The addition concerned consideration of an oral report of the Committee on Operating Procedures.

Additional information may be obtained from Dr. Jim Kidd, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-4138.

Filed: July 19, 1979, 9:52 a.m.
Doc. No. 794500

Texas A&M University System

Wednesday, July 25, 1979. The following committees of the Board of Regents of Texas A&M University System will meet in the MSC Annex on campus in College Station at the times specified:

8:30 a.m.

Planning and Building Committee—construction and demolition of buildings within the Texas A&M University System

1:15 p.m.

Committee for Service Units—proposed engineering research center and purchase of facilities

2:15 p.m.

Committee for Academic Campuses—adoption of role and scope document; institutional name changes; pipeline right-of-way easement; establishment of center for computing studies; acquisition of property for a college of nursing

4 p.m.

Executive Committee—changing future board meeting dates; bond issues; depository bank agreement; amendment of depository agreement; government classified contracts; exemption of certain personnel from payment of fees; oil, gas, and sulphur leases; compliance with House Resolution 167; revision of policy on academic freedom, responsibility, and tenure; procedure for cooperative use of courses and facilities in graduate education jointly with the University of Texas System; cooperative graduate programs within the Texas A&M University System; holiday schedule; appointment and promotion of personnel; personnel title changes; acceptance of gifts; administrative reorganization; and sale of Davidson ranch

Additional information may be obtained from Robert G. Cherry, Texas A&M University System, College Station, Texas 77843, telephone (713) 845-4334.

Filed: July 18, 1979, 11:41 a.m.
Doc. No. 794457, 794459-794461

Thursday, July 26, 1979, 9 a.m. The Board of Regents of Texas A&M University System will meet in the MSC Annex on campus in College Station. According to the agenda summary, the board will consider the following items: changing future board meeting dates; bond issues; depository bank agreement; amendment of depository agreement; government classified contracts; exemption of certain personnel from payment of fees; oil, gas, and sulphur leases; compliance with House Resolution 167; revision of policy on academic freedom, responsibility, and tenure; procedure for cooperative use of courses and facilities in graduate education jointly with the University of Texas System; cooperative graduate programs with the Texas A&M University System; holiday schedule; appointment and promotion of personnel; personnel title changes; acceptance of gifts; administrative reorganization; adoption of role and scope document; institutional name changes; pipeline right-of-way easement; establishment of a center for computing studies; acquisition of property for a college of nursing; matters relating to construction and demolition of buildings within the Texas A&M University System; and proposed engineering research center and purchase of facilities.

Additional information may be obtained from Robert G. Cherry, Texas A&M University System, College Station, Texas 77843, telephone (713) 845-4334.

Filed: July 18, 1979, 11:30 a.m.
Doc. No. 794456



University of Texas System

Wednesday and Thursday, July 25 and 26, 1979, 2 p.m. and 9 a.m., respectively. The Board of Regents of the University of Texas System will meet on the fourth floor of the John Peace Library, John Peace Boulevard, the University of Texas at San Antonio. A summary of the agenda includes consideration of the following matters by the board: sale of PUF bonds; 1978 budgetary amendments; chancellor's docket (index submitted by system administration posted at Capitol); establishment of and appointments to named endowed positions and named funds; U.T. Arlington and U.T. Austin proposed fees; buildings and grounds matters; proposed affiliation agreements; proposed program in radiologic sciences at Houston Health Science Center; proposal to

establish President's Council and President's Associates at University Cancer Center; land and investment matters; acceptance of gifts; proposed oil and gas leases in Louisiana (Hogg Foundation), Hudspeth County (Cotton Estate); sale of real property in Hardin County (Gale Professorship), Bastrop County (Bud Johnson Estate), Blanco County (Olla S. Stribling Estate); amendments to regents' rules and regulations; renewal of liability insurance and motor vehicle insurance; lease agreement for aircraft; request for transfer of legislative funds; request to issue U.T. Arlington and U.T. San Antonio bonds; transfer of Texas Eastern University into system; establishment of policy regarding longevity pay; pending litigation; land acquisition and negotiated contracts; personnel matters; nonrenewal of contract of assistant professor—U.T. Arlington and adoption of 1979-80 system-wide operating budgets.

Additional information may be obtained from Betty Anne Thedford, Box N, U.T. Station, Austin, Texas 78712, telephone (512) 471-1265.

Filed: July 19, 1979, 9:01 a.m.
Doc. No. 794496

Board for Lease of University Lands

Thursday, July 26, 1979, 2:30 p.m. The Board for Lease of University Lands will meet in the President's Conference Room (Room 4.04.08A), U.T. San Antonio, John Peace Boulevard, San Antonio. According to the agenda summary, the board will consider the following items: University Lease No. 48501; staff assignment; in-kind gas contracts on certain leases; change of administrative procedure and responsibility; and report on Decalta International lease.

Additional information may be obtained from Maxine R. Dean, 210 West 6th Street, Austin, Texas 78701, telephone (512) 471-5781.

Filed: July 18, 1979, 9:48 a.m.
Doc. No. 794448

Texas Water Commission

Friday, July 27, 1979, 10 a.m. The Texas Water Commission will conduct hearings in the conference room annex, Houston-Galveston Area Council, 3701 West Alabama, Houston. According to the summarized agendas, the commission will consider the following applications:

Ellington Air Force Base, Air National Guard Transition/Caretaker Force/DE—permit to allow for a discharge not to exceed an average flow of 990,000 gallons per day of domestic sewage effluent

Gulf States Asphalt Co., Inc., Houston—amendment to Permit No. 01058 to authorize a discharge of a volume of wastewater not to exceed an average of 100,000 gallons per day from its plant manufacturing asphalt products

Phillips Petroleum Co., Sweeny—amendment to Permit No. 01852 which authorizes a discharge of a volume of wastewater not to exceed an average of 750,000 gallons per day from its Freeport Terminal

Apex Oil Company and Houston Fuel Oil Terminal, Inc., doing business as Houston Fuel Terminal Co., Houston—permit to authorize a discharge of a volume of wastewater not to exceed an average of 2,000 gallons per day of domestic sewage previously permitted under Permit No. 12036-01

Lochinvar Golf Club, Inc., Houston—permit to allow for a discharge not to exceed an average flow of 5,000 gallons per day

City of Houston (Imperial Valley Plant)—amendment to Permit No. 10495-101 to accommodate expansion and to allow for a discharge not to exceed an average flow of 4,000,000 gallons per day of domestic sewage effluent

Impala Woods Development Co., Houston—permit to allow for a discharge not to exceed an average flow of 20,000 gallons per day of domestic sewage effluent

Additional information may be obtained from David Hume, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-2711.

Filed: July 18, 1979, 4:46 p.m.
Doc. No. 794485-794491

Tuesday, August 7, 1979, 10 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider a petition for creation of Northwest Harris County Municipal Utility District No. 20, located in Harris County, containing 191.569 acres of land.

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

Filed: July 18, 1979, 4:47 p.m.
Doc. No. 794492

Texas Water Development Board

Tuesday, July 17, 1979, 8:30 a.m. The Texas Water Development Board made several emergency additions to the agenda of a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to summarized notices, the additions concerned the consideration of the following items: adoption of emergency Rule 156.26 01.002 relating to control, containment, removal, and disposal of oil or hazardous substances, spills, or discharges occurring within coastal lands or waters in the state; authorization for the executive director to negotiate and execute contracts payable from the Texas Coastal Protection Fund and the federal pollution fund in whatever amounts he deems necessary within available funding for the cleanup of discharges or spills of oil or hazardous substances into the coastal lands and waters of this state; and a briefing on the oil slick resulting from the blowout of the Ixtoc 1 Oil Well in the Gulf of Mexico off the coast of Mexico. The board also met in executive session to discuss negotiations relating to the sale of water and/or the board's ownership of interest in a state facility.

Additional information may be obtained from Harvey Davis, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-3187.

Filed: July 16, 1979, 4:20 p.m.
Doc. No. 794397-794400

Regional Agencies

Meetings Filed July 17, 1979

The Lower Rio Grande Valley Development Council, Board of Directors, will meet in the Harlingen Chamber of Commerce Building, 311 East Tyler, Harlingen, on July 26, 1979, at 2 p.m. Additional information may be obtained from Robert A. Chandler, Suite 207, First National Bank Building, McAllen, Texas 78501, telephone (512) 686-3481.

The Tri-Region Health Systems Agency, Board of Directors, will meet in Santa Fe Room No. 1, Starlite Inn Motor Hotel, 3425 South 1st Street, Abilene, on July 26, 1979, at 1 p.m. Additional information may be obtained from Vic Rhoads, 2642 Post Oak Road, Abilene, Texas, telephone (915) 698-9481.

Doc. No. 794424

Meetings Filed July 18, 1979

The Camino Real Health Systems Agency, Board of Directors, met in Suite 310, 1017 North Main Avenue, San Antonio, on July 23, 1979, at 7 p.m. Further information may be obtained from Jose Antonio Contreras, 1017 North Main Avenue, Suite 310, San Antonio, Texas 78212.

The Deep East Texas Council of Governments, Board of Directors, will meet at the West Sabine High School cafeteria, Highway 83, Pineland, on July 26, 1979, at 2:30 p.m. Further information may be obtained from Billy D. Langford, 272 East Lamar, P.O. Drawer 1170, Jasper, Texas 75951, telephone (713) 384-5740.

The Texas Municipal Power Agency, Board of Directors, will meet in Suite 138 at the Rodeway Inn, Highway 360 at Watson Road, Arlington, on July 25, 1979, at 1:30 p.m. The Audit and Budget Committee will meet in the North Dallas Room at the Rodeway Inn on July 26, 1979, at 8 a.m. The Personnel Committee will meet in the Library Lounge Room at the Rodeway Inn on July 26 at 8 a.m. The Board of Directors will meet at the agency offices, 319 Arlington Downs Tower, Arlington, on July 26, 1979, at 10 a.m.

The North Plains Water District, Board of Directors, will meet at 702 East 1st Street, Dumas, on August 6, 1979, at 10 a.m. Further information may be obtained from J. W. Buchanan, Box 935, Dumas, Texas 79029, telephone (806) 935-6401.

The Red River Authority of Texas, Board of Directors, will meet in emergency session at the Gateway Inn, 1211 Red River Expressway, Wichita Falls, on July 26, 1979, at 10 a.m. Further information may be obtained from Fred Parkey, 302 Hamilton Building, Wichita Falls, Texas, telephone (817) 723-8697.

The Trinity River Authority of Texas, Board of Directors, will meet in emergency session at the Administration Building, Central Regional Wastewater System, West End of Singleton, on July 25, 1979, at 10:30 a.m. Further information may be obtained from Ms. Geri Elliott, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

The West Central Texas Council of Governments, Executive Committee, will meet at 1025 East North 10th Street, Abilene, on July 25, 1979, at 12:45 p.m. Further information may be obtained from Bobbie T. Gallagher, P.O. Box 3195, Abilene, Texas 79604, telephone (915) 672-8544.

Doc. No. 794462

Meetings Filed July 19, 1979

The Coastal Bend Council of Governments, Executive Board, will meet at the Petroleum Club, Petroleum Tower, Corpus Christi, on July 27, 1979, at noon. The membership will meet in the Central Jury Room at the county courthouse, 901 Leopard, Corpus Christi, on July 27 at 2 p.m. Further information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78408, telephone (512) 883-5743 or 884-3081.

The Deep East Texas Council of Governments, San Augustine County Minority Organization, meet in the Banquet Room at the San Augustine Inn, San Augustine, on July 20, 1979, at 6:30 p.m. Further information may be obtained from Louisa Kyles, P.O. Drawer 1170, Jasper, Texas 75951, telephone (713) 384-5704.

The Criminal Justice Advisory Board, will meet at 400 Kenley Avenue, Diboll City Council meeting room, Diboll, on August 2, 1979, at 3 p.m. Further information may be obtained from Ronald J. Willis, 272 East Lamar, P.O. Drawer 1170, Jasper, Texas, telephone (713) 384-5704.

The Golden Crescent Council of Governments, Board of Directors, will meet in the La Salle Room at the Victoria Bank and Trust Building, 120 South Main, Victoria, on July 25, 1979, at 5 p.m. Further information may be obtained from Robert W. Burr, P.O. Box 2028, Victoria, Texas 77901, telephone (512) 578-1587, extension 30.

The North Texas Municipal Water District, Board of Directors, will meet at the administrative offices at the NTMWD Central Plant, Wylie, on July 26, 1979, at 4 p.m. Further information may be obtained from Carl W. Riehn, NTMWD, P.O. Drawer "C," Wylie, Texas 75098, telephone (214) 442-2217, extension 26.

The Panhandle Regional Planning Commission, Texas Panhandle Employment and Training Planning Council, will meet in the Centennial Room, First National Bank Building, 8th and Taylor, Amarillo, on August 7, 1979, at 10 a.m. Further information may be obtained from Ola Kidd, 3rd and Polk Street, Amarillo, Texas, telephone (806) 372-3381.

The Sabine River Authority of Texas, Board of Directors, will meet at the Holiday Inn, Longview, on August 3, 1979, at 9 a.m. Further information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, telephone (713) 883-2531.

The San Jacinto River Authority, Board of Directors, will meet at 17425 North Freeway, Houston, on July 26, 1979, at 1:30 p.m. Further information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas, telephone (713) 588-1111.

The Upper Leon River Municipal Water District, Board of Directors, will meet at the General Office of the Filter Plant, Proctor Lake, Comanche, on July 26, 1979, at 7 p.m. Further information may be obtained from the district, Box 67, Comanche, Texas, telephone (817) 879-2258.

Doc. No. 794502



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 July 9-13, 1979.

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, 8520 Shoal Creek Boulevard, Austin, Texas 78758.

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 July 13, 1979

Val-Tex Asphalt Co., Harlingen; hot mix asphalt mix drum mix; 7780; new source

Producers Gas Company, Franklin; natural gas sweetening unit; Camp Cooley Sweetening Plant; 7781; new source

Saber Refining Company, Corpus Christi; marine terminal; 6560 Up River Road; 7782; new source

Don Cramer Builders, Inc., Splendora; trench burner; Don Cramer Builders, Inc.; 7105B

Sam Pierce Plant, Vernon; mung bean cleaning plant; 703 Mesquite; 7784; new source

E. I. Dupont de Nemours and Co., Inc., Victoria; cyclohexane storage tank; 1025A; modification

Pampa Feed and Seed, Inc., Pampa; bulk pellet feed; 514 South Russell; 7783; new source

R&W Sign Co., Houston; sign manufacturing and painting facility; 3428 Golf; 7778; new source

Cominco American, Inc., Borger; urea fertilizer plant; Camex Operation—F.M. 1551; 7777; new source

Warren Petroleum Co., a Div. of Gulf Oil Corp., Canadian; gas processing plant; 7776; new source

Champlin Petroleum Co., Carthage; international combustion compressor engines; East Texas Gas Plant; 7775; new source

South Texas Aggregates, Knippa; custom grinding facility; River Street at Avenue B; 7779; new source

Cryovac Div., W. R. Grace and Co., Iowa Park; plastic extrusion and converting facility; Magnolia Avenue; 7785; new source

Issued in Austin, Texas, on July 16, 1979.

Doc. No. 794440 John B. Turney
Hearing Examiner
Texas Air Control Board

Filed: July 17, 1979, 4:09 p.m.

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

Texas Feed and Fertilizer Control Service

List of Ratios and Minimum Grades of Mixed Fertilizers Recommended to Meet Agricultural Needs in Texas

The Texas Feed and Fertilizer Control Service conducted a public hearing at 10 a.m. on June 29, 1979, in Room 318 of the Reed McDonald Building, Texas A&M University, College Station, for the purpose of receiving public comments concerning the publishing of a list of recommended ratios and minimum grades for mixed fertilizers which is considered to be adequate to meet the agricultural needs of this state. Section 7 of the Texas Commercial Fertilizer Act of 1961, Vernon's Annotated Civil Statutes, Article 108a, requires the Feed and Fertilizer Control Service to promulgate and publish such a list annually. The list of ratios and minimum grades recommended for use in Texas for the year beginning July 1, 1979, and ending June 30, 1980, is as follows:

Ratio	Minimum Grade
0-1-1	0-12-12
0-1-2	0-8-16
0-1-3	0-6-18
0-2-1	0-16-8
1-0-1	12-0-12
1-1-0	12-12-0
1-1-1	8-8-8
1-1-2	6-6-12
1-2-0	8-16-0
1-2-1	6-12-6
1-2-2	5-10-10
1-2-3	4-8-12
1-4-4	3-12-12
2-1-0	16-8-0
2-1-1	12-6-6
2-2-1	10-10-5
3-1-0	18-6-0
3-1-2	12-4-8
4-1-3	12-3-9

The ratios and grades in this list are merely recommended ratios and grades. Mixed fertilizers not conforming to the ratios and minimum grades on this list may nonetheless be registered and sold in Texas provided the said grade contains a minimum of 24% primary plant nutrients as is required by Section 4(e) of the Texas Commercial Fertilizer Control Act.

Parties desiring additional information concerning the ratios and grades list should contact I. J. Shenkir, acting head, Texas Feed and Fertilizer Control Service, P.O. Box 3160, College Station, Texas 77840.

Issued in College Station, Texas, on July 5, 1979.

Doc. No. 794458 I. J. Shenkir
Acting Head
Texas Feed and Fertilizer Control
Service

Filed: July 18, 1979, 11:43 a.m.
For further information, please call (713) 845-1121.

Texas Department of Human Resources

Request for Proposal

The Department of Human Resources (DHR) seeks to contract with public agencies and private companies for the provision of nonemergency medical transportation services to Medicaid recipients. Proposals will be accepted from parties interested in providing this transportation service through a contract with DHR in one or more of the following counties: Austin, Chambers, Colorado, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, Walker, Waller, and Wharton.

For further details and instructions on application and proposal development procedures, please contact Sul Ross, regional program manager for medical transportation/Medicaid, Texas Department of Human Resources, 1300 East 40th, Houston, Texas 77022, telephone (713) 526-3531, extension 373. The deadline for acceptance of proposals will be September 17, 1979.

Issued in Austin, Texas, on July 17, 1979.

Doc. No. 794441 Jerome Chapman
Commissioner
Texas Department of Human Resources

Filed: July 17, 1979, 4 15 p.m.
For further information, please call (512) 475-4601.

Texas Commission on Law Enforcement Officer Standards and Education

Correction of Error

A consultant proposal request of the Texas Commission on Law Enforcement Officer Standards and Education published in the In Addition section of the July 13, 1979, issue of the *Texas Register* (4 TexReg 2509) contained an error. The title of the proposal should read "Development of Psychological Assessment of Peace Officer Applicants."

Texas Register

Correction of Error

Adopted Rules 127.70.01.300-.393 of the *Texas Parks and Wildlife Department's* Statewide Hunting, Fishing, and

Trapping Proclamation contained several errors as published in the July 13, 1979, issue of the *Texas Register* (4 TexReg 2485). The corrected rules should read as follows:

.310. Open Seasons: General Rules.

(i) It is unlawful for a person who kills a deer, including axis deer taken in Bexar County that are not individually owned, or turkey, to possess the deer or turkey or any part of the deer or turkey without a legible properly completed deer or turkey tag from his valid hunting license attached to the deer or turkey or part of the deer or turkey until it has been delivered to its final destination and is fully processed.

.332. Deer

(2)(A) In Anderson, Aransas, Atascosa, Bandera, Bee, Bell, Bexar, Bosque, Brazoria, Brown, Calhoun, Callahan, Cameron, Coke, Coleman, Comal, Comanche, Concho, Coryell, Crockett, DeWitt, Eastland, Erath, Fort Bend, Freestone, Frio, Goliad, Gonzales, Guadalupe, Hamilton, Hardin, Henderson, Hidalgo, Hood, Irion, Jackson, Jim Wells, Kerr, Kimble, Lampasas, Liberty, Live Oak, Matagorda, Maverick, McLennan, Menard, Mills, Mitchell, Nolan, Palo Pinto, Parker, Polk, Runnels, San Patricio, Schleicher, Somervell, Starr, Stephens, Sterling, Sutton, Taylor, Tom Green, Trinity, Tyler, Uvalde, Val Verde (east of the Pecos River), Victoria, Walker, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavala Counties, there is an open season during which white-tailed deer of either sex may be taken with longbow and arrows beginning October 1 and ending October 31. The bag limit is three white-tailed deer, either sex, no more than two bucks.

.333. Javelina: Open Seasons and Bag Limits

(a) In Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Runnels, Concho, McCulloch, San Saba, Llano, Blanco, Hays, Caldwell, Gonzales, DeWitt, Victoria, and Calhoun Counties, and all regulatory counties south and west thereof, except Edwards, Frio, Kerr, Kinney, Live Oak, Real, Schleicher, and Uvalde Counties, there is an open season for javelina beginning October 1 through the first Sunday in January unless that date falls after January 4, in which case the season will close on January 1. The bag limit is two javelinas per season.

.343. Pheasant: Open Seasons, Bag, and Possession Limits

(b) In Jefferson and Liberty Counties, there is an open season for pheasants beginning the first Saturday in November through the Friday nearest November 15. Bag and possession limits are two cock pheasants per day and four in possession after the first day. Head and feet must remain attached to the pheasant carcass until it reaches its final destination.

.345. Turkey.

(e)(2) In Houston, Polk, Trinity, and Tyler Counties, there is a spring season on turkey gobblers beginning the Saturday nearest April 1 for 16 consecutive days during which one gobbler may be taken only in southeastern Houston, northeastern Polk, northeastern Trinity, and northwestern Tyler Counties, that area lying with the boundaries beginning at the Neches River bridge on State Highway 7 in Houston County, thence southeastward along the Neches River to the U. S. Highway 69 bridge in Tyler County, thence south along U.S. Highway 69 to the junction with Farm-to-Market Road 256 to Colmesneil, thence along Farm-to-Market Road 256 to the junction with U.S. Highway 287, thence northwesterly along U.S. Highway 287 to the junction

with U.S. Highway 59 to Corrigan in Polk County, thence north along U.S. Highway 59 to the junction with Farm-to-Market Road 357, thence northwesterly along Farm-to-Market Road 357 through Apple Springs in Trinity County to Kenard in Houston County, thence easterly along State Highway 7 to the Neches River bridge.

361. Freshwater Fish: Bag, Possession, and Size Limits.

(a)(5) In the Fayette County power cooling pond in Fayette County, there is a daily bag limit of three large-mouth bass, a possession limit of six, and a minimum size limit of 16 inches.

372. Saltwater Fish: Means and Methods.

(b)(3)(1) In Baffin Bay, Alazan Bay, and their tributaries only, snaglines may be used ead day of the week from December 1 through May 31.

Publication of Index

The July 31, 1979, issue of the *Texas Register* will be the second quarterly index for 1979. No other documents will be included in that issue. Publication of rules and meeting notices will resume with the August 3, 1979, *Register*. The deadlines for submission of documents for the August 3 issue (Volume 4, Number 57) will be noon Friday, July 27, for all copy except notices of open meetings, and noon Monday, July 30, for open meeting notices.