

TEXAS STATE LIBRARY

OCT 10 1979

STATE DOCUMENTS

TEXAS REGISTER

In This Issue...

Emergency adoption of amendments by Parks and Wildlife Department concerning daily bag and possession limits for quail; effective date—September 28 3612

Credit Union Department proposes to adopt by reference a rule establishing standard bylaws for community credit unions; proposed date of adoption—November 5 3614

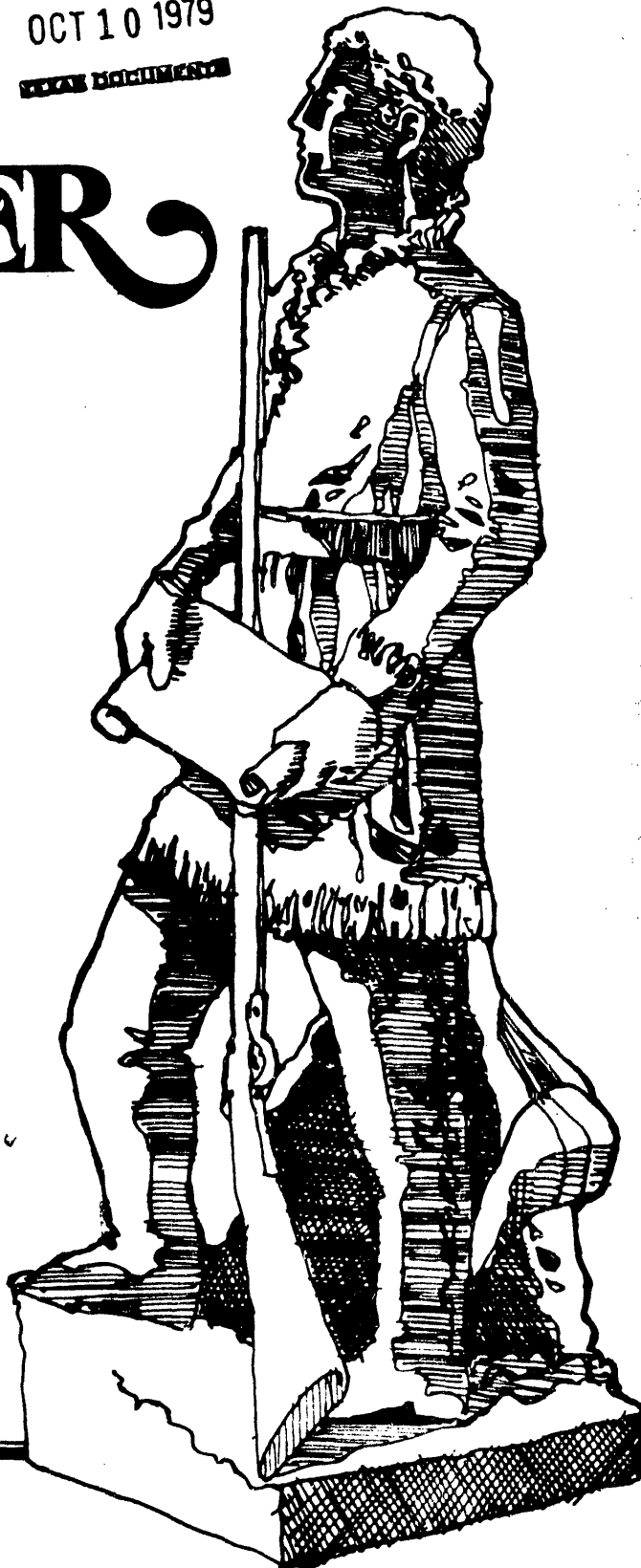
The Texas Education Agency proposes amendments concerning conversion from the quarter to the semester system; proposed date of adoption—November 5 3615

The comptroller of public accounts adopts rules concerning tax administration; effective date—October 19 3629

Texas Department of Health adopts rule concerning the prevention of ophthalmia neonatorum; effective date—October 19 3636

Department of Community Affairs requests proposals to design and deliver public information campaigns concerning drug abuse 3645

Guide to agency activity—September 3648



Office of the Secretary of State

In order to protect migratory wildlife from lead poisoning, the Texas Parks and Wildlife Department adopts, on an emergency basis, an amendment adding the Sea Rim National Wildlife Refuge in Jefferson County to its list of public hunting areas where the possession of shotshell containing lead when taking waterfowl is prohibited. Hunting waterfowl with shotshell containing lead is already prohibited in the J. D. Murphree Wildlife Management Area and the Sea Rim State Park, both located in Jefferson County.

The Texas Department of Community Affairs requests proposals for the design and delivery of a public information campaign for Drug Abuse Week. The campaign should promote awareness concerning the extent of the drug abuse problem; establish that drug abuse is not limited to illicit drugs but also involves drugs which can be legally obtained and may be therapeutically intended; establish that drug abuse is not limited to any particular ethnic, cultural, social, or economic group; establish that treatment and prevention are the appropriate responses to drug abuse; inform citizens about local resources that can help the drug abuser and his or her family; develop strategies for the promotion of Drug Abuse Prevention Week; and develop a statewide campaign based on the report "Recommendations for Future Federal Activities in Drug Abuse Prevention" prepared by the cabinet committee on Drug Abuse Prevention, Treatment, and Rehabilitation. The department also requests proposals for the design and delivery of a public information campaign concerning the abuse of prescription drugs, particularly among women and the elderly. This campaign should educate citizens concerning the dangers of drinking alcohol while taking prescription drugs or taking combinations of prescription drugs without a physician's approval; establish that drug abuse includes the abuse or misuse of prescription drugs; and encourage citizens to seek assistance if they are drug abusers. Details concerning the request for proposals appear in the In Addition section.

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

Artwork: Gary Thornton



The *Texas Register* (ISSN 0362-4781) is published twice weekly, at least 100 times a year, except March 9, June 1, November 27, and December 28, by the Texas Register Division, Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711, telephone (512) 475-7886. The *Register* contains executive orders of the governor; summaries of attorney general's opinions and summaries of requests for opinions; emergency rules, proposed rules, and adopted rules of state agencies; notices of open meetings; and miscellaneous notices of general interest to the public of Texas. Subscriptions are \$40 for units of Texas state government and nonprofit schools and libraries in Texas, and \$60 for all others. Six month subscriptions are also available for \$30 and \$45, respectively. Back issues, when available, are \$1.50 each.



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

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the Texas Register Division director provided no such republication shall bear the legend "*Texas Register*" or "Official" without the written permission of the director, Texas Register Division. Published under the Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas, and additional entry offices.

POSTMASTER: Please send Form 3579 changes to the Texas Register, P.O. Box 13824, Austin, Texas 78711.

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

Texas Register Division

Bill Lalla, Director

Linda Camp
Charlotte Scroggins
Suki Gras

Gail Myrick
Linda Garrett
Lillian Stiles

Lindy Whittington
Karrie Key
Michael Modearis

Emergency Rules

State Board of Insurance

3612 *Rating and Policy Forms*

Texas Parks and Wildlife Department

3612 *Wildlife*

Proposed Rules

Credit Union Department

3614 *Credit Union Regulations*

Texas Education Agency

3614 *State Commissioner of Education*

3615 *Planning and Accreditation*

State Board of Insurance

3617 *Rating and Policy Forms*

Adopted Rules

Comptroller of Public Accounts

3618 *Tax Administration*

Texas Education Agency

3629 *Comprehensive Instruction*

3633 *Foundation School Program*

Texas Department of Health

3636 *Communicable Diseases*

Texas Department of Human Resources

3636 *Work Incentive Program*

Open Meetings

3637 *Texas Department of Agriculture*

3637 *State Bar of Texas*

3637 *Office of the Governor*

3637 *Texas Health Facilities Commission*

3638 *State Board of Insurance*

3638 *Texas Board of Land Surveying*

3638 *Texas Prosecutors Coordinating Council*

3638 *Public Utility Commission of Texas*

3639 *Railroad Commission of Texas*

3640 *State Board of Registration for Professional Engineers*

3640 *State Securities Board*

3640 *Board of Tax Assessor Examiners*

3640 *Advisory Council for Technical-Vocational Education in Texas*

3641 *Texas Tech University*

3642 *Texas Water Commission*

3644 *Regional Agencies*

In Addition

Texas Air Control Board

3645 *Applications for Construction Permits*

Texas Department of Community Affairs

3645 *Request for Program Proposals*

Texas Department of Health

3647 *Notice of Schedule of Controlled Substances*

Texas Health Facilities Commission

3647 *Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate*

Texas Department of Human Resources

3648 *Notice of Public Hearing on Hearing Aid Program Limitations*

Texas Register

3648 *Guide to Agency Activity—September*

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.

State Board of Insurance

Rating and Policy Forms

Standard Forms 059.05.36.001

The State Board of Insurance amends, on an emergency basis, Rule 059.05.36.001, which adopted by reference fire policy forms, by revising Clause 12 of Form 40 and Form 41 to change the basis for determining premium from the average price per pound of 31-28 (Middling 7/8-inch staple cotton) at the Houston Cotton Exchange to the average price per pound of the above cotton at the Lubbock Cotton Exchange. Copies of the amended forms are attached hereto and incorporated herein by reference.

This rule is being amended on an emergency basis since the United States Department of Agriculture announced effective October 1, 1979, the Houston Cotton Exchange would be removed as a designated spot market and quotations would no longer be available from this source.

This rule is amended under the authority of Article 5.36 of the Texas Insurance Code.

.001. Fire Policy Forms. The State Board of Insurance adopts by reference the following fire policy forms (copies of which are attached) as amended in 1979 [1978]. *These forms are published by and available from the Texas Insurance Advisory Association, 2801 South Interregional Highway, Austin, Texas 78741, and from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.*

Issued in Austin, Texas, on September 26, 1979.

Doc. No. 796437 Pat Wagner
Chief Clerk
State Board of Insurance

Effective Date: October 1, 1979

Expiration Date: January 29, 1980

For further information, please call (512) 475-2061.

059.05.36.006

The State Board of Insurance amends, on an emergency basis, Rule 059.05.36.006, which adopted by reference an Excess of Loss Agreement of Indemnity (To Be Attached to a Standard Fire Policy), to provide for an annual aggregate deductible. A copy of the amended form is attached hereto and incorporated herein by reference.

This rule is being amended on an emergency basis in order that the insuring party may obtain sufficient insurance to cover their property and be able to anticipate the maximum amount of loss that they will be subject to on an annual basis.

This rule is amended under the authority of Articles 5.31 and 5.36 of the Texas Insurance Code.

.006. Excess of Loss Agreement of Indemnity (To Be Attached to a Standard Fire Policy). The State Board of Insurance adopts by reference the attached Excess of Loss Agreement of Indemnity (To Be Attached to a Standard Fire Policy) *as amended in 1979*. This document is published by and available from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Issued in Austin, Texas, on September 26, 1979.

Doc. No. 796435 Pat Wagner
Chief Clerk
State Board of Insurance

Effective Date: October 15, 1980

Expiration Date: February 12, 1980

For further information, please call (512) 475-2061.

Texas Parks and Wildlife Department

Wildlife

Statewide Hunting, Fishing, and Trapping

Proclamation, 1979-80 127.70.01

The Texas Parks and Wildlife Commission adopts on an emergency basis amendments to Rule 127.70.01.344, which adds daily bag and possession limits for quail. The commission adopted permanent Rules 127.70.01.300-393 which constitute the Statewide Hunting, Fishing, and Trapping Proclamation, 1979-80, in a regularly scheduled public hearing held April 26, 1979, but deferred adopting daily bag and possession limits for quail (Rule .344) until annual late summer production surveys were evaluated. Inclusion of Brooks, Kleberg, and LaSalle Counties into Rule .344 is a result of action by the 66th Legislature.

The commission found that imminent peril to the public welfare requires implementation of these amendments on an emergency basis in order to prevent undue waste or depletion of a renewable wildlife resource and authorizes the executive director to file these amendments to Rule .344 with the Office of the Secretary of State for publication in the *Texas Register* in compliance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Texas Revised Civil Statutes).

This amendment is adopted under the authority of Chapter 61, Texas Parks and Wildlife Code.

.344. Quail: Open Seasons, Bag, and Possession Limits.

(a) In Andrews, Aransas, Armstrong, Atascosa, Bailey, Bee, Bexar, Borden, Brewster, Briscoe, *Brooks*, Cameron, Carson, Castro, Childress, Cochran, Coke, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dimmit, Donley, Duval, Ector, El Paso, Fisher, Floyd, Frio, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hartley, Haskell, Hemphill, Hidalgo, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Jim Wells, Jones, Karnes, Kent, Kinney, *Kleberg*, Knox, Lamb, *LaSalle*, Lipscomb, Live Oak, Lubbock, Lynn, Martin, Maverick, Medina, Midland, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Reeves, Roberts, Runnels, Scurry, Sherman, Starr, Sterling, Stonewall, Swisher, Taylor, Terrell, Terry, Tom Green, Upton, Uvalde, Val Verde, Ward, Webb, Willacy, Wilson, Winkler, Yoakum, Zapata, and Zavala Counties, there is an open season for quail beginning the last Saturday in October through the Sunday nearest January 31. [The commission had deferred adopting quail daily bag and possession limits until annual late summer production surveys are evaluated.]

(b) In Cottle, Hardeman, and Wheeler Counties, there is an open season for quail beginning December 1 through January 31. [The commission has deferred adopting quail daily bag and possession limits until late summer production surveys are evaluated.]

(c) In all other regulatory counties, there is an open season for quail beginning the Saturday nearest November 15 through the Sunday nearest February 15. [The commission has deferred adopting quail daily bag and possession limits until annual late summer production surveys are evaluated.]

(d) There is no open season on Mearns' quail, commonly called fool's quail.

(e) In *Anderson, Andrews, Bailey, Bastrop, Bell, Bowie, Brazos, Burleson, Caldwell, Camp, Cass, Castro, Cherokee, Cochran, Collin, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Ellis, Falls, Fannin, Fayette, Floyd, Franklin, Freestone, Gaines, Grayson, Grimes, Guadalupe, Hale, Hansford, Hardin, Harrison, Hartley, Henderson, Hill, Hockley, Houston, Hunt, Jasper, Kaufman, Lamar, Lamb, Lee, Limestone, Lubbock, Lynn, Madison, Martin, McLennan, Milam, Montgomery, Moore, Morris, Nacogdoches, Navarro, Newton, Orange, Panola, Parmer, Polk, Randall, Red River, Robertson, Rockwall, Rusk, Sabine, San Augustine, Sherman, Smith, Swisher, Terry, Titus, Travis, Trinity, Tyler, Walker, Washington, Williamson, Wood, and Yoakum Counties, the bag and possession limits are 12 quail per day and 36 in possession.*

(f) In *Archer, Armstrong, Austin, Bandera, Baylor, Blanco, Borden, Bosque, Brazoria, Briscoe, Brown, Burnet, Calhoun, Callahan, Carson, Childress, Clay, Coke, Coleman, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Denton, Donley, Eastland, Ector, Edwards, Erath, Fisher, Fort Bend, Garza, Gillespie, Glasscock, Gray, Hall, Hamilton, Hardeman, Harris, Haskell, Hays, Hemphill, Hood, Howard, Hutchinson, Irion, Jack, Jackson, Jefferson, Johnson, Jones, Kendall, Kent, Kerr, Kimble, Knox, Lampasas, Lavaca, Liberty, Lipscomb, Llano, Mason, Matagorda, McCulloch, Menard, Midland, Mills, Mitchell, Montague, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Potter, Reagan, Real, Roberts, Run-*

nels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Stonewall, Sterling, Sutton, Tarrant, Taylor, Throckmorton, Tom Green, Upton, Waller, Wharton, Wheeler, Wichita, Wilbarger, Wise, and Young Counties, the bag and possession limits are 16 quail per day and 48 in possession.

(g) In *Aransas, Atascosa, Bee, Bexar, Brewster, Brooks, Cameron, Culberson, DeWitt, Dimmit, Duval, El Paso, Frio, Goliad, Gonzales, Hidalgo, Hudspeth, Jeff Davis, Jim Wells, Karnes, Kinney, Kleberg, LaSalle, Live Oak, Maverick, Medina, Pecos, Presidio, Reeves, Starr, Terrell, Uvalde, Val Verde, Ward, Webb, Willacy, Wilson, Winkler, Zapata, and Zavala Counties, the bag and possession limits are 20 quail per day and 60 in possession.*

Doc. No. 796525

Migratory Game Birds 127.70.16

The Texas Parks and Wildlife Commission, at its regularly scheduled public hearing on September 26, 1979, adopted an emergency amendment to Rule 127.70.16.001, which prescribes a nontoxic (steel) shot zone in public hunting areas in Jefferson County. The emergency amendment adds the Sea Rim National Wildlife Refuge to the list of public hunting areas which prohibit the possession of shotshells containing lead shot when using 12-gauge shotguns in taking waterfowl.

The Parks and Wildlife Commission finds imminent peril (lead poisoning) to the public's migratory wildlife resources and conformance with the U.S. Fish and Wildlife Service's regulations requires that the Sea Rim National Wildlife Refuge prohibit the possession of shotshells containing lead shot in taking waterfowl with 12-gauge shotguns. The commission further authorizes the executive director to file this adopted emergency amendment to Rule .001 with the Office of the Secretary of State for publication in the *Texas Register* in compliance with Article 6252-13a, Texas Revised Civil Statutes.

This amendment is adopted under the authority of Chapter 64, Texas Parks and Wildlife Code.

.001. Nontoxic (Steel) Shot Zone.

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

(c) For the purpose of this rule alone, public hunting areas are those areas where public hunting is allowed on the J. D. Murphree Wildlife Management Area, [and the] Sea Rim State Park, and *Sea Rim National Wildlife Refuge, all [both] areas lying within Jefferson County.*

(d) (No change.)

Issued in Austin, Texas, on September 28, 1979.

Doc. No. 796526

Maurine Ray
Administrative Assistant
Texas Parks and Wildlife Department

Effective Date: September 28, 1979

Expiration Date: January 26, 1980

For further information, please call (512) 475-4875.

PROPOSED RULES

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.

Public comment on the proposed rule should be submitted in writing to John P. Parsons, commissioner, Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752.

The following rule is proposed under the authority of the Texas Credit Union Act, Article 2461, Chapters 1, et seq., Vernon's Texas Civil Statutes.

008. Community Charter Credit Unions. The Credit Union Department adopts by reference Texas Standard Bylaws for State-Chartered Community Credit Unions. All community credit unions chartered after the effective date of this rule shall adopt and abide by the following standard bylaws, without amendment to standard wording, during the first five years of their operation. This document is published by the Credit Union Department and is available upon request to:

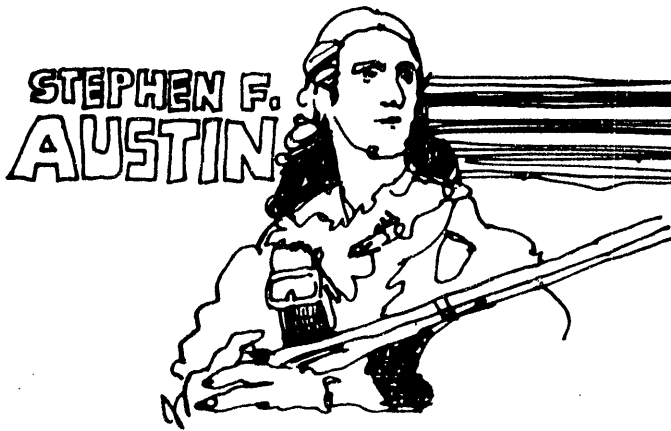
Credit Union Department
914 East Anderson Lane
Austin, Texas 78752

Issued in Austin, Texas, on September 25, 1979.

Doc. No. 796410 John P. Parsons
Commissioner
Credit Union Department

Proposed Date of Adoption: November 5, 1979

For further information, please call (512) 837-9236.



Credit Union Department

Credit Union Regulations

Organization Procedure 058.01.02

The Credit Union Department is proposing to adopt by reference Rule 058.01.02.008, which establishes standard bylaws for a community credit union. These standard bylaws must be adopted by a community credit union, and the credit union must abide by these standard bylaws without any amendments to their standard wording for the first five years of the credit union's operation. These stringent requirements are being imposed to eliminate those problems that are normally encountered by a community credit union during its early stages of operation and development.

The adoption of this proposed rule will not produce any fiscal implications for either state or local governments. Fiscal implications were determined by the department staff.

Texas Education Agency

State Commissioner of Education

Adoption by Reference I 226.13.90

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

The Texas Education Agency proposes to repeal Rule 226.13.90.010, the adoption by reference of "A Design for a Texas Education Management Information System." The document contains a conceptual design, completed in 1969, for a management information system and thus is a planning, rather than a regulatory, document. As such, its adoption by reference as a Texas Education Agency regulation is inappropriate.

The Texas Education Agency does not anticipate that the repeal of Rule .010 will have state or local fiscal implications.

Public comment on the proposed repeal 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*.

This repeal is proposed under the authority of Article 21.252, Texas Education Code.

.010. A Design for a Texas Education Management Information System, June 1969.

Issued in Austin, Texas, on September 26, 1979.

Doc. No. 796414 A. O. Bowen
Commissioner of Education

Proposed Date of Adoption: November 5, 1979
For further information, please call (512) 475-7077.

Planning and Accreditation

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

The Texas Education Agency proposes to amend Rules 226.37.15.340, .350, .360, and .370, which form part of the principles, standards, and procedures for the accreditation of school districts. The proposed amendments convert the "List of Approved Subjects and Courses, Grades 7-12," for use under the semester system, adjusting prerequisites and units of credit. The most detailed revisions occur in the subject areas of English, language arts, and science. Special adaptations for the quarter system had recently been made in these two areas. The description of course content in secondary grades (Rule .350), requirements for high school graduation (Rule .360), and requirements for the assignment of teachers (Rule .370) are similarly adjusted. In Rule .370, only the two tables are changed. No change is proposed in the text of the rule outside of the tables.

The Texas Education Agency does not anticipate the amendment of Rules .340, .350, .360, and .370 will have state or local fiscal implications.

Public comment on the proposed amendments 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 Sections 11.26(a)(5) and 21.121, Texas Education Code.

.340. List of Approved Subjects and Courses, Grades 7-12.

(Editor's note: The "List of Approved Subjects and Courses, Grades 7-12," will not be published. This list is available for public inspection at the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

(a) The following list describes approved subjects and courses to be offered in grades 7-12 and indicates the amount of time for each subject in grades seven and eight and the number of [quarter] units of credit that can be awarded for each course in grades 9-12. [This system of awarding credits in grades 9-12 is centered around a class period of 55 minutes in length.]

(b) If the district wants to award credit on the basis of periods of greater length (for example, 80 minutes), a request should be sent to the Division of School Accreditation for complete information on the approved courses and the number of units of credit to be awarded when the extended class period is used.]

(b)(c) (Note: The grade placements shown in the list are based on instructional materials including textbooks and on curriculum frameworks. Variation from the listed grade placements may be made for an individual student by appropriate local school district officials when such variation is determined to be in the best interest of the individual student.)

(c)(d) Courses offered for a unit of credit in grades 9-12 are scheduled for a minimum of 160 clock hours of class instruction. A course may be considered completed and credit awarded under either of the following conditions:

(1) the student has been enrolled in a course scheduled for the minimum clock hours and has made satisfactory progress;

(2) the student has demonstrated achievement by meeting the standard requirements of the course, regardless of the time he or she has been enrolled in the course.

(d)(e) (Note: A unit of credit is the equivalent of the study of a subject that is scheduled for a minimum of 160 clock hours, which traditionally is one 55-minute period per day for the school year. *A one-half unit of credit is 80 clock hours.* This definition is based on the usual operation of schools. Deviations from the usual operation are acceptable for meeting the unit of credit so long as the school makes available the amount of time required to permit the individual to meet the acceptable achievement standards for the course. [A quarter unit of credit is one-third of the minimum of 160 clock hours, or one-third of the acceptable achievement standards for the course.]

.350. Description of Content in Secondary Grades.

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

(c) Each accredited secondary school (grades 7-12) makes available to students the subjects listed below:

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

(4) Social studies (six years), including one year of Texas history (Section 21.103, Texas Education Code) and geography in grade seven; two years of American history, including one year of American history and citizenship in grade eight and *one unit* [three quarters] of American history in any grade, 9-12; *one unit* [three quarters] of either world history studies or world geography studies in any grade, 9-12; *one-half unit* [two quarters] of American government which includes study of the Texas and United States Constitutions (Section 21.106, Texas Education Code). Instruction on the essentials and benefits of the free enterprise system is incorporated within the required courses of American history, world history studies or world geography studies, and American government.

(5)-(7) (No change.)

(8) Vocational education programs offered according to student needs and actual or anticipated opportunities for gainful employment. Because of the nature of the design of vocational education courses and the characteristic inclusion of a *multisemester* [multi-quarter] project or activity, the district shall enroll a student for *two* [three] consecutive *semesters* [quarters] in each vocational course in order for

credit toward state graduation requirements to be granted as earned.

(9) An elective course on the free enterprise system [(one quarter unit)] in accordance with Section 21.1031, Texas Education Code.

(10) A *second* [foreign] language program according to local needs.

(11) (No change.)

(d) All *schools must offer* [students complete] the following subjects in grades seven and eight.

(1) (No change.)

(2) English language arts includes reading, literature, composition (oral and written), spelling, grammar, usage, and mechanics. English for speakers of other languages may be part of the 260 clock hours in English language arts. Instruction in English for speakers of other languages may be given by English, *second* [foreign] language, or bilingual education teachers.

(3) (No change.)

(4) *During grades seven and eight, each student shall complete a minimum of two courses in science (a minimum of 130 clock hours). Courses listed for grades seven and eight require a minimum of 65 clock hours each. Science courses are to be laboratory oriented (i.e., a minimum of 40% of the instructional time is devoted to student laboratory/field activities exclusive of teacher demonstrations).* [Science is taught by the laboratory method and organized according to one of the following plans.

[(A) Plan A: life science (45 clock hours, minimum) and earth science (45 clock hours, minimum) in grades seven and/or eight, for a minimum of 130 clock hours in the combined grades; or

[(B) Plan B: general science (a minimum of 130 clock hours), including life, earth, and physical science, in grades seven and/or eight.]

(5) In addition to the required subjects, students will complete 450 clock hours from the subjects listed below:

<i>second</i> [foreign]	speech
languages	<i>theatre arts</i> [drama]
art	business education
music	industrial arts
general homemaking	science
health	physical education
occupational training	

(e) Competitive athletics.

(1) (No change.)

(2) Schools using one period per day for activities in competitive athletics:

(A)-(B) (No change.)

(C) limit students to one 55-minute period during the regular school day for participation in competitive athletic activities [or physical education];

(D) (No change.)

(E) require a minimum of *one-half unit* [two quarter units] of health instruction (grades 9-12);

(F) limit the amount of credit earned in competitive athletic activities to *1-1/2 units* [five quarter units], which may be counted in the minimum *18* [55 quarter] units required for high school graduation (grades 9-12).

.360. Requirements for High School Graduation.

(a) (No change.)

(b) All students must complete at least *18* [55 quarter] units of credit or equivalent to receive a high school diploma. The required *18* [55 quarter] units include the following specified subjects:

(1) English (*three* [nine quarter] units);

(2) world history studies or world geography studies (*one unit* [three quarter units]);

(3) American history (*one unit* [three quarter units]) (includes the second year of a two-year program begun in grade eight);

(4) American government (*one-half unit* [two quarter units]);

(5) mathematics (*two* [six quarter] units);

(6) science (*two* [six quarter] units);

(7) physical education (*1-1/2* [five quarter] units);

(8) health education (*one-half unit* [two quarter units]); and

(9) electives from the "List of Approved Subjects and Courses, Grades 7-12," (*6-1/2* [19 quarter] units).

(c) (No change.)

(d) Schools desiring to develop courses not in the "List of Approved Subjects and Courses, Grades 7-12," submit a course description to the Division of School Accreditation *Administration and Services*, Texas Education Agency, for approval to teach such a course, and submit an evaluation at the close of the year. A description of the teacher's preparation and qualifications for teaching the course must also be submitted.

(e) Credit for a course not included in the approved list but given individual approval by the Division of School Accreditation *Administration and Services* may be used in the minimum *18* [55 quarter] units required for high school graduation under two conditions:

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

(f) A maximum of *1-1/2* [five] of the *three* [nine quarter] units in English required for graduation may be English for speakers of other languages (ESOL). All credit earned in ESOL which is not counted toward the graduation requirement in English may be counted as electives in meeting graduation requirements.

(g) The graduation requirement in mathematics must be fulfilled by credit for any *two* [six quarter] units from the "List of Approved Subjects and Courses, Grades 9-12." Local board policy ensures that the school will assist the student, with the approval of his parents, in selecting the courses appropriate to his needs in moving toward his educational goals.

(h) The science requirement of *two* [six quarter] units may be fulfilled in one of the following ways:

(1) completion of *two* [six quarter] units of science taught by the laboratory method selected from the science courses for grades 9-12;

(2) completion of 130 clock hours of science taught by the laboratory method as described in the requirements for grades seven and eight (this work in grades seven and eight is not to be counted as one of the *18* [55 basic high school quarter] units required for graduation) and *one unit* [three quarter units] of science taught by the laboratory method from the science courses for grades 9-12.

(i) Driver education may be offered to students who are 15 years of age but may not be one of the basic *18* [55 quarter] units required for graduation. Driver education, if offered, is available for all students 15 years of age or older. The course is scheduled and taught in compliance with the "Standards for an Approved Course in Driver Education in

Texas Schools," adopted jointly by the Texas Education Agency and the Department of Public Safety], 1970]. The appropriate curriculum guide is required for the type of instruction being given. The guides are: *Driver Education Classroom and In-Car Instruction*, *Driver Education Simulation and In-Car Instruction*, *Driver Education Multiple-Car and Driving Range Instruction* [Curriculum Guide for Driver Education, Curriculum Guide for Simulation and In-Car Instruction, Curriculum Guide for Multicar Driving Range]. Each of the guides is published by the Texas Education Agency, and the latest revision is to be used. Instructors are scheduled to teach no more than six hours each day, including class, in-car instruction, and other subjects.

(j) The requirement in health education and physical education should be completed by *one-half unit* [two quarter units] in health education and *1-1/2* [five quarter] units of physical education according to the approved state description of courses.

(k) (No change.)

(l) The district may develop a plan, approved by the board of trustees, which allows individual students to be graduated without fully meeting the physical education requirements. This plan should not waive the requirement for *one-half unit* [two quarter units] of health education. (Effective scheduling minimizes the necessity for using this alternative.) Such a plan provides that:

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

370. Requirements for Assignment of Teachers.

(Editor's note: The lists entitled "Requirements for Assignment of Teachers, Grades Seven and Eight Departmentalized," and "Requirements for Assignment of Teachers, Grades 9-12," will not be published. Both lists are available for public inspection at the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

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

Issued in Austin, Texas, on September 28, 1979.

Doc. No. 796508 A. O. Bowen
Commissioner of Education

Proposed Date of Adoption: November 10, 1979
For further information, please call (512) 475-7077.



State Board of Insurance

Rating and Policy Forms

Standard Forms 059.05.36.001

(Editor's note: The State Board of Insurance proposes for permanent adoption the amendment to Rule 059.05.36.001, which it adopts on an emergency basis in this issue. The text of the amended rule appears in the Emergency Rules section.)

The State Board of Insurance proposes to amend Rule 059.05.36.001, which adopted by reference fire policy forms, by revising Clause 12 of Form 40 and Form 41 to change the basis for determining premium from the average price per pound of 31-28 (Middling 7/8-inch staple cotton) at the Houston Cotton Exchange to the average price per pound of the above cotton at the Lubbock Cotton Exchange. Copies of the amended forms are attached hereto and incorporated herein by reference.

The staff of the State Board of Insurance has determined that there are no fiscal implications for the state or any unit of local government that would result from this proposed amendment.

Public comment is invited and may be submitted in writing to G. J. Jones, property actuary, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

This rule is amended under the authority of Article 5.36 of the Texas Insurance Code.

Doc. No. 796438

059.05.36.006

(Editor's note: The State Board of Insurance proposes for permanent adoption the amendment to Rule 059.05.36.006, which it adopts on an emergency basis in this issue. The text of the amended rule appears in the Emergency Rules section.)

The State Board of Insurance proposes to amend Rule 059.05.36.006, which adopted by reference an Excess of Loss Agreement of Indemnity (To Be Attached to a Standard Fire Policy), to provide for an annual aggregate deductible. A copy of the amended form is attached hereto and incorporated herein by reference.

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

Public comment is invited and may be submitted in writing to G. J. Jones, property actuary, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

This rule is proposed for amendment under the authority of Articles 5.31 and 5.36 of the Texas Insurance Code.

Issued in Austin, Texas, on September 26, 1979.

Doc. No. 796436 Pat Wagner
Chief Clerk
State Board of Insurance

Proposed Date of Adoption: November 5, 1979
For further information, please call (512) 475-2061.

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

Under the authority of Texas Taxation—General Annotated, Article 6.09 (Vernon 1969), the comptroller of public accounts has adopted Rule 026.02.06.026 to read as follows:

.026. Refunds.

(a) Refund of motor vehicle sales or use tax paid in error.

(1) Refund from county tax assessor-collector. Any person may request from the county tax assessor-collector a refund of motor vehicle sales or use tax which he paid to the tax assessor-collector in error.

(A) If the tax assessor-collector has not yet remitted the tax to the comptroller, he must void all five copies of the Form 31 tax receipt showing the tax that had been paid, then refund the portion of the tax which was paid in error. A second Form 31 tax receipt must then be prepared documenting the correct amount of tax collected.

(B) If the tax assessor-collector has already remitted the tax to the comptroller, the taxpayer must apply directly to the comptroller for a refund. See subsection (a)(2) below.

(2) Refund from the comptroller. Any person may request from the comptroller a refund of motor vehicle sales or use tax which has been remitted to the comptroller in error.

(A) All requests for refunds must be made in writing, and must state the specific grounds upon which the claim is founded. The comptroller may require additional verification, including proof of tax paid, affidavits supporting the grounds for refund or other documentation necessary to validate the claim.

(B) A request for refund of motor vehicle sales or use tax must be made within seven years of the date of payment of the tax, or within six months after any deficiency determination becomes final, or within six months from the date of any overpayment made to satisfy such deficiency determination.

(C) Failure to file a claim within the limitation prescribed by subsection (a)(2)(B) constitutes a waiver of any demand against the state on account of overpayment.

(b) Refund of gross rental receipts tax paid in error.

(1) Tax paid to the comptroller. Any person may request a refund of gross rental receipts tax which he has remitted to the comptroller in error.

(A) All requests for refunds must be made in writing, and must state the specific grounds upon which the claim is founded. The comptroller may require additional verification, including proof of tax paid, affidavits supporting the grounds for refund or other documentation necessary to validate the claim.

(B) A request for refund of motor vehicle gross rental receipts tax must be made within seven years of the last day of the month following the close of the quarterly or monthly period for which the overpayment was made, or within six months after any deficiency determination becomes final, or within six months from the date of any overpayment made to satisfy such deficiency determination.

(C) Failure to file a claim within the limitation prescribed by subsection (b)(1)(B) constitutes a waiver of any demand against the state on account of overpayment.

(2) Tax paid to a rental agency. Any person who remits gross rental receipts tax to a rental agency (or to any other person collecting the tax in the fashion of a rental agency) rather than directly to the comptroller, may not request from the comptroller a refund of any tax he has paid in error. Such tax must be recovered from the rental agency.

(A) A written request for refund must be directed to the rental agency and must be accompanied by verification that tax was paid in error. The request and certification must be retained by the rental agency to document the reason he refunded the tax.

(B) After the rental agency has refunded or credited the tax to the account of the purchaser, he may seek reimbursement from the state in accordance with the provisions of subsection (b)(1), above, or may file an amended motor vehicle gross rental receipts tax return for the period in which the error was made. He may take credit on his next gross rental receipts tax return for the amount refunded or credited to the account of the purchaser.

(c) Payments under protest.

(1) Payment made to county tax assessor-collector or rental agency. If, pursuant to the authority of either Texas Taxation—General Annotated, Article 1.05, or Texas Revised Civil Statutes Annotated, Article 7057b, motor vehicle sales and use tax or motor vehicle gross rental receipts tax is paid under protest to a county tax assessor-collector or a rental agency, the comptroller will place the amount protested in a suspense account pending resolution of the matter in issue. A written letter of protest which sets out in detail each and every ground or reason why it is contended that the assessment is unlawful or unauthorized must be sent to the comptroller immediately upon payment of the tax to the tax assessor-collector or rental agency. The letter of protest must be accompanied by a copy of the tax receipt or rental receipt showing the tax was paid. If the letter of protest is not submitted immediately upon payment of the tax, the payment will not be placed in a suspense account and it will not be deemed to have been made under protest.

(2) Payment made to the comptroller. If motor vehicle sales and use tax or motor vehicle gross rental receipts tax is paid directly to the comptroller under protest pursuant to

the authority of either Texas Taxation—General Annotated, Article 1.05, or Texas Revised Civil Statutes Annotated, Article 7057b, the amount will be placed in a suspense account pending resolution of the matter in issue. A written letter of protest which sets out fully and in detail each and every ground or reason why it is contended that the assessment is unlawful or unauthorized must accompany the payment. If the payment and letter of protest do not accompany one another, the payment will not be placed in a suspense account and the payment will not be deemed to have been made under protest.

(3) For the taxpayer's convenience, the comptroller will advise him of the amount received that is paid under protest and the date of such payment. If suit is not filed in accordance with the statute, the protest payment will be cleared to the general fund after the expiration of 90 days from the date of the payment.

Doc. No. 796509

Business Tax Division 026.02.12.001

Under the authority of Texas Taxation—General Annotated, Article 12.12 (Vernon Supplement 1978-1979), the comptroller of public accounts has adopted Rule 026.02.12.001 to read as follows:

.001. Franchise Tax Reports and Payments.

(a) Reports and payments; penalties.

(1) Each domestic and foreign corporation subject to the franchise tax levied by Article 12.01 shall file a first year franchise tax report and, thereafter, an annual franchise tax report, and at the same time shall pay the franchise tax and any applicable penalties and interest due by the corporation as shown by such reports. It is the responsibility of a receiver to file franchise tax reports and pay the franchise tax of a corporation in receivership for which he has been appointed receiver. A debtor in possession, or the appointed trustee or receiver, of a corporation in reorganization or arrangement proceedings under the Bankruptcy Act, is responsible for filing franchise tax reports and paying the franchise tax prior to the confirming and consummating of the plan of reorganization or arrangement.

(A) The initial franchise tax deposit of \$100, as required by Article 12.06, Texas Taxation—General, and franchise tax Rule .019, is due prior to a corporation's receipt of its charter or certificate of authority under the Texas Business Corporation Act or Texas Professional Corporation Act.

(B) The first-year report and payment of the tax, if any, over the \$100 prepayment credit, are due no later than 90 days after the expiration of one year from the date of the charter of a Texas corporation, or from the date of the certificate of authority of a foreign corporation, whichever is applicable. The first franchise tax report and payment are for the period beginning on the date of such charter or certificate of authority and ending on April 30 following the first anniversary of such charter or certificate. In addition, when the first anniversary occurs between January 1 and April 30, both dates inclusive, there shall also be computed and paid in advance with the first-year report an additional year's tax for the franchise tax year beginning on May 1 following the first anniversary and ending on April 30 of the succeeding year.

The report and tax (including the additional year's tax when applicable) shall be based on and computed in accordance with the corporation's financial condition as of the end of the month nearest its first anniversary. This closing date may fall within the same calendar year as the closing date for the corporation's initial annual franchise tax report. This circumstance does not result in double taxation or overlapping liability as the two reports are for different periods of time. Preprinted reports will be furnished by the comptroller on which the corporation must report its first-year franchise tax liability.

(C) (No change.)

(2) (No change.)

(3) Penalty and interest.

(A) Article 12.14 imposes a 5.0% penalty on the amount of franchise tax due by a corporation which fails to report and pay the tax when due. If the tax is not reported and paid within 30 days after the due date, an additional 5.0% penalty is imposed. There is a minimum penalty of \$1.00. Delinquent taxes accrue interest at an annual rate of 6.0%, until December 31, 1979, and thereafter at an annual rate of 7.0%, said interest to begin accruing 60 days after the due date. If only a portion of the tax is timely paid, the foregoing penalties and interest are applied only to the balance of the tax which was not timely paid. Interest is not payable by the comptroller on overpayments or credits to which a taxpayer may be due.

(B)-(C) (No change.)

(b) Preparing the report; financial data; amended reports.

(1) The first-year franchise tax report and the annual report shall be completed in accordance with this rule and the instructions printed on the report, and any special instructions which may be issued from time to time by the comptroller. Except as otherwise prescribed, the report shall reflect and the tax shall be computed on the corporation's financial condition as shown in its books and records of account. For example, if a corporation elects to treat intangible development costs as expenses for federal income tax purposes, but capitalizes such costs for book purposes, or vice versa, the franchise tax report must be filed in accordance with the books and records, not as shown by the federal income tax return. The "books and records of account" on which a corporation's financial condition is determined means general and special journals and the ledger accounts. In conducting an audit or other examination of a corporation's franchise tax account, the comptroller, for the purpose of determining whether the books and records accurately reflect the corporation's financial condition, may examine financial statements, working papers, registers, memorandums, contracts, and any other business papers used in connection with its accounting system.

(2) Except as may be permitted as a special reporting method under franchise tax Rule .003, a consolidated or combined report, reflecting the financial data of a parent corporation and its subsidiaries, or the financial data of other separate corporations, as though they were a single economic entity, is not authorized by statute or by rule of the comptroller.

(3) (No change.)

(c) Payments under protest. It is the responsibility of the corporation which pays tax under protest to comply with Article 1.05. For the corporation's convenience, the comptroller will advise it of the amount received that is paid by it

under protest and the date of such payment. The amount protested will be placed in a suspense account pending resolution of the matters in issue. If suit is not filed in accordance with the statute, the protest payment will be cleared to the general fund after the expiration of 90 days from the date of payment.

(d) (No change.)

Doc. No. 796510

026.02.12.002

Under the authority of Texas Taxation—General Annotated, Article 12.12 (Vernon Supplement 1978-1979), the comptroller of public accounts has adopted Rule 026.02.12.002 to read as follows:

.002. *Optional Short-Form Report.*

(a) Eligibility to use optional short-form report. A short-form annual franchise tax report may be filed by a corporation whose total assets are less than \$1,000,000. The optional short form may not be used in a corporation's first-year report.

(b) Income tax return must accompany report. A signed copy of the corporation's federal income tax return (i.e., Form 1120 or 990), which contains a balance sheet showing total assets and liabilities, must be furnished with the short-form report. If a consolidated federal income tax return is filed, the corporation also must furnish copies of all supporting schedules pertaining to the ending balance sheet for each corporation included in the consolidated return. The phrase "total assets" includes all items that are reported or should have been reported in the balance sheet on the federal return, or in the balance sheet schedule filed with a consolidated return, as of the last day of the corporation's income tax reporting period ending in the preceding calendar year of the year in which the short-form report is filed. In computing such total assets for short-form reporting purposes, a cash deficit balance or some other asset account with a credit balance, may not be used to reduce total assets.

(c) Amended reports. A corporation may file an amended report for the purpose of changing a long-form report to an optional short-form report or vice versa, provided the amended report is filed on or before September 15 of the year in which the report is due. The comptroller will require the filing of an amended report on the long form by a corporation which has used the short form in its first-year franchise tax report, or whose total assets are \$1,000,000 or more, or in instances in which the corporation fails or refuses to submit with its short-form report a copy of the federal income tax return and/or schedules as hereinabove required.

Doc. No. 796511

026.02.12.019

Under the authority of Texas Taxation—General Annotated, Article 12.12 (Vernon Supplement 1978-1979), the comptroller of public accounts has adopted Rule 026.02.12.019 to read as follows:

.019. *Initial Franchise Tax Deposits by First-Year Corporations.*

(a) Initial franchise tax deposit.

(1) Prior to and as a precondition to receiving a charter or certificate of authority from the secretary of state of Texas on or after September 1, 1979, each domestic corporation incorporating under the Texas Business Corporation Act or the Texas Professional Corporation Act or a foreign corporation qualifying under the Texas Business Corporation Act must prepay an initial franchise tax deposit in the amount of \$100 to the comptroller of public accounts. This deposit will be collected by the secretary of state at the time a charter or certificate of authority application is submitted for approval.

(2) The \$100 initial franchise tax deposit may not be refunded in whole or in part for any reason after the charter or certificate of authority has been issued by the secretary of state.

(3) Domestic corporations organized under the Texas Nonprofit Corporation Act and foreign corporations issued a certificate of authority under such Act are not required to pay the initial franchise tax deposit prescribed in this rule.

(b) Filing the first-year franchise tax report. Each corporation subject to this rule shall file its first-year franchise report and pay the amount of tax shown to be due and payable, as required by Chapter 12, Title 122A, and franchise tax Rule .001. The initial franchise tax deposit prescribed by Article 12.06, Title 122A, Texas Civil Statutes, shall be applied as a credit against the tax computed on the first-year franchise tax report and subsequent reports. This credit will be preprinted on the first-year franchise tax report mailed to each first-year corporation.

(c) Other statutory provisions. All other provisions of Chapter One and Chapter 12, Title 122A, Texas Civil Statutes, which are applicable to the reporting and payment of the franchise tax, shall be enforced and applied in the administration of this rule. However, an extension of time within which to tender the initial franchise tax deposit will not be granted.

Doc. No. 796512

Sales Tax Division 026.02.22.001

Under the authority of Texas Revised Civil Statutes Annotated, Article 1066c, Section 11, the comptroller of public accounts has adopted Rule 026.02.22.001 to read as follows:

.001. *Effect of Rules and Regulations; Permits and Certificates; Exclusion of Sales of \$.09 or Less (Texas Revised Civil Statutes Annotated, Article 1066c, Sections 2(B), 4(C), 6(C), and 2(K)(2)).*

(a) For the purpose of administering the Local Sales and Use Tax Act (hereafter referred to as the City Act), all rules and regulations relating to the Limited Sales, Excise, and Use Tax Act (hereafter referred to as the State Act), shall have the same effect with respect to the local sales and use tax (hereafter referred to as city tax) except in those situations where rules and regulations relating to city taxes have been issued to clarify specific statutory provisions.

(b) Only those taxable items that are subject to taxation by the State of Texas under the State Act shall be subject to taxation under the City Act. All exemptions granted to agencies of government, organizations, persons, and to the sale, storage, use, and other consumption of certain taxable items under the provisions of Article 20.04 also apply to the

imposition and collection of the city tax unless otherwise modified.

(c) Permits, exemption certificates, and resale certificates required for the State Limited Sales, Excise, and Use Tax (hereafter referred to as state tax) shall satisfy the requirements of the City Act; no additional permit or certificates shall be required as a result of the City Act. See Rules 026.02.20.006—Permits; 026.02.20.005—Resale Certificates; 026.02.20.007—Exemption Certificates; and 026.02.20.008—Direct Payment Permits.

(d) An exception is made to the above provision when an exemption is claimed from the city tax on taxable items that will be used in the performance of certain written contracts and bids executed prior to the effective date of the city tax. In order to claim this latter exemption, which applies only to the city tax, a special exemption certificate form is required. Refer to Rule .006—Prior Contracts, for further details regarding eligibility for the exemption.

(e) Exclusion of sales of \$.09 or less.

(1) Any retailer who can establish to the satisfaction of the comptroller that 50% or more of his total receipts from sales of taxable items arise from individual transactions in which the total sales price is \$.09 or less may exclude the receipts from such individual sales when reporting and paying the tax. No such reporting method shall be used unless the comptroller has given prior written approval to the retailer. Prior written approval may be obtained only by providing the comptroller with records which conclusively establish that 50% or more of the applicant's receipts are from sales of \$.09 or less. If two or more items, each of which sells for \$.09 or less, are sold together for a total sales price of more than \$.09, the receipts from such sales may not be treated as two separate sales of \$.09 or less.

(2) Every retailer desiring to use the method mentioned above must maintain adequate records, satisfactory to the comptroller, to support his eligibility. After the written approval of the comptroller is granted to any retailer to use the method, the retailer must maintain adequate records to support every report. If during any reporting period the retailer's records fail to establish the facts necessary to exclude sales of \$.09 or less, the tax for such period(s) must be reported and paid at the rate of 1.0% on all receipts from sales of taxable items, including sales of \$.09 or less.

Doc. No. 796513

026.02.22.004

Under the authority of Texas Revised Civil Statutes Annotated, Article 1066c, Section 11, the comptroller of public accounts has adopted Rule 026.02.22.004 to read as follows:

.004. Imposition of the Sales Tax; Collection by Retailer; Bracket System Formula; Determining City Tax (Texas Revised Civil Statutes Annotated, Article 1066c, Sections 2(B) and 6(B)(1)).

(a) Definitions.

(1) "Place of business" of the retailer means an established outlet, office, or location operated by the retailer, his agent, or employee for the purpose of receiving orders for taxable items. The term "place of business" of the retailer includes any location at which three or more orders are received by the retailer in a calendar year. In order for a warehouse, storage yard, or manufacturing plant to be con-

sidered a "place of business," the retailer must receive three or more orders in a calendar year at such location. Each "place of business" of the retailer must have a permit issued by the comptroller in accordance with Article 20.021.

(2) "Itinerant vendor" means a retailer who does not operate any "place of business" as defined above.

(3) "Taxing city" means any city in Texas that has adopted the local sales and use tax.

(b) Sales tax imposition.

(1) The sales tax adopted under the City Act is imposed at the rate of 1.0% on the receipts from the sale at retail of all taxable items within any city adopting such tax if the items are subject to taxation by the State of Texas under the provisions of the Limited Sales, Excise, and Use Tax Act.

(2) In each taxing city every retailer shall add the tax imposed by the State Act and the tax imposed by the City Act to his sale price, and when added, the combined tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(3) When the sale price in such city shall involve a fraction of a dollar, the two combined taxes shall be added to the sale price upon the schedule and bracket system formula shown below:

Amount of Sale	Tax
\$.00-.09	No tax
.10-.29	\$.01
.30-.49	.02
.50-.69	.03
.70-.89	.04
.90-1.09	.05

Provided, that for successive brackets for the above schedule, the tax shall be computed by multiplying 5.0% times the amount of sale. Any fraction of \$.01 which is less than one half of \$.01 of tax shall not be collected. Any fraction of \$.01 of tax equal to one half of \$.01 or more shall be collected as a whole cent of tax.

(c) Determining City Tax.

(1) Pick up, delivery, or shipment from a Texas retailer's place of business.

(A) One place of business. If a retailer has only one place of business and that place of business is within the state, all retail sales, leases, and rentals by the retailer are subject to city sales tax based upon the location of that place of business. This applies regardless of where transfer of title or possession or segregation of the taxable items sold, leased, or rented occurred within this state. If the taxable items are delivered directly to the retailer's customer from outside the state or if the retailer's place of business is not in a taxing city, this subsection is not applicable. See Rule .005—City Use Tax for Proper Determination of Use Tax. Also, see the exception in subsection (c)(3) of this rule.

(B) Multiple places of business. If a retailer has more than one place of business in this state, city sales tax is due based upon the location of the retailer's place of business where the customer takes possession of the item sold or leased. If, however, the retailer ships or delivers the item to the customer, city sales tax is due based upon the location of the retailer's place of business from which the item is shipped or delivered.

(2) Delivery or shipment from a location within Texas other than the retailer's place of business.

(A) Order placed with a Texas retailer.

(i) If an order is received at the place of business of a Texas retailer, but delivery or shipment is made from a location within the state other than that place of business, city sales tax is due based upon the location of the place of business where the order was received.

(ii) If an order is received by a traveling salesperson, and delivery or shipment is made from a location within the state which is not a place of business of the Texas retailer, city sales tax is due based on the retailer's place of business from which the salesperson operates.

(B) Order placed with an out-of-state retailer.

(i) If an order is initially received at a retailer's place of business outside the state, but delivery or shipment is made from a location within the state other than a place of business of that retailer, city sales tax is due based upon the city where delivery is made or possession is taken by the purchaser.

(ii) If an order is received by a salesperson for an out-of-state retailer, and delivery or shipment is made from a location within this state other than a place of business of that retailer, city sales tax is due based upon the city where delivery is made or possession is taken by the purchaser.

(3) Drop shipment by supplier receiving order. If the purchaser places the order directly with the retailer's supplier and the items are shipped or delivered directly to the purchaser by the supplier, city sales tax is due based upon the city where delivery is made or possession is taken by the purchaser.

(4) Itinerant vendors. If the retailer is an itinerant vendor, city sales tax is due based upon the city where delivery is made or possession is taken by the purchaser.

(5) Shipments from out of state. Notwithstanding any of the foregoing provisions, if the retailer makes deliveries of taxable items from a location outside the State of Texas to a Texas purchaser, the city use tax is applicable. See local Rule .055—City Use Tax.

(6) Gas and electricity. The sale of natural gas or electricity takes place at the point of delivery to the consumer. Companies selling natural gas or electricity must collect the city tax, if adopted, for the city in which delivery is made to the consumer.

Doc. No. 796514

026.02.22.005

Under the authority of Texas Revised Civil Statutes Annotated, Article 1066c, Section 11, the comptroller of public accounts has adopted Rule 026.02.22.005 to read as follows:

.005. *Administration of Use Tax; Collection by Retailer (Texas Revised Civil Statutes Annotated Article 1066c, Section 4 and Article 7359a; Texas Taxation General—Annotated Article 20.01, Sections (N), (O), and (R); and Article 20.031 and Article 20.04(J)).*

(a) Definitions.

(1) "Use tax" means a nonrecurring tax which is imposed on the exercise or enjoyment of any right or power over taxable items incident to the ownership, possession, or custody of those items.

(2) The term "use" means the exercise of any right or power over taxable items except the sale, lease, or rental of the items in the regular course of business or the holding of the items for the purpose of subsequently transporting them outside Texas for use solely outside Texas.

(3) The term "storage" includes any retention of taxable items in Texas for any purpose other than sale, lease, or rental in the regular course of business or for subsequent use solely outside Texas.

(4) "Engaged in business" in a particular city means and includes any of the following:

(A) any retailer maintaining, occupying, or using, permanently or temporarily, directly or through an agent, an office, place of distribution, sales or sample room, warehouse, storage place, or other location;

(B) any retailer having any representative, agent, salesman, canvasser, or solicitor operating in the city under the authority of the retailer for the purpose of selling, delivering, or the taking of orders for any taxable items.

(5) "Interstate transit has ceased" means when the interstate journey is interrupted for reasons of convenience or business needs of the owner but does not include a temporary interruption necessary and incidental to the transit.

(6) "Intrastate transit has ceased" means when the intrastate journey is interrupted for reasons of convenience or business needs of the owner but does not include a temporary interruption necessary and incidental to the transit.

(7) "Taxing city" means any city in Texas that has adopted the local sales and use tax.

(b) Imposition of city use tax.

(1) If taxable items are purchased out of state for use in a taxing city and are brought or shipped into that city for storage, use, or other consumption, city use tax is due. The liability may be extinguished by payment of the city use tax directly to the comptroller or to a retailer authorized to collect it. See Rule 026.02.20.006—Permits, concerning use tax permit requirements for out-of-state retailers.

(2) If taxable items are purchased within the state but not within a taxing city and those items are shipped or delivered by the retailer directly into or brought by the purchaser or lessee directly into a taxing city, the items are subject to the city use tax. The city use tax, if any, is determined by the location where the items are first stored, used, or otherwise consumed.

(3) The basis of the tax is the purchase price. The tax should be reported in the period in which the taxable items are first stored, used, or otherwise consumed.

(4) City use tax does not apply when the taxable items are transferred from some other city in Texas or from a point outside a city where they were first stored, used, or otherwise consumed.

(5) If, in a taxing city, storage facilities contain taxable items purchased out of state and at the time of storage it is not known whether the items will be used in or removed from Texas, then the taxpayer may elect to report city use tax when the items are first stored or when they are first removed from storage for use. Once the election is made, the tax must be reported in a consistent manner.

If city use tax is paid on stored items that are subsequently removed from Texas before use, the tax may be recouped in accordance with the refund and credit provisions in Rules 026.02.20.045—Refunds and 026.02.20.058—Credits.

(c) Collection by retailer.

(1) Retailer not maintaining a place of business in this state. Every out-of-state retailer who:

(A) does not maintain a place of business within this state; but

(B) is engaged in business in a taxing city;

(C) sells, leases, or rents taxable items for storage, use, or other consumption in that city; and

(D) ships or delivers those items into the city to the purchaser; shall collect both the use tax imposed by the state and the use tax imposed by the city. The combined tax shall be collected at the time the sale is made.

(2) Retailer maintaining a place of business within this state. Every retailer who:

(A) maintains a place of business within this state but not in a taxing city;

(B) is engaged in business in a taxing city;

(C) sells, leases, or rents taxable items for storage, use, or other consumption in that city; and

(D) ships or delivers those items into the city to the purchaser; shall collect both the sales tax imposed by the state and the use tax imposed by the city. The combined tax shall be collected at the time the sale is made.

(d) Purchaser's liability for use tax. If the seller is not required to collect any state or city use tax which is due, the purchaser is still responsible for filing reports and paying the tax.

(e) Exceptions.

(1) City use tax is not applicable if the purchaser paid city sales tax to a Texas retailer or owes city sales tax to a Texas retailer who failed to collect it. The comptroller may proceed against the seller or the purchaser for the city sales tax owed by either.

(2) City use tax is not applicable to the storage, use, or other consumption of taxable items in this state if the sale or use of the items would be exempt from the state sales and use tax were it purchased within this state.

(3) Credit will be allowed against a city use tax liability to the extent sales or use tax is legally due and paid to another state under the conditions provided in Texas Taxation—General Annotated, Article 20.04(J), and Texas Revised Civil Statutes Annotated, Article 7359(a).

(4) If taxable items are purchased out of state, temporarily stored in Texas, and then removed and used solely outside Texas, city use tax does not apply.

(5) The purchase of taxable items will not be presumed to have been for use in a taxing city, if the items were purchased and used outside Texas for more than one year before the date of entry into Texas. The use outside Texas must be substantial and constitute a primary use for which the property was purchased. Either the comptroller or the purchaser may introduce evidence to establish the intent or absence of intent to use the taxable items in a taxing city at the time of purchase.

(f) Collection formula. When the sales price in a taxing city shall involve a fraction of a dollar, the two combined taxes (state and city) shall be added to the sale price upon the following schedules:

Amount of Sale	Tax
\$.00-.09	No tax
.10-.29	\$.01
.30-.49	.02
.50-.69	.03
.70-.89	.04
.90-1.09	.05

Provided, that for successive brackets for the above schedule, the tax shall be computed by multiplying 5.0% times the amount of sale. Any fraction of \$.01 which is less than one-half of \$.01 of tax shall not be collected. Any fraction of \$.01

of tax equal to one-half of \$.01 or more shall be collected as a whole cent of tax.

Doc. No. 796515

026.02.22.007

Under the authority of Texas Revised Civil Statutes Annotated, Article 1066c, Section 11, the comptroller of public accounts has adopted Rule 026.02.22.007 to read as follows:

.007. *Liability of Purchaser Giving Resale, Exemption, or Direct Payment Exemption Certificate (Texas Taxation—General Annotated, Article 20.01(N), (O), (R); Article 20.04(B); Texas Revised Civil Statutes Annotated, Article 1066c, Section 6(B)(1), (2), (3)).*

(a) Exemption certificate—divergent use.

(1) If a valid exemption certificate is issued at the time of purchase for items exempted under Article 20.04 and the purchaser makes a nonexempt use of the items, the purchaser owes city sales tax to the city where the nonexempt use occurred.

(2) The basis for the sales tax is the purchase price. The tax is due in the reporting period in which the items were used or consumed in a nonexempt manner. See Rule 026.02.20.007—Exemption Certificates.

(3) If an exemption certificate was invalid at the time of issuance, the purchaser owes city sales tax to the taxing city where the items were initially purchased.

(b) Resale certificate—divergent use.

(1) If taxable items were purchased tax-free for resale and were at any time used in a taxing city in a manner other than retention, demonstration, or display, then city use tax is due.

(2) If storage facilities contain taxable items purchased for resale, no city use tax is due if the items are removed from storage and transported outside the state for use solely outside the state. Although the items are not resold, no taxable use occurs in Texas. If the items are removed from storage for use or consumption in a taxing city, then city use tax is due.

(3) The basis for the tax is the purchase price. The tax is due for the reporting period in which the items were used or consumed in a manner not allowed by the resale certificate. See Rule 026.02.20.005—Sales for Resale and Resale Certificates.

(4) The city use tax is due the taxing city where the items are stored or kept at the time of or just prior to their use or consumption. If stored or kept outside a taxing city at the time of or just prior to their use, no city use tax is due.

(5) If the resale certificate was invalid at the time of its issuance, the purchaser owes city sales tax to the taxing city where the items were initially purchased.

(c) Direct payment exemption certificate.

(1) When taxable items purchased under direct payment exemption certificate are used or consumed, city use tax is due the city in which the items were first removed from storage. If the items were not stored prior to use, city use tax is due the city where they were used or consumed after transportation.

(2) Storage, use, or other consumption does not include a temporary delay or interruption necessary and incidental to the transportation or further fabrication, processing, or assembling of taxable items within this state for delivery to the permit holder.

(3) If taxable items are first stored, used, or consumed within a nontaxing city or outside of a city, no city use tax is due.

(4) A charge for processing, fabrication, or further assembly performed in a taxing city is subject to the city use tax.

(5) If, in a taxing city, storage facilities contain taxable items purchased under a direct payment exemption certificate, and at the time of storage it is not known whether the items will be used in or removed from Texas, the taxpayer may elect to report city use tax when the items are first stored or when they are first removed from inventory for use. Once the election is made, the tax must be reported in a consistent manner.

If city use tax is paid on stored items that are subsequently removed from Texas before use, the tax may be recouped in accordance with the refund and credit provisions in Rules 026.02.20.045—Refunds and 026.02.20.058—Credits. See also Rule 026.02.20.066—Use Tax.

Doc. No. 796516

026.02.22.009

Under the authority of Texas Revised Civil Statutes Annotated, Article 1066c, Section 11, the comptroller of public accounts has adopted Rule 026.02.22.009 to read as follows:

.009. Contractors (Texas Revised Civil Statutes Annotated, Article 1066c, Sections 4(A) and 6(B)(1); Texas Taxation—General Annotated, Article 20.01(T)).

(a) Definitions. For the definition of lump-sum and separated contracts, see Rule 026.02.20.011—Contractors.

(b) Separated contracts.

(1) Contractors performing separated contracts are retailers of the materials incorporated in the customer's real property.

(2) Contractors performing separated contracts are required to hold permits and to collect city sales tax from customers on the sales price of the materials. See Rule 026.02.20.006—Permits.

(3) The job site is the contractor's place of business for the purpose of determining where city tax is due.

(4) If the job site is within a taxing city, tax is due for that city on the separate charges for materials. If the job site is not in a taxing city, the city tax is not due.

(5) Contractors are not selling the equipment and consumable supplies they use but do not incorporate into the customer's property. The contractor may not issue or accept resale certificates but must pay the city tax, if any, on the equipment and consumable supplies. This city tax may not be passed on directly to the customer.

(c) Lump-sum contracts.

(1) Contractors performing lump-sum contracts are consumers of all materials, supplies, and equipment used or incorporated into the customer's property.

(2) Contractors purchasing taxable items for use in lump-sum contracts must pay city sales tax to Texas retailers as set out in local Rule .004—City Sales Tax. The job site of the lump-sum contractor does not determine city sales tax.

(3) If taxable items are brought into Texas by a contractor for use in the performance of a lump-sum contract in a taxing city, the city use tax is due. See local Rule .005—City Use Tax.

(4) If taxable items are purchased from a retailer within the state but outside a taxing city, and the items are shipped into or brought by the contractor directly into a taxing city, the city use tax is due. See Rule .005—City Use Tax.

(5) The basis of the city use tax is the purchase price. The city use tax is due in the reporting period in which the item was first stored, used, or otherwise consumed in a taxing city.

(d) Contractors improving realty for exempt customers.

(1) Certain taxable items purchased by contractors for use in improving realty pursuant to a contract with an organization exempt under Article 20.04(H) of the State Act are exempt from city tax. The items that qualify for exemption are those that would be exempt from state tax under Rule 026.02.20.011—Contractors.

(2) If equipment purchased for use in improving realty for an exempt organization is used in a nonexempt manner within a taxing city, city sales tax is due in accordance with the depreciation schedule in Rule 026.02.20.011—Contractors.

Doc. No. 796517

Sales Tax Division—Metropolitan Transit

Authority Sales and Use Tax 026.02.24.001

Under the authority of Texas Revised Civil Statutes Annotated, Article 1118x, Section 11B(B)(g), the comptroller of public accounts has adopted Rule 026.02.24.001 to read as follows:

.001. Effect of Rules and Regulations; Permits and Certificates; Exclusion of Certain Sales of Qualified Retailers (Texas Revised Civil Statutes Annotated) Article 1118x, Section 11B(B)(e), and Article 1066c, Sections 2(B), 4(C), 6(C); and 2(K)(2)).

(a) For the purpose of administering the Metropolitan Transit Authority Sales and Use Tax Act (hereafter referred to as the MTA Act), all rules and regulations relating to the Limited Sales, Excise, and Use Tax Act (hereafter referred to as the State Act), shall have the same effect with respect to the MTA sales and use tax (hereafter referred to as the MTA tax) except in those situations where rules and regulations relating to MTA taxes have been issued to clarify specific statutory provisions.

(b) Only those taxable items that are subject to taxation by the State of Texas under the State Act shall be subject to taxation under the MTA Act. All exemptions granted to agencies of government, organizations, persons, and to the sale, storage, use, and other consumption of certain taxable items under the provisions of Article 20.04 also apply to the imposition and collection of the MTA tax unless otherwise modified.

(c) Permits, exemption certificates, and resale certificates required for the limited sales, excise, and use tax (hereafter referred to as state tax) shall satisfy the requirements of the MTA sales and use tax, and no additional permit or certificates shall be required as a result of the MTA Act. See Rules 026.02.20.006—Permits; 026.02.20.005—Resale Certificates; 026.02.20.007—Exemption Certificates; and 026.02.20.008—Direct Payment Permits.

(d) An exception is made to the above provision when an exemption is claimed from the MTA tax on taxable items that will be used in the performance of certain written con-

tracts and bids executed prior to the effective date of the MTA tax. In order to claim this latter exemption, which applies only to the MTA tax, a special exemption certificate form is required. Refer to Rule .006—Prior Contracts for further details regarding eligibility for the exemption.

(e) Exclusion of sales of \$.09 or less.

(1) Any retailer who is responsible for collecting the San Antonio MTA tax and who can establish to the satisfaction of the comptroller that 50% or more of his total receipts from sales of taxable items arise from individual transactions where the total sales price is \$.09 or less may exclude the receipts from such individual sales when reporting and paying the tax. No such reporting method shall be used unless the comptroller has given prior written approval to the retailer. Prior written approval may be obtained only by providing the comptroller with records which conclusively establish that 50% or more of the retailer's receipts are from sales of \$.09 or less. If two or more items, each of which sells for \$.09 or less, are sold together for a total sales price of more than \$.09, the receipts from such sale may not be treated as two separate sales of \$.09 or less.

(2) Every retailer desiring to use the method mentioned above must maintain adequate records, satisfactory to the comptroller, to support his eligibility. After the written approval of the comptroller is granted to any retailer to use the method, the retailer must maintain adequate records to support every report. If, during any reporting period the retailer's records fail to establish the facts necessary to exclude sales of \$.09 or less, the tax for such periods must be reported and paid at the rate of 1.0% on all receipts from sales of taxable items, including sales of \$.09 or less.

(f) Exclusion of sales of \$.08 or less.

(1) Any retailer who is responsible for collecting the Houston Metropolitan Transit Authority tax and who can establish to the satisfaction of the comptroller that 50% or more of his total receipts from sales of taxable items arise from individual transactions where the total sales price is \$.08 or less may exclude the receipts from such individual sales when reporting and paying the tax. No such reporting method shall be used unless the comptroller has given prior written approval to the retailer. Prior written approval may be obtained only by providing the comptroller with records which conclusively establish that 50% or more of the retailer's receipts are sales of \$.08 or less. If two or more items, each of which sells for \$.08 or less, are sold together for a total sales price of more than \$.08, the receipts from such sale may not be treated as two separate sales of \$.08 or less.

(2) Every retailer desiring to use the method mentioned above must maintain adequate records, satisfactory to the comptroller, to support his eligibility. After the written approval of the comptroller is granted to any retailer to use the method, the retailer must maintain adequate records to support every report. If, during any reporting period the retailer's records fail to establish the facts necessary to exclude sales of \$.08 or less, the tax for such periods must be reported and paid at the rate of 1.0% on all receipts from sales of taxable items, including sales of \$.08 or less.

(3) If the retailer is not required to collect any city tax, the above sections apply except that the total sales price must be \$.09 or less.

Doc. No. 796518

026.02.24.004

Under the authority of Texas Revised Civil Statutes Annotated, Article 1118x, Section 11B(B)(g), the comptroller of public accounts has adopted Rule 026.02.24.004 to read as follows:

.004. Imposition of Sales Tax; Collection by Retailer; Bracket System Formula; Determining City Tax (Texas Revised Civil Statutes Annotated, Article 1118x, Section 11B(B)(e), and Article 1066c, Sections 2(B) and 6(B)(1)).

(a) Definitions.

(1) "Place of business" of the retailer means an established outlet, office, or location operated by the retailer, his agent, or employee for the purpose of receiving orders for taxable items. The term "place of business" of the retailer includes any location at which three or more orders are received by the retailer in a calendar year. In order for a warehouse, storage yard, or manufacturing plant to be considered a "place of business," the retailer must receive three or more orders in a calendar year at such location. Each "place of business" of the retailer must have a permit issued by the comptroller in accordance with Article 20.021.

(2) "Itinerant vendor" means a retailer who does not operate any "place of business" as defined above.

(3) "Authority" means a metropolitan transit authority that has adopted the metropolitan transit authority sales and use tax.

(b) Sales tax imposition.

(1) The sales tax adopted under the portion of any MTA Act is imposed at the rate of up to 1.0% on the receipts from the sale at retail of all taxable items within any authority if the items are subject to taxation under the provisions of the state act.

(2) In an authority every retailer shall add the tax imposed by the state act, the tax imposed by the city act, if any, and the tax imposed by the MTA Act, to his sales price, and when added, the combined taxes shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(3) Effect of city tax.

(A) When the sales price involves a fraction of a dollar and no city tax is applicable, the two combined taxes (state and MTA) shall be added to the sale price upon the following schedules:

(i) Based upon the one-half of 1.0% rate adopted by the San Antonio Metropolitan Transit Authority:

Amount of Sale	Tax
\$.00- .11	No tax
.12- .33	\$.01
.34- .55	.02
.56- .77	.03
.78- .99	.04
1.00- 1.22	.05

Successive brackets for the above schedule shall be computed by multiplying 4.5% times the amount of sale. Any fraction of \$.01 which is less than one-half of \$.01 of tax shall not be collected. Any fraction of \$.01 of tax equal to one-half of \$.01 or more shall be collected as a whole cent of tax.

(ii) Based upon the 1.0% rate adopted by the Houston Metropolitan Transit Authority:

Amount of Sale	Tax
\$.00-.09	No tax
.10-.29	\$.01
.30-.49	.02
.50-.69	.03
.70-.89	.04
.90-1.09	.05

Successive brackets for the above schedule shall be computed by multiplying 5.0% times the amount of sale. Any fraction of \$.01 which is less than one-half of \$.01 of tax shall not be collected. Any fraction of \$.01 of tax equal to one-half of \$.01 or more shall be collected as a whole cent of tax.

(B) When the sales price involves a fraction of a dollar and city tax is applicable, the three combined taxes (state, city, and MTA) shall be added to the sales price upon the following schedules:

(i) Based upon the one-half of 1.0% rate adopted by the San Antonio Metropolitan Transit Authority:

Amount of Sale	Tax
\$.00-.09	No tax
.10-.27	\$.01
.28-.45	.02
.46-.63	.03
.64-.81	.04
.82-.99	.05

Successive brackets for the above schedule shall be computed by multiplying 5.5% times the amount of sale. Any fraction of \$.01 which is less than one-half of \$.01 of tax shall not be collected. Any fraction of \$.01 of tax equal to one-half of \$.01 or more shall be collected as a whole cent of tax.

(ii) Based upon the 1.0% rate adopted by the Houston Metropolitan Transit Authority:

Amount of Sale	Tax
\$.00-.08	No tax
.09-.24	\$.01
.25-.41	.02
.42-.58	.03
.59-.74	.04
.75-.91	.05
.92-1.08	.06

Successive brackets for the above schedule shall be computed by multiplying 6.0% times the amount of sale. Any fraction of \$.01 which is less than one-half of \$.01 of tax shall not be collected. Any fraction of \$.01 of tax equal to one-half of \$.01 or more shall be collected as a whole cent of tax.

(c) Determining MTA tax.

(1) Pick up, delivery, or shipment from a Texas retailer's place of business.

(A) One place of business. If a retailer has only one place of business and that place of business is within the state, all retail sales, leases, and rentals by the retailer are subject to the MTA sales tax based upon the location of that place of business. This applies regardless of where transfer of title or possession or segregation of the taxable items sold, leased, or rented occurred within this state. If the taxable items are delivered directly to the retailer's customer from outside the state or if the retailer's place of business is not in an authority, this subsection is not applicable. See Rule 026.02.22.005—MTA Use Tax for proper determination of use tax. Also, see the exception in subsection (c)(3) of this rule.

(B) Multiple places of business. If a retailer has more than one place of business in this state, MTA sales tax is due based upon the location of the retailer's place of business where the customer takes possession of the item sold or

leased. If, however, the retailer ships or delivers the item to the customer, MTA sales tax is due based upon the location of the retailer's place of business from which the item is shipped or delivered.

(2) Delivery or shipment from a location within Texas other than the retailer's place of business.

(A) Order placed with a Texas retailer.

(i) If an order is received at the place of business of a Texas retailer but delivery or shipment is made from a location within the state other than that place of business, MTA sales tax is due based upon the location of the place of business where the order was received.

(ii) If an order is received by a traveling salesperson and delivery or shipment is made from a location within the state which is not a place of business of the retailer, MTA sales tax is due based on the retailer's place of business from which the salesperson operates.

(B) Order placed with an out-of-state retailer.

(i) If an order is initially received at a retailer's place of business outside the state but delivery or shipment is made from a location within the state other than a place of business of the retailer, MTA sales tax is due based upon the authority where delivery is made or possession is taken by the purchaser.

(ii) If an order is received by a salesperson for an out-of-state retailer and delivery or shipment is made from a location within the state other than a place of business of the retailer, MTA sales tax is due based upon the authority where delivery is made or possession is taken by the purchaser.

(3) Drop shipment by supplier receiving order. If the purchaser places the order directly with the retailer's supplier and the items are shipped or delivered directly to the purchaser by the supplier, MTA sales tax is due based upon the authority where delivery is made or possession is taken by the purchaser.

(4) Itinerant vendors. If the retailer is an itinerant vendor, MTA sales tax is due based upon the authority where delivery is made or possession is taken by the customer.

(5) Shipments from out of state. Notwithstanding any of the foregoing provisions, if the retailer makes deliveries of taxable items from a location outside the state of Texas to a Texas purchaser, the MTA use tax is applicable. See MTA Rule .005—MTA Use Tax.

(6) Gas and electricity. The sale of natural gas or electricity takes place at the point of delivery to the consumer. Consequently, companies selling natural gas or electricity must collect the MTA tax, if adopted, for the authority in which delivery is made to the consumer.

Doc No 796519

026.02.24.005

Under the authority of Texas Revised Civil Statutes Annotated, Article 1118x, Section 11B(B)(g), the comptroller of public accounts has adopted Rule 026.02.24.006 to read as follows:

.005. *Administration of Use Tax; Imposition and Collection* (Texas Revised Civil Statutes Annotated, Article 1118x, Section 11B(B)(e), Article 1066c, Section 4, and Article 7359a; Texas Taxation—General Annotated, Article 20.01, Sections (N), (O), and (Z), Article 20.031, and Article 20.04(J).

(a) Definitions.

(1) "Use tax" means a nonrecurring tax, complementary to the sales tax, which is imposed on the exercise or enjoyment of any right or power over taxable items incident to the ownership, possession, or custody of those items.

(2) The term "use" means the exercise of any right or power over taxable items except the sale, lease, or rental of the item in the regular course of business or the holding of the items for the purpose of subsequently transporting them outside Texas for use solely outside Texas.

(3) The term "storage" includes any retention of taxable items in Texas for any purpose, other than sale, lease, or rental in the regular course of business or for subsequent use solely outside Texas.

(4) "Engaged in business" in a particular authority means and includes any of the following:

(A) any retailer maintaining, occupying, or using, permanently or temporarily, directly or through an agent, an office, place of distribution, sales or sample room, warehouse, storage place, or other location;

(B) any retailer having any representative, agent, salesman, canvasser, or solicitor operating in the authority on behalf of the retailer or its subsidiary for the purpose of selling, delivering, or the taking of orders for any taxable items.

(5) "Interstate transit has ceased" means when the interstate journey is interrupted for reasons of convenience or business needs of the owner but does not include a temporary interruption necessary and incidental to the transit.

(6) "Intrastate transit has ceased" means when the intrastate journey is interrupted for reasons of convenience or business needs of the owner but does not include a temporary interruption necessary and incidental to the transit.

(7) "Authority" means any metropolitan transit authority in Texas that has adopted the Metropolitan Transit Authority Sales and Use Tax.

(b) Imposition of MTA use tax.

(1) If taxable items are purchased out of state for use in an authority and are brought or shipped into that authority for storage, use, or other consumption, MTA use tax is due. The liability may be extinguished by payment of the MTA use tax directly to the comptroller or to a retailer authorized to collect it. See Rule 026.02.20.006—Permits—concerning use tax permit requirements for out-of-state retailers.

(2) If taxable items are purchased within the state but not within an authority and those items are shipped or delivered by the retailer directly into or brought by the purchaser or lessee directly into an authority, the items are subject to the MTA use tax. The MTA use tax, if any, is determined by the location where the items are first stored, used, or otherwise consumed.

(3) The basis of the tax is the purchase price. The tax should be reported in the period in which the taxable items are first stored, used, or otherwise consumed.

(4) MTA use tax does not apply when the taxable items are transferred from some other authority or from a point outside an authority where they were first stored, used, or otherwise consumed.

(5) If, in an authority, storage facilities contain taxable items purchased out of state and at the time of storage it is not known whether the items will be used in or removed from Texas, then the taxpayer may elect to report MTA use tax when the items are first stored or are first removed from storage for use. Once the election is made, the tax must be

reported in a consistent manner. If MTA use tax is paid on stored items that are subsequently removed from Texas before use, the tax may be recouped in accordance with the refund and credit provisions in Rules 026.02.20.045—Refunds, and 026.02.20.058—Credits.

(c) Collection by retailer.

(1) Retailer not maintaining a place of business in this state. Every out-of-state retailer who:

(A) does not maintain a place of business within this state; but

(B) is engaged in business in an authority;

(C) sells, leases, or rents taxable items for storage, use, or other consumption in that authority; and

(D) ships or delivers those items into the authority to the purchaser; shall collect the use tax imposed by the state and the use tax imposed by the city and the authority. The combined tax shall be collected at the time the sale is made.

(2) Retailer maintaining a place of business in this state. Every retailer who:

(A) maintains a place of business within this state; but not within an authority;

(B) is engaged in business in an authority;

(C) sells, leases, or rents taxable items for storage, use, or other consumption in that authority; and

(D) ships or delivers those items into the authority to the purchaser; shall collect the sales tax imposed by the state, the sales or use tax imposed by the city and the use tax imposed by the authority. The combined tax shall be collected at the time the sale is made.

(d) Purchaser's liability for use tax. If the seller is not required to collect any state, city, or MTA use tax which is due, the purchaser is still responsible for filing reports and paying the tax.

(e) Exceptions.

(1) MTA use tax is not applicable if the purchaser paid MTA sales tax to a Texas retailer or owes MTA sales tax to a Texas retailer who failed to collect it. The comptroller may proceed against the seller or the purchaser for the MTA sales tax owed by either.

(2) MTA use tax is not applicable to the storage, use, or other consumption of taxable items in this state if the sale or use of the items would be exempt from the state sales and use tax were it purchased within this state.

(3) Credit will be allowed against an MTA use tax liability to the extent sales or use tax is legally due and paid to another state under the conditions provided in Article 20.04(J) and Article 7359(a).

(4) If taxable items are purchased out of state, temporarily stored in Texas, and then removed and used solely outside Texas, MTA use tax does not apply.

(5) The purchase of taxable items will not be presumed to have been for use in an authority if the items were purchased and used outside Texas for more than one year before the date of entry into an authority. The use outside Texas must be substantial and constitute a primary use for which the property was purchased. Either the comptroller or the purchaser may introduce evidence to establish the intent or absence of intent to use taxable items in an authority at the time of purchase.

(f) Collection formula.

(1) When the sales price in an authority involves a fraction of a dollar and no city tax is applicable, the two com-

bined taxes (state and MTA) shall be added to the sales price upon the following schedules:

(A) Based upon the one-half of 1.0% rate adopted by the San Antonio Metropolitan Transit Authority:

Amount of Sales	Tax
\$.00- .11	No tax
.12- .33	\$.01
.34- .55	.02
.56- .77	.03
.78- .99	.04
1.00- 1.22	.05

Successive brackets for the above schedule shall be computed by multiplying 4.5% times the amount of sale. Any fraction of \$.01 which is less than one-half of \$.01 of tax shall not be collected. Any fraction of \$.01 of tax equal to one-half of \$.01 or more shall be collected as a whole cent of tax.

(B) Based upon the 1.0% rate adopted by the Houston Metropolitan Transit Authority:

Amount of Sale	Tax
\$.00- .09	No tax
.10- .29	\$.01
.30- .49	.02
.50- .69	.03
.70- .89	.04
.90- 1.09	.05

Successive brackets for the above schedule shall be computed by multiplying 5.0% times the amount of sale. Any fraction of \$.01 which is less than one-half of \$.01 of tax shall not be collected. Any fraction of \$.01 of tax equal to one-half of \$.01 or more shall be collected as a whole cent of tax.

(2) When the sales prices involve a fraction of a dollar and city tax is applicable, the three combined taxes (state, city, and MTA) shall be added to the sales price upon the following schedules

(A) Based upon the one-half of 1.0% rate adopted by the San Antonio Metropolitan Transit Authority:

Amount of Sales	Tax
\$.00- .09	No tax
.10- .27	\$.01
.28- .45	.02
.46- .63	.03
.64- .81	.04
.82- .99	.05

Successive brackets for the above schedule shall be computed by multiplying 5.5% times the amount of sale. Any fraction of \$.01 which is less than one-half of \$.01 of tax shall not be collected. Any fraction of \$.01 of tax equal to one-half of \$.01 or more shall be collected as a whole cent of tax.

(B) Based upon the 1.0% rate adopted by the Houston Metropolitan Transit Authority:

Amount of Sale	Tax
\$.00- .08	No tax
.09- .24	\$.01
.25- .41	.02
.42- .58	.03
.59- .74	.04
.75- .91	.05
.92- 1.08	.06

Successive brackets for the above schedule shall be computed by multiplying 6.0% times the amount of sale. Any fraction of \$.01 which is less than one-half of \$.01 of tax shall not be

collected. Any fraction of \$.01 of tax equal to one-half of \$.01 or more shall be collected as a whole cent of tax.

Doc. No. 796520

026.02.24.007

Under the authority of Texas Revised Civil Statutes Annotated, Article 1118x, Section 11B(B)(g), the comptroller of public accounts has adopted Rule 026.02.24.007 to read as follows:

.007. *Liability of Purchaser Giving Resale, Exemption, or Direct Payment Exemption Certificate (Texas Revised Civil Statutes Annotated, Article 1118x, Section 11B(B)(e); Article 1066c, Subsections 6(B)(1), (2), (3); Texas Taxation—General Annotated, Article 20.01(N), (O), (R) and Article 20.04(B)).*

(a) Exemption certificate—divergent use.

(1) If a valid exemption certificate is issued at the time of purchase for items exempted under Article 20.04 and the purchaser makes a nonexempt use of the items, the purchaser owes MTA sales tax to the authority where the nonexempt use occurred.

(2) The basis for the sales tax is the purchase price. The tax is due in the reporting period in which the items were used or consumed in a nonexempt manner. See Rule 026.02.20.007—Exemption Certificates.

(3) If an exemption certificate was invalid at the time of its issuance, the purchaser owes MTA sales tax to the authority where the items were initially purchased.

(b) Resale certificate—divergent use.

(1) If taxable items were purchased tax free for resale and were at any time used in an authority in a manner other than retention, demonstration, or display, then MTA use tax is due.

(2) If storage facilities contain taxable items purchased for resale, no MTA use tax is due if the items are removed from storage and transported outside the state for use solely outside the state. Although the items are not resold, no taxable use occurs in Texas. If the items are removed from storage for use or consumption in an authority, MTA use tax is due.

(3) The basis for the tax is the purchase price and is due for the reporting period in which the items were used or consumed in a manner not allowed by the resale certificate. See Rule 026.02.20.005—Sales for Resale and Resale Certificates.

(4) The MTA use tax is due the authority where the items are stored or kept at the time of or just prior to their use or consumption. If stored or kept outside an authority at the time of or just prior to its use, no MTA use tax is due.

(5) If the resale certificate was invalid at the time of its issuance, the purchaser owes MTA sales tax to the authority where the items were initially purchased.

(c) Direct payment exemption certificate.

(1) When taxable items purchased under a direct payment permit are used or consumed, MTA use tax is due the authority in which the items were first removed from storage. If the items were not stored prior to use, MTA use tax is due the authority where they were used or consumed after transportation.

(2) Storage, use, or other consumption does not include a temporary delay or interruption necessary and inci-

dental to the transportation or further fabrication, processing, or assembling of taxable items within this state for delivery to the permit holder.

(3) If taxable items are first stored, used, or consumed outside an authority, no MTA use tax is due.

(4) A charge for processing, fabrication, or further assembly performed in an authority is subject to the MTA use tax.

(5) If, in an authority, storage facilities contain taxable items purchased under a direct payment exemption certificate and at the time of storage it is not known whether the property will be used in or removed from Texas, the taxpayer may elect to report MTA use tax when the items are first stored or when they are first removed from inventory for use. Once the election is made, the tax must be reported in a consistent manner.

If MTA use tax is paid on stored items that are subsequently removed from Texas before use, the tax may be recouped in accordance with the refund and credit provisions in Rules 026.02.20.045—Refunds, and 026.02.20.058—Credits. See also Rule 026.02.20.066—Use Tax.

Doc No 796521

026.02.24.009

Under the authority of Texas Revised Civil Statutes Annotated, Article 1118x, Section 11B(B)(g), the comptroller of public accounts has adopted Rule 026.02.24.009 to read as follows:

.009. Contractors (Texas Revised Civil Statutes Annotated, Article 1118x, Section 11B(B)(e), and Article 1066c, Sections 4(A) and 6(B)(1); Texas Taxation—General Annotated, Article 20.01(T)).

(a) Definitions. For the definition of lump-sum and separated contracts, see Rule 026.02.20.011—Contractors.

(b) Separated contracts.

(1) Contractors performing separated contracts are retailers of the materials incorporated in the customer's real property.

(2) Contractors performing separated contracts are required to hold permits and to collect MTA sales tax from customers on the sales price of the materials. See Rule 026.02.20.006—Permits.

(3) The job site is the contractor's place of business for the purpose of determining where MTA tax is due.

(4) If the job site is within an authority, the MTA tax is due for that authority on the separate charge for materials. If the job site is not in an authority, MTA tax is not due.

(5) Contractors are not selling the equipment and consumable supplies they use but do not incorporate into the customer's property. The contractor may not issue or accept resale certificates but must pay the MTA tax, if any, on the equipment and consumable supplies. This MTA tax may not be passed on directly to the customer.

(c) Lump-sum contracts.

(1) Contractors performing lump-sum contracts are consumers of all materials, supplies, and equipment used or incorporated into the customer's property.

(2) Contractors purchasing taxable items for use in lump-sum contracts must pay MTA sales tax to Texas retailers as set out in MTA Rule .004—MTA Sales Tax. The

job site of the lump-sum contractor does not determine MTA sales tax.

(3) If taxable items are brought into Texas by a contractor for use in the performance of a lump-sum contract in an authority, MTA use tax is due. See MTA Rule .005—MTA Use Tax.

(4) If taxable items are purchased from a retailer within the state but outside an authority and the taxable items are shipped into or brought by the contractor directly into the authority, MTA use tax is due. See Rule .005—MTA Use Tax.

(5) The basis of the MTA use tax is the purchase price. The MTA use tax is due in the reporting period in which the item was first stored, used, or otherwise consumed in an authority.

(d) Contractors improving realty for exempt customers.

(1) Certain taxable items purchased by contractors for use in improving realty pursuant to a contract with an organization exempt under Article 20.04(H) of the state act are exempt from MTA tax. The items that qualify for exemption are those that would be exempt from state tax under Rule 026.02.20.011—Contractors.

(2) If equipment purchased for use in improving realty for an exempt organization is used in a nonexempt manner within an authority, MTA sales tax is due in accordance with the depreciation schedule in Rule 026.02.20.011—Contractors.

Issued in Austin, Texas, on September 28, 1979.

Doc No 796522

Bob Bullock

Comptroller of Public Accounts

Effective Date October 19, 1979

Proposal Publication Date August 28, 1979

For further information, please call (512) 475-6872.

Texas Education Agency

Comprehensive Instruction

Driver Education Personnel 226.32.96

The Texas Education Agency has adopted Rule 226.32.96.001, concerning the training of teaching assistants for driver education programs. The program is designed to provide qualified individuals with orientation, knowledge, and skills to prepare them to assist in the classroom phase of driver education, and to conduct behind the wheel and simulator training under the supervision of a certified teacher. The rule is adopted with no change from the text as proposed.

This rule is promulgated under the authority of Section 16.177, Texas Education Code.

.001. Program of Training for Teaching Assistants in Driver Education.

(a) Overview.

(1) Objectives of the program: To provide qualified individual with orientation, knowledge, and skills to prepare them to assist in the classroom phase of driver education, and to conduct behind-the-wheel and simulator training under the supervision of a certified teacher.

(2) Persons eligible for the program. A teaching assistant in driver education must:

(A) complete a program of study in driver education developed by the Texas Education Agency and the Texas Department of Public Safety;

(B) have been a licensed driver for a minimum of five years;

(C) be a high school graduate and possess a Texas drivers license valid for the type of vehicle used in instruction. In addition, teaching assistants must meet the driving record evaluation standards established for Texas school bus drivers.

(3) Program organization. The preservice teaching assistant training program will consist of the following six units of study:

(A) driver education, basic course (46 clock hours);

(B) multimedia (eight clock hours);

(C) introduction to teaching (45 clock hours);

(D) simulation (41 clock hours);

(E) multicar driving range (13 clock hours);

(F) in-car instruction (31 clock hours).

(b) Driver education, basic course (46 clock hours).

(1) Objectives. The driver education teaching assistants will:

(A) acquire the knowledge of the content of driver education courses taught in the school systems of Texas as prescribed by the Texas Education Agency and the Texas Department of Public Safety;

(B) demonstrate the knowledge of techniques and procedures required of drivers to operate a passenger vehicle in the traffic pattern.

(2) Content.

(A) The driver and the pedestrian (five clock hours):

(i) why driver education?

(ii) the good driver;

(iii) physical characteristics of the driver and factors that affect these characteristics;

(iv) alcohol and drugs—a hazard to safe driving;

(v) driver and pedestrian precautions

(B) The automobile and preventative maintenance (four clock hours):

(i) the four cycle engine and the "power train";

(ii) the fuel system; the electrical system; the cooling system; the lubricating system;

(iii) gauges and controls.

(C) Highway characteristics and engineering controls (three clock hours):

(i) participation of the public in highway planning and construction;

(ii) highway characteristics.

(D) Motor vehicle traffic laws (eight clock hours):

(i) proceeding, overtaking, passing; restrictions on divided and controlled access highways;

(ii) special stops and restricted speeds;

(iii) traffic signs, signals, and markings;

(iv) pedestrian's rights and duties; miscellaneous rules;

(v) responsibilities when involved in an accident; safety responsibility law;

(vi) the driver's license law and registration; certificate of title; motor vehicle inspection;

(vii) intersection turning and signaling;

(viii) speed regulations; alcohol and drugs; vehicle equipment.

(E) Driving procedures (10 clock hours):

(i) getting ready to drive; developing seeing habits;

(ii) intersections, right of way, and signals;

(iii) turning and parking;

(iv) city driving;

(v) rural driving;

(vi) freeway driving (controlled-access highways);

(vii) night driving;

(viii) driving under adverse conditions.

(F) Physical laws (four clock hours):

(i) inertia;

(ii) friction;

(iii) gravity;

(iv) centrifugal force;

(v) momentum;

(vi) kinetic energy;

(vii) acceleration;

(viii) deceleration;

(ix) summary of physical laws.

(G) The two wheeled motor vehicle in the traffic pattern (two clock hours).

(H) Emergency procedures and first aid for traffic accidents (five clock hours).

(I) The national and state traffic safety program (one clock hour).

(J) Texas driver education standards and the use of state driver education curriculum guides (four clock hours).

(3) Suggested procedures

(A) The lessons taught in the basic course may be presented by the instructor using one or more of the following teaching procedures:

(i) lecture.

(ii) lecture demonstration;

(iii) role playing;

(iv) group discussion;

(v) utilization of resource persons;

(vi) multimedia.

(B) The instructor should use the appropriate titles in the driver education multimedia series presently being used in Texas. The teaching assistants should be evaluated to determine their level of competence in each section of the basic course.

(c) Multimedia student response system (eight clock hours).

(1) Objectives. As a result of his multimedia training, the driver education teaching assistant will:

(A) acquire the knowledge and skills necessary to set up, operate, and disassemble a multimedia student response system;

(B) understand the procedures for preparing a portable and/or mobile trailer unit to be moved to a new location;

(C) understand the basic concepts of the equipment so that minor adjustments and repairs can be made.

(2) Content.

(A) Introduction and orientation to the operation of the multimedia student response system (one clock hour).

(B) Assembling multimedia components (one clock hour):

(i) teacher's console;

(ii) junction box;

(iii) 16mm projector;

- (iv) 35mm projector;
- (v) student responders.
- (C) Operation of multimedia unit (one clock hour):
 - (i) threading 16mm projector;
 - (ii) threading 35mm projector;
 - (iii) threading audio-pulsed tape;
 - (iv) correcting synchronization.
- (D) Units of instruction (two clock hours):
 - (i) use of teachers guide;
 - (ii) familiarization with the filmed units of in-

struction.

- (E) Maintenance and repair (two clock hours):
 - (i) film care and cleaning;
 - (ii) trouble shooting.
- (F) Moving of multimedia unit (one clock hour):
 - (i) disassembling component parts;
 - (ii) storage of unit;
 - (iii) moving of unit (portable mobile).
- (d) Introduction to teaching (45 clock hours).

(1) Objectives. At the end of this unit, the teaching assistant will:

- (A) understand the qualities and responsibilities of the teacher and be knowledgeable about the organization of a school system and/or education service center;
- (B) develop an understanding of the theory of learning and the motivation of learners;
- (C) demonstrate the ability to plan, prepare, and present a unit of instruction utilizing various teaching methods;
- (D) become effective in the use of projectors and other instructional media equipment and teaching materials;
- (E) learn to evaluate the needs and progress of a student in the learning process;
- (F) learn to maintain a professional student-teacher and teacher-supervisor relationship;
- (G) exhibit an appreciation for the administrative factors of a driver education program;
- (H) understand the interrelationship of the different areas of instruction in a multiphase driver education program.

(2) Content.

- (A) Introduction (one clock hour):
 - (i) self-class and course;
 - (ii) brief overview of course;
 - (iii) assignments;
 - (iv) course objectives.
- (B) The teacher (two clock hours):
 - (i) the cardinal qualities;
 - (ii) duties and responsibilities;
 - (iii) the independent school district;
 - (iv) the school board;
 - (v) the education service center.
- (C) The learner and learning (two clock hours):
 - (i) how we learn;
 - (ii) principles of learning;
 - (iii) individual differences.
- (D) Motivation of learners (three clock hours):
 - (i) stimulating the desire to learn;
 - (ii) the use of natural impulses in teaching;
 - (iii) some causes for lack of interest.
- (E) How we teach (two clock hours):
 - (i) methods for teaching skills;
 - (ii) methods for teaching information;
 - (iii) teaching situations.

(F) The instructional process (six clock hours):

- (i) the four-step plan of instruction;
- (ii) what to teach;
- (iii) selection of lesson content;
- (iv) fundamentals for a sound lesson;
- (v) initiating and opening a course;
- (vi) laboratory organization;
- (vii) discipline;
- (viii) learning difficulties.

(G) Instructional media (six clock hours):

- (i) introduction;
- (ii) operation of projectors:
 - (I) 16mm,
 - (II) 35mm slide,
 - (III) 35mm filmstrip,
 - (IV) overhead;
- (iii) operations of models; audio tape recorders; mockups, exhibits, and displays;
- (iv) selection, function, and effective use of materials and equipment:

- (I) chalkboards,
- (II) pictures,
- (III) charts,
- (IV) manuals,
- (V) texts,
- (VI) notebooks,
- (VII) two-way radio communication,
- (VIII) programmed instruction,
- (IX) psycho-physical testing equipment,
- (X) reaction test equipment.

(H) Lesson planning (two clock hours):

- (i) Step I;
- (ii) Step II;
- (iii) Step III;
- (iv) Step IV.

(I) Practice teaching demonstration (12 clock hours). Each teaching assistant will teach a minimum of one skill and one information lesson assigned by the teacher trainer.

(J) Field trips (five clock hours):

- (i) media laboratories;
- (ii) demonstration of instructional devices;
- (iii) DPS testing;
- (iv) traffic surveys.

(K) Scheduling driver education (four clock hours):

- (i) different phases of instruction;
- (ii) block and concurrent scheduling;
- (iii) instructor scheduling;
- (iv) student scheduling;
- (v) record-keeping and DPS forms.

(3) Procedures. The instructor will present by lecture and/or lecture-demonstration the various units of instruction on methodology of teaching. Each student will be required to plan, develop, and present at least two units of instruction. Video tape will be used for individual and teacher critiques. Students will be exposed to various teaching methods and situations and will become familiar with the different forms of media and teaching aids. Outside consultants will be utilized from the Texas Education Agency, education service centers, and local schools.

(e) Simulation (41 clock hours).

(1) Objectives. Upon the completion of the simulator instruction, the teaching assistant will:

(A) understand the relationship of simulator instruction to other phases of instruction in the driver education program;

(B) understand and become competent in the operation and maintenance of the driving simulator;

(C) demonstrate the ability to translate instructional units into effective learning experiences;

(D) interpret scoring patterns to improve the student's performance;

(E) become proficient in the use of "Driver Education Simulation and In-Car Instruction," Texas Education Agency, CU8 833 03;

(F) understand the need for and be able to conduct routine maintenance and repairs of the simulator unit.

(2) Content.

(A) Simulation instruction (eight clock hours):

(i) introduction to simulation;

(ii) units of instruction.

(B) Operation of simulator (two clock hours):

(i) teacher's console;

(ii) projector;

(iii) car units;

(iv) software.

(C) Teaching in the simulator (two clock hours):

(i) introduction to teaching simulation:

(I) use of simulator curriculum guide,

(II) preparation of lessons,

(III) presentation of lessons;

(ii) practice teaching (12 clock hours):

(I) preparation of lesson,

(II) presentation to teaching assistants,

(III) presentation critiqued by instructor;

(iii) student teaching (12 clock hours):

(I) division of class into small groups,

(II) preparation and presentation of group

lessons to students;

(iv) maintenance (five clock hours):

(I) basic repair and upkeep,

(II) procedures for moving and maintaining a

simulator.

(3) Suggested procedures.

(A) Each prospective teaching assistant will be given instruction in the driving simulator. Each participant will be given instruction in automatic and manual operation of the driving simulator. Teaching assistants will prepare and present to the other teaching assistant a simulator lesson as outlined in "Driver Education Simulation and In-Car Instruction," Texas Education Agency, CU8 833 03. The simulator instructor will critique each of these presentations.

(B) In the student teaching phase, the teaching assistants will be divided into small groups to teach the 12 simulator lessons to teenage students. Teaching assistants will be given instruction in the basic first-line maintenance and repair. The instructor will simulate common inoperable conditions and allow the teaching assistant to identify the trouble and repair the equipment. Teaching assistants will also receive instruction in setting up the mobile trailer and preparing for a move.

(f) Multicar driving range (13 clock hours).

(1) Objectives. Upon completion of multicar driving range instruction, each teaching assistant will:

(A) understand the relationship of multicar driving range instruction to other phases of instruction in the driver education program;

(B) demonstrate the ability to prepare the driving range for various units of instruction as required by predetermined plans;

(C) exhibit by demonstration individual skills necessary for the successful execution of various range exercises;

(D) possess and display, by individual presentation of instructional units, the skills and abilities needed to effectively instruct others on the multicar driving range.

(2) Content:

(A) introduction;

(B) lesson plan reference chart for multicar driving range instruction;

(C) competencies in multicar driving range instruction;

(D) suggested facility design;

(E) driving range lessons:

(i) how to use the instructional units;

(ii) procedures for starting, stopping, braking;

(iii) procedures for left and right turns;

(iv) procedures for steering;

(v) procedures for proper lane position and lane changing;

(vi) T-exercise, three-point turn, and Y-exercise;

(vii) figure eight and garage exercise;

(viii) procedures for steering while backing;

(ix) procedures for parking;

(x) procedures for turnabouts;

(xi) procedures for parking on an upgrade and a downgrade;

(xii) procedures for driving a standard shift

automobile;

(xiii) procedures for overtaking and passing;

(xiv) review and evaluation.

(3) Suggested procedures. The procedures identified here are directly related to and should foster the accomplishments of the objectives as previously stated for this area of instruction.

(A) Meet in a classroom setting with entire class. Discuss all phases of driver education identifying the vital role of each phase and emphasizing the need for coordination of all phases. The specific contribution of the driving range instruction to the total program should be highlighted.

(B) Have small groups relate content presented in classroom, simulation, in-car, and range guides to specific exercises. Reports may be presented in the classroom or range setting, whichever is most feasible.

(C) Assign individual students to describe pictorially the arranging of elementary exercises to utilize maximum efficiency of the total range. This includes proper identification of the positions of cones, standards, traffic flow pattern, and vehicle starting points.

(D) Have small groups prepare specific exercises and demonstrate the proper execution of such exercises by driving the exercises.

(E) In developing specific plans for lesson presentation, the teaching assistant should be responsible for planning and preparing the range for use as needed in the lesson.

(F) Instruct teaching assistants as students in the range program.

(G) Individual teaching assistants should participate as contestants in a specifically designed driving contest.

It is recommended that this activity be conducted twice, once at the beginning and once at the completion of range instruction.

(H) Provide opportunity for development in supplemental activities designed to improve the driving skills and abilities of participants. The blow-out simulator, hood fly-up, loss of power, loss of brakes, emergency braking, emergency lane change, skid recovery, fire simulator, and fuel consumption demonstrations should be considered and implemented when possible.

(I) Provide opportunity for participants to develop skill in planning, preparing, and conducting range instruction.

(J) Design various activities for promoting specific skills and qualities needed to render effective instruction on the range:

- (i) ability to communicate;
- (ii) alertness;
- (iii) sound judgment;
- (iv) ability to conceptualize the total range picture;

(v) ability to maintain composure when dealing with complex situations;

- (vi) ability to give directions.

(g) In-car instruction (31 clock hours).

(1) Objectives.

(A) Upon completion of in-car instruction, each teaching assistant will:

(i) be able to maintain an effective teacher-student relationship and provide a classroom atmosphere while giving in-car instruction;

(ii) understand the need for adhering to in-car policies and practices that are sanctioned by the program administration;

(iii) exhibit a clear understanding of the many factors and procedures involved in driving an automobile and the ability to communicate them to students;

(iv) demonstrate the ability to react, secure, and maintain control of the automobile while in the instructor's seat;

(v) possess the ability to evaluate pupil performance and identify methods to strengthen areas of need;

(vi) display knowledge and skills in utilizing a variety of instructional techniques;

(vii) demonstrate at least a minimum level of proficiency in giving in-car instruction by actually teaching a nondriver to drive effectively;

(viii) display a continued awareness of the traffic environment while giving in-car instruction.

(B) The above competencies will be measured by teacher test and observation and checklists.

(2) Content. Utilize related content from the Texas Education Agency's "Driver Education Simulation and In-Car Instruction," Texas Education Agency, CU8 833 03.

(3) Suggested procedures.

(A) Involve participants in a classroom setting with large-group, small-group, and individual assignments and discussions as deemed appropriate on the following topics:

- (i) instructional terms used;
- (ii) posture of instructor;
- (iii) in-car practices;
- (iv) discipline in the car;
- (v) learning atmosphere;

- (vi) selection of driving environment;
- (vii) predriving check and car maintenance;
- (viii) teaching techniques for in-car instruction;
- (ix) driving procedures;
- (x) student-teacher relationship;
- (xi) role of student records;
- (xii) maintenance of student records;
- (xiii) timing a lesson;
- (xiv) visual and other teacher habits for safe operations.

(B) Involve participants in practice teaching setting as teacher, as observer.

(C) Have each participant prepare and submit a self-analysis and/or student analysis at the completion of each session of in-car instruction.

Doc. No. 796415

Foundation School Program

Foundation Entitlement to Districts 226.41.11

The Texas Education Agency has amended Rule 226.41.11.010, concerning allocation of the "state share" under the Foundation School Program. The amended rule changes the dates and legal references for the calculation of guaranteed minimum aid and adds a new paragraph concerning support for fast-growing school districts. A district is eligible to receive aid under the "fast-growing" provision if the district's effective tax rate is greater than the state average, the district's current ADA is at least 106% of its prior year ADA, and the district raises its local fund assignment.

Public review and discussion of the proposed amendment were held. The amendment is adopted with no change from the text as proposed.

This amendment is promulgated under the authority of Section 16.005, Texas Education Code.

.010. Determination of Allocation.

(a) Policy.

(1) The commissioner of education shall determine annually the amount of money needed from the Foundation School Program Fund to support a Foundation School Program in each district of the state.

(2) If the cost of the Foundation School Program in a district is less than its budgetary income, the district shall be designated as a "budget balance district."

(b) Administrative procedure.

(1) Cost of Foundation School Program. The cost of the Foundation School Program in each district is the sum of the following items:

(A) the Foundation School Program salaries of all personnel employed to fill allocated personnel units (Policy 41.03 and 41.05);

(B) current operating expenses;

(C) categorical program aid; and

(D) transportation service costs (Policy 41.07).

(2) Budgetary income. Budgetary income is the sum of the following items:

(A) (No change.)

(B) net State Available Fund apportioned to the district (Policy 41.08).

(3)-(4) (No change.)

(5) Guaranteed minimum aid.

(A) For the 1979-80 school year and each year thereafter, no school district shall receive less state aid, plus pay raises exclusive of service increments, for foundation personnel as provided by Section 16.055(b) of the Texas Education Code, per student in average daily attendance than it received per student in average daily attendance under the Foundation School Program for the 1978-79 school year. To determine whether a district is entitled to additional funds in 1979-80, the difference between the salaries entitled the district under the minimum salary schedule under Senate Bill 1 and the salaries entitled the district under the current statute will be deducted from the total state aid the district received in the 1979-80 school year. The resultant total will then be divided by the district's refined ADA to determine the amount of state funds the district received per ADA for the 1979-80 school year. The total state funds received by the district during 1978-79 school year will be divided by the refined ADA to determine the amount of state funds the district received per ADA during the 1978-79 school year.

(B) If the state funds received during the 1978-79 school year by the district per ADA is larger than what was received during the 1979-80 school year, additional state funds per ADA will be distributed to the district. A similar comparison between funds per ADA in 1978-79 and funds per ADA in 1980-81 shall be made to determine whether a district is eligible to receive additional state aid in 1980-81.

(6) Support for fast-growing school districts.

(A) Additional state aid will be provided to school districts which experience unusually rapid growth in average daily attendance (ADA) from one year to the next so as to assist those districts in sustaining an adequate educational program for all students.

(B) A district is eligible to receive additional aid if:

(i) the district's effective tax rate is greater than the statewide average effective tax rate as determined below;

(ii) the district's current year's total number of students in ADA, as determined under Section 16.102, Texas Education Code, is equal to or greater than 106% of its prior year's total number of students in ADA; and

(iii) the district raises its local fund assignment.

(C) A district's effective tax rate shall be determined by dividing the total amount of ad valorem tax revenue collected in the immediately preceding school year in the district by the total value of property which is used to calculate the district's local fund assignment. The statewide average effective tax rate shall be determined by dividing the total amount of ad valorem tax revenue collected by all the school districts in the state in the immediately preceding school year by the total index value of property in the state as determined pursuant to Section 11.86, Texas Education Code. For the 1979-80 and 1980-81 school years, the index values used herein shall be determined in accordance with Section 16.252(b), Texas Education Code.

(D) For the 1979-80 school year and for each year thereafter, the amount of state aid for each eligible school district under consideration of additional state aid shall be determined by the formula:

FGA equals PDG divided by .06 minus 1 multiplied by
CADA multiplied by \$30

where FGA is the district's fast growth allotment; PDG is the percentage of the district's student growth as determined by dividing the difference between the district's current and previous year's number of students in ADA; and CADA is the district's current year's number of ADA as determined under Section 16.102, Texas Education Code.

(E) If the district's index value per student in ADA as determined under Section 16.252(b), Texas Education Code is more than \$150,000 for each student in ADA, the state aid provided shall be determined by multiplying the following fraction to the otherwise computed amount:

1 minus (district's index value minus \$150,000) divided
by \$100,000

(F) If the total amount of state aid as indicated above exceeds \$2.5 million per year, each district's allotment shall be ratably reduced until the amount of state aid allocated equals \$2.5 million per year.

Doc. No 796416

Equalization Aid for Program Enrichment 226.41.19

The Texas Education Agency has amended Rule 226.41.19.010, concerning equalization aid for program enrichment under the Foundation School Program. The amended rule has revised the equalization aid formula in accordance with the provisions of Senate Bill 350, 66th Legislature. A paragraph has been added concerning school districts in a major disaster area.

Public review and discussion of the proposed amendment were held. The amendment is adopted with two changes from the text as proposed. Subsection (b)(2) has been rephrased with no substantive change. Subsection (b)(3) has been edited for clarity, but no substantive changes were made.

This amendment is promulgated under the authority of Section 16.005, Texas Education Code.

.010. Determination of Allocation.

(a) Policy. Equalization aid for program enrichment shall be allocated as specified by law.

(b) Administrative procedure.

(1) Calculation of entitlement.

(A) The amount of state equalization aid to which a district is entitled is determined by the formula:

SEA equals (1 minus DPV/ADA) divided by
SPV/ADA multiplied by 1.10 multiplied by
ADA multiplied by Maxent

where "SEA" is the state equalization aid guaranteed to the district; DPV/ADA is the average of the district's full market value of property and index value of property as used in determining the district's local fund assignment for the 1979-80 school year and the average of the district's market value and index value of property as determined pursuant to Section 11.86 of the Texas Education Code for the 1981-82 school year and thereafter, divided by the number of students in average daily attendance in the district.

(B) "SPV/ADA" is the average of the total statewide full market value of property and index value of property used in determining local fund assignment for the

1979-80 school year and the average of the total statewide market value and index value of property as determined pursuant to Section 11.86, Texas Education Code, for the 1981-82 school year and thereafter, divided by the total number of students in average daily attendance in the state.

(C) "Maxent" is the maximum entitlement per ADA which for the 1979-80 school year is \$275 and for the 1980-81 school year and thereafter is \$290.

(D) "ADA" is the number of eligible students in average daily attendance in the district.

(2) A district which is eligible for equalization aid may receive such aid whether or not the district raises its total local fund assignment.

(3) School districts in a major disaster area.

(A) If a school district is within an area that has been declared a major disaster area by the governor and has suffered a property value loss equivalent to 12.5% or more of its prior year valuation for tax purposes, the school district shall be eligible for the maximum entitlement provided under Section 16.301, Texas Education Code, for the two subsequent school years.

(B) The district must document the loss of property values. The documented evidence of property value loss will be a listing of damaged property, as prepared by the district tax assessor, which will indicate the prior year value of property and the estimated value of property after the disaster. Accompanying this document will be an affidavit from the governor's office declaring that the school district is within the disaster area designated by the governor or President of the United States. The tax assessor's assessment of damages of property will be verified, when practicable, by private insurance adjusters' evaluation of the damaged property.

(C) Equalization aid entitlements for eligible districts will be computed on the maximum rates as prescribed by Section 16.301, Texas Education Code, for the two subsequent school years following the disaster.

(4) Limitation of payment for 1979-80 and 1980-81. If the amount of state equalization aid required exceeds \$202 million for the 1979-80 school year or \$215 million for the 1980-81 school year, the amount of state equalization aid guaranteed to each school district shall be reduced proportionately until the total amount of funds required equals \$202 million or \$215 million, as applicable.

Doc. No. 796417

Funding for Compensatory Education Programs 226.41.22

The Texas Education Agency has amended Rule 226.41.22.020, concerning state funding for compensatory education. Under the amended rule, school districts seeking state compensatory education funds must file assurances with the Texas Education Agency that the district will design and implement a compensatory education program. The requirement that state compensatory funds must be used as a supplement to other state and local funds is retained. State compensatory funds may not be used for construction or non-instructional purposes. Subsection (b)(5) has been edited, with no substantive change.

Public review and discussion of the proposed amendment were held. The amendment is adopted with no change from the text as proposed.

This amendment is promulgated under the authority of Sections 16.005 and 16.176, Texas Education Code.

.020. State Compensatory Education Assistance.

(a) (No change.)

(b) Administrative procedure.

(1) (No change.)

(2) In order to receive a state compensatory grant approval from the Texas Education Agency within the limits of its entitlement, the district is required to:

(A) file an assurance with the Texas Education Agency that the district will design and implement a compensatory education program;

(B) (No change.)

(3) (No change.)

(4) State compensatory funds may not be used for construction or noninstructional purposes.

(5) A cross section of TEA divisions impacts compensatory education programs. Among these, the responsibility for funding and legal/fiscal interpretations shall rest with the Division of State Funding. The Division of Compensatory and Migrant Education shall be responsible for educational program decisions and technical assistance to local districts in planning and implementing compensatory educational programs. The Division of Program Evaluation shall be responsible for technical assistance in program evaluation and shall be responsible for preparing the format for reporting data on compensatory programs, and collecting and coordinating state use of such data.

Issued in Austin, Texas, on September 26, 1979.

Doc. No. 796418

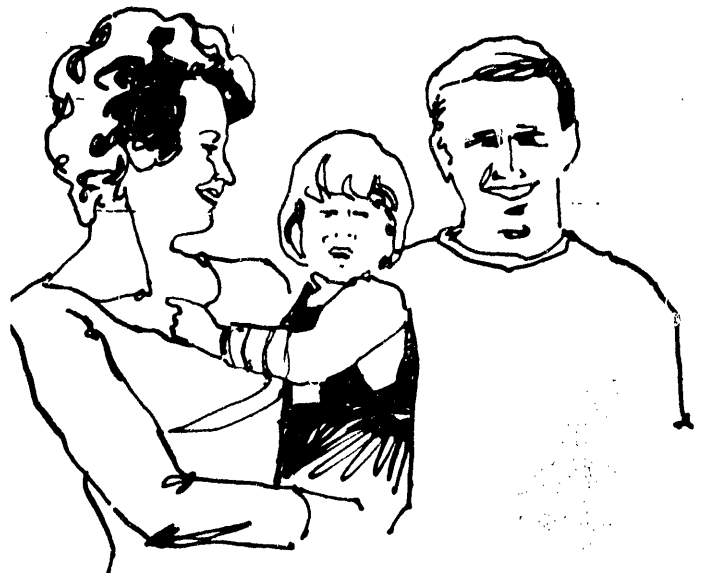
A. O. Bowen

Commissioner of Education

Effective Date: October 17, 1979

Proposal Publication Date: August 3, 9, 14, & 17, 1979

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



Texas Department of Health Communicable Diseases

Protecting Eyes of Newborn 301.41.06

The Texas Department of Health has adopted the subject rule which was proposed and published in the *Texas Register* July 17, 1979 (4 TexReg 2518). No comments were received and no changes have been made to the proposed rule.

This rule has been adopted under authority of Article 4441a, Texas Revised Civil Statutes.

.001. *Prophylaxis against Ophthalmia Neonatorum.* Adequate prophylaxis against ophthalmia neonatorum may be accomplished by:

- (1) 1.0% silver nitrate solution: two drops in each eye within two hours after birth; or
- (2) application of standard ophthalmic tetracycline solution (drops) or ointment in each eye within two hours after birth; or
- (3) application of standard ophthalmic erythromycin solution (drops) or ointment within two hours after birth.

Issued in Austin, Texas, on September 27, 1979.

Doc. No. 796500 A. M. Donnell, Jr., M.D.
Deputy Commissioner of Health
Texas Department of Health

Effective Date: October 18, 1979

Proposal Publication Date: July 17, 1979

For further information, please call (512) 458-7207.

Texas Department of Human Resources

Work Incentive Program

WIN Social Services 326.56.40

The Department of Human Resources is adopting the repeal of Rule 326.56.40.008, concerning Separate Administrative Unit responsibilities in its Work Incentive Program. The department is making this change to eliminate references in its rules to purchased in-home day care. This action is in accord with present department policy which ends the purchase of in-home day care for children. Notice of the proposed repeal of this rule was published in the August 3, 1979, issue of the *Texas Register* (4 TexReg 2656). No comments were received from the public regarding the proposed repeal of this rule.

Rule .008, SAU Responsibility for In-Home Day Care Services, is repealed under the authority of the Human Resources Code, Chapter 11, with the approval of the Texas Board of Human Resources.

Issued in Austin, Texas, on September 27, 1979.

Doc. No. 796503 Jerome Chapman
Commissioner
Texas Department of Human Resources

Effective Date: October 18, 1979

Proposal Publication Date: August 3, 1979

For further information, please call (512) 475-4601.

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

Tuesday, January 22, 1980, 10 a.m. The Agricultural Protective Act Division of the Texas Department of Agriculture will meet in Suite 301, 2800 Northeast Loop 410, San Antonio, to discuss allegations against Bexar Produce Company, San Antonio, in account with J. R. Cortez and Company, San Antonio.

Additional information may be obtained from Ed Whitesides, P.O. Box 12847, Austin, Texas 78711, telephone (512) 475-4304.

Filed: September 28, 1979, 4:41 p.m.
Doc. No. 796555

State Bar of Texas

Monday, October 8, 1979, 9 a.m. The Executive Committee, Board of Directors, of the State Bar of Texas will meet in the President's Room, third floor, east wing, of the Texas Law Center, 1414 Colorado, Austin. According to the agenda summary, the meeting includes the following: report of president; report of president-elect; report of board chairman; report of executive director; report of general counsel; financial report—Graham; report on grant programs; report on Tel-Law; report on Texas Legal Protection Plan; report of Law Student Division; report on legal specialization; discussion concerning agenda for October board meeting; discussion concerning Offender Preparation and Employment Network, Inc.; unresolved 1979 convention problem; and discussion concerning radio public affairs program.

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

Filed: September 26, 1979, 2:53 p.m.
Doc. No. 796535

Office of the Governor

Tuesday, October 9, 1979, 9 a.m. The Governor's Advisory Committee on Education will meet in the State Board of Education Conference Room, 150 East Riverside Drive,

Austin. According to the agenda, the committee will consider the following: approval of minutes of September 10, 1979, meeting; draft reports of ad hoc committees; public hearings; presentation by superintendent of urban school district; priority areas for investigation and ad hoc committee assignments; and ad hoc committee meetings. Between 3 p.m. and 3:30 p.m., the committee will hear any citizen who wishes to speak concerning topics on the agenda or any other aspect of public elementary and secondary education. Persons who wish to address the committee should contact the executive secretary prior to the meeting.

Additional information may be obtained from Thomas E. Anderson, Jr., 112 Sam Houston Building, Austin, Texas 78711, telephone (512) 475-0386.

Filed: September 27, 1979, 4:31 p.m.
Doc. No. 796501

Tuesday, October 16, 1979, 9:30 a.m. The Highway Cost Index Committee of the Governor's Office will meet in Room 301 of the State Capitol Building, Austin. According to the agenda, the committee will consider the following: approval of the July 25, 1979, meeting minutes; certification of the actual amount to be allocated, transferred, and credited to the State Highway Fund from the Clearance Fund for the 1979 fiscal year, and adjust the estimated amount to be allocated from the Clearance Fund for fiscal year 1980 based on difference between actual and estimated fiscal year 1979 figures.

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

Filed: September 27, 1979, 1:39 p.m.
Doc. No. 796441

Texas Health Facilities Commission

Thursday, October 11, 1979, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, The Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications: (1) exemption certificate—John Peter Smith Hospital, Fort Worth, AH79-0824-027; Robinson Development Center, Robinson, AN79-0828-010; Denton Hospitality House, Denton, AN79-0828-005; Anderson County Memorial Hospital, Palestine, AH79-0831-014; Hillside Manor of San Marcos, Inc., San Marcos, AN79-0830-007; Hurst-Euless-Bedford Hospital, Bedford, AH79-0829-001; Harris Hospital-Methodist, Fort Worth, AH79-0829-003; (2) certificate of need—South Texas Methodist Hospital, San Antonio, AH79-0607-005; Silsbee Doctors Hospital, Silsbee, AH79-0607-017; Medical Services for Home Care, Inc., Dallas, AS79-0125-001; John Knox Village of West Texas Med-Center, Lubbock, AN79-0216-015; Fort Worth Children's Hospital, Fort Worth, AH79-0521-015; Northshore Medical Plaza, Houston, AH79-0601-017; Ann's Haven: The Hospice of Denton County, Denton, AS79-0108-024; Adaptive Living Center of Southeast Texas, Beaumont, AN79-0606-009; Irving Community Hospital, Irving, AH79-0612-007; Pasadena Bayshore Hospital, Pasadena, AH79-0430-021; Southwestern Community House, El Paso, AO79-0223-003; Baylor University Medical Center, Dallas, AH79-0521-021; Life Plan-

ning/Health Services, Inc., Mesquite, AS79-0430-011; (3) motion to amend certificate of need—Park Plaza Nursing Center, San Angelo, AN78-0425-001; and (4) motion to amend exemption certificate—The Telesis Company for Autumn Leaves, Dallas, AN78-0530-005E(1)(083179). The commission will also consider a petition by the Texas Association of Home Health Agencies, Inc., requesting adoption of new rules relating to home health agencies, and the commission will conduct a routine business meeting immediately following the open meeting.

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

Filed: October 1, 1979, 11:54 a.m.
Doc. No. 796572

Texas Prosecutors Coordinating Council

Thursday, October 11, 1979, 9 a.m. The Texas Prosecutors Coordinating Council will meet in Conference Room 204, Texas Law Center, 1414 Colorado, Austin. According to the agenda summary, the council will consider the report of the executive director on administration, technical assistance, professional development, professionalization study, and discipline. The council will also meet in executive session to consider a report on pending complaints.

Additional information may be obtained from Claire Reinelt, P.O. Box 13555, Austin, Texas 78711, telephone (512) 475-6825.

Filed: October 1, 1979, 11:48 a.m.
Doc. No. 796573

State Board of Insurance

Wednesday, October 17, 1979, 1 p.m. The State Board of Insurance will meet in Room 142, 1110 San Jacinto, Austin, to consider certificate of insurance forms required by certain real estate lenders.

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

Filed: September 24, 1979, 1:36 p.m.
Doc. No. 796346

Tuesday, November 13, 1979, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider sex therapists, educators, counselors, and researchers professional liability filing by National Union Fire Insurance Company.

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

Filed: September 28, 1979, 9:47 a.m.
Doc. No. 796506

Texas Board of Land Surveying

Friday and Saturday, October 26 and 27, 1979, 2 p.m. and 9 a.m., respectively. The Texas Board of Land Surveying will meet at 503G Sam Houston Building, Austin, on October 26, 1979, and in Suite H-109 at 5555 North Lamar, Austin, on October 27, 1979. The meetings include review of new applications; reconsideration of old applications; correspondence; committee reports; and meeting with representative from the attorney general's office.

Additional information may be obtained from the Texas Board of Land Surveying, 5555 North Lamar, Suite H-109, Austin, Texas 78751, telephone (512) 452-9427.

Filed: September 28, 1979, 2:25 p.m.
Doc. No. 796537

Public Utility Commission of Texas

Tuesday, October 12, 1979, 2 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, in Docket 2820, appeals of Texas Electric Service Company from rate ordinances of various municipalities.

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

Filed: October 1, 1979, 9:24 p.m.
Doc. No. 796571

Tuesday, October 16, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a rescheduled prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, in Docket 1634. The prehearing was originally scheduled for October 4, 1979.

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

Filed: September 28, 1979, 9:45 a.m.
Doc. No. 796507

Wednesday, October 18, 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 2799—inquiry by the general counsel of the Public Utility Commission of Texas into actions of Mrs. James E. McHugh, a proprietorship, concerning proposed termination of services.

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

Filed: September 26, 1979, 3:34 a.m.
Doc. No. 796419

Thursday, October 18, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, in Docket 2822, petition of San Jacinto Mall Company against Houston Lighting and Power Company.

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

Filed: September 28, 1979, 2:25 p.m.
Doc. No. 796536

Wednesday, October 18, 1979, 2 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, in Docket 2814—application of Gulf Utility Company for a rate increase within Galveston County.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 79757, telephone (512) 458-0100.

Filed: September 26, 1979, 3:39 p.m.
Doc. No. 796420

Wednesday, October 22, 1979, 2 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, in Docket 2802, application of Grande Casa Water System for authority to change rates within Ellis County.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 79757, telephone (512) 458-0100.

Filed: September 26, 1979, 3:42 a.m.
Doc. No. 796421

Railroad Commission of Texas

Monday, October 1, 1979, 9 a.m. The Automatic Data Processing Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerned a discussion of a maintenance agreement for SVSPT, Single Virtual System Performance Tool, from IBM Corporation used by the commission. This matter was properly noticed for consideration by the commission in open meeting on September 17, 1979, and was passed at that meeting, and was considered on less than seven days notice as a matter of urgent public necessity.

Additional information may be obtained from David M. Garlick, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1204.

Filed: September 28, 1979, 11:50 a.m.
Doc. No. 796529

Monday, October 1, 1979, 9 a.m. The Gas Utilities Division made an emergency addition to the agenda of a meeting held in Room 107, 1124 South IH 35, Austin. According to the agenda summary, the addition concerned the consideration of Gas Utilities Dockets 2107, 2119, 2120, 2121, 2122, 2123, and 2124. These matters were considered on less than seven days notice as a matter of urgent public necessity in order for the commission to act before the proposed effective date of the rate increases, October 8, 1979.

Additional information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1126.

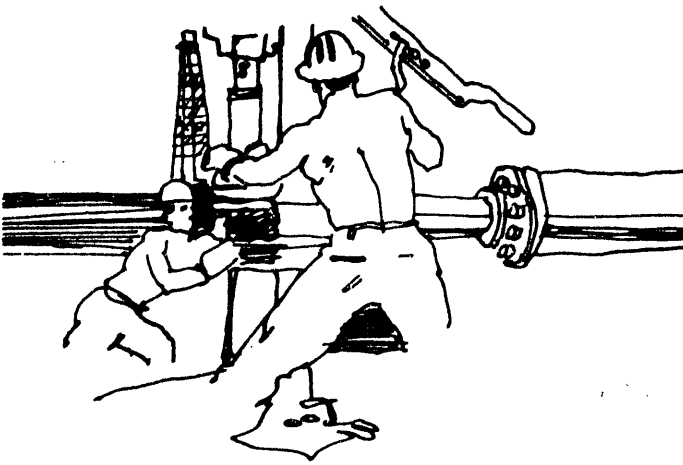
Filed: September 28, 1979, 11:51 a.m.
Doc. No. 796530

Monday, October 1, 1979, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made emergency additions to the agenda of a meeting held in the first floor auditorium, 1124 South IH 35, Austin. The additions concerned the consideration of a motion for rehearing in Oil and Gas Docket 3-69,427, the application of Kirby, et al., to amend rules and for determination of productive acreage, El Gordo (Miocene) Field, Matagorda County; and consideration of the application of Winchester Oil Co. for an exception to Statewide Rule 37, Case 82,385. These items were properly noticed for conference on September 24, 1979, were passed at that conference, and were considered on less than seven days notice as a matter of urgent public necessity.

Additional information may be obtained from John G. Soule, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1281.

Filed: September 28, 1979, 11:50 a.m.
Doc. No. 796527

Monday, October 1, 1979, 9 a.m. The Transportation Division of the Railroad Commission of Texas made emergency additions to the agenda of a meeting held in Room 107, 1124



South IH 35, Austin. The first addition concerned the consideration of applications of Southwestern Freight Bureau, Docket 023420ZZR and Docket 023392ZZR. This matter was properly noticed for consideration by the commission in open meeting on September 24, 1979, was passed at that meeting, and was considered on less than seven days notice as a matter of urgent public necessity. The second addition concerned consideration of application by Valley Transit Co., Inc., Docket 023514ZZB, to grant temporary passenger fares for service from and to Confederate Air Force Base at Harlingen. This application was considered on less than seven days notice because of late filing and the urgent public necessity for mass public transportation at the Confederate Air Force Airshow '79 conducted October 4-7, 1979.

Additional information may be obtained from Owen T. Kinney, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1330.

Filed: September 28, 1979, 11:49 a.m. & 3:09 p.m.
Doc. Nos. 796528, 796539

State Board of Registration for Professional Engineers

Thursday and Friday (if necessary), October 25 and 26, 1979, 8:30 a.m. The State Board of Registration for Professional Engineers will meet at the Houston Oaks Hotel, Houston. According to the agenda summary, the meeting includes the following: receive reports from board members and staff; amend board rules; building progress reports; interview applicants and take action on applications for registration.

Additional information may be obtained from Donald C. Klein, Reagan Building, Room 200, Austin, Texas, telephone (512) 475-3141.

Filed: September 27, 1979, 1:49 a.m.
Doc. No. 796442

State Securities Board

Friday, October 5, 1979, 10 a.m. The securities commissioner will conduct an emergency hearing in Room 709, Lyndon Baines Johnson Building, 111 East 17th Street, Austin, for the purpose of determining whether the registration of Phillip Henry Clayton as an officer of Church Properties Corporation should be revoked or suspended and whether the registration of Church Properties Corporation as a general securities dealer should be revoked or suspended. This hearing was originally scheduled for September 14, 1979, rescheduled for September 20, 1979, and rescheduled again for September 28, 1979. The emergency rescheduling is warranted because the attorney for Phillip Henry Clayton could not meet the deadline of September 28, 1979, for an agreed order.

Additional information may be obtained from Patrick Lanier, LBJ Building, Room 709, Austin, Texas.

Filed: September 28, 1979, 2:40 p.m.
Doc. No. 796538

Thursday, October 11, 1979, 10 a.m. The securities commissioner will conduct a hearing in Room 709, Lyndon Baines Johnson Building, 111 East 17th Street, Austin, for the purpose of determining whether the registration of Allan George Cooper as an officer of Tax Utilization Planning Corporation should be revoked or suspended and whether the registration of Tax Utilization Planning Corporation as a general securities dealer should be revoked or suspended.

Additional information may be obtained from Patrick Lanier, LBJ Building, Room 709, Austin, Texas.

Filed: September 28, 1979, 8:06 a.m.
Doc. No. 796504

Board of Tax Assessor Examiners

Monday, October 15, 1979, 9:45 a.m. The Board of Tax Assessor Examiners will meet in the Green Oaks Inn Conference Room, Fort Worth. The meeting includes the following: treasurer's report; approval of registered professional assessors; discussion and approval of CTA's through the designation of RPA's; discussion of future examinations for numbers 1 and 3. The board will also meet in executive session.

Additional information may be obtained from Carl S. Smith, 1001 Preston, Houston, Texas 77002, telephone (713) 221-5288.

Filed: September 28, 1979, 2:26 p.m.
Doc. No. 796534

Advisory Council for Technical-Vocational Education in Texas

Thursday, October 11, 1979, 1 p.m. The Steering Committee of the Advisory Council for Technical-Vocational Education in Texas will meet in Suite 202, 1700 South Lamar, Austin. According to the agenda, the committee will consider the following: review remarks Commissioner of Education Alton O. Bowen made at a council meeting on September 20, 1979, to determine to what extent his suggestions are being addressed in the program of work; review plans for the statewide conference on technical, vocational, and adult education to be held February 12-13, 1980; review the 1978 SMSC report to the governor; review and discuss ACTIVE reports; review and discuss the analysis of secondary and postsecondary surveys conducted in 1979; discuss work on evaluation of vocational education in the state; discuss ACTIVE activities; and discuss procedure for electing a new vice-chair of the council.

Additional information may be obtained from Valeria J. Blaschke, P.O. Box 1886, Austin, Texas 78767, or Suite 202, 1700 South Lamar, Austin, telephone (512) 475-2046.

Filed: September 28, 1979, 9:49 a.m.
Doc. No. 796505

Thursday, October 25, 1979, 9 a.m. The Advisory Council for Technical-Vocational Education in Texas will meet in the Ambassador Room of the Villa Capri Hotel, 2400 North IH 35, Austin. According to the agenda, the council will consider the following: committee reports; review an analysis of secondary and postsecondary surveys conducted during 1979; hear a report from a vocational student organization leader; hear a report on organized labor and vocational education; receive a report on the U.S. Navy and education; and hear a report on vocational education services for special populations.

Additional information may be obtained from Valeria J. Blaschke, P.O. Box 1886, Austin, Texas 78767, or Suite 202, 1700 South Lamar, Austin, telephone (512) 475-2046.

Filed: September 28, 1979, 12:14 p.m.
Doc. No. 796524

Texas Tech University

Thursday, October 4, 1979, 9 a.m. The Finance Committee of the Board of Regents of Texas Tech University and Texas Tech University Health Sciences Center met in the Board of Regents Suite, Administration Building, on campus in Lubbock. According to the agenda, the committee considered the following items: establishment of an accounting services office within Texas Tech University Health Sciences Center; payments due from the Health Sciences Center Hospital (Lubbock County Hospital District); financial relationship with the Texas Tech University foundation; current state of finances at Texas Tech; cash investment of university funds in depository banks as of 9/30/79; selection of an auditing firm for the Board of Regents; and legislative intent that the number of full-time, classified employees be reduced by 5.0% each fiscal year.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: September 28, 1979, 2:15 p.m.
Doc. No. 796540

Thursday, October 4, 1979, 10:30 a.m. The Academic and Student Affairs Committee of the Board of Regents of Texas Tech University met in the Board of Regents Suite, Administration Building, Lubbock, on campus. According to the agenda, the committee considered the following items: policy of academic workload; granting of emeritus status; secretarial administration; and petroleum engineering.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: September 28, 1979, 2:16 p.m.
Doc. No. 796541

Thursday, October 4, 1979, 11 a.m. The Executive Committee of the Board of Regents of Texas Tech University and Texas Tech Health Sciences Center met in the Board of Regents Suite, Administration Building, on campus in Lub-

bock. According to the agenda, the committee met in executive session.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: September 28, 1979, 2:14 p.m.
Doc. No. 796542

Thursday, October 4, 1979, 4 p.m. The Athletic Committee of the Board of Regents of Texas Tech University met in the Board of Regents Suite, Administration Building, Lubbock, on campus. According to the agenda, the committee considered reports on Title IX, year end finances, and facilities.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: September 28, 1979, 2:17 p.m.
Doc. No. 796543

Thursday, October 4, 1979, 4 p.m. The Campus and Building Committee of the Board of Regents of Texas Tech University Health Sciences Center met in the Board of Regents Suite, Administration Building, on campus in Lubbock. According to the agenda, the committee considered the following items: approval of schematics and authority to proceed with contract documents and receipt of bids for the Texas Tech Regional Academic Health Center at El Paso, Phase III; and approval to proceed with planning of Texas Tech Regional Academic Health Center, Amarillo, Phase II.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: September 28, 1979, 2:16 p.m.
Doc. No. 796544

Thursday, October 4, 1979, 4 p.m. The Campus and Building Committee of the Board of Regents of Texas Tech University met in the Board of Regents Suite, Administration Building, Lubbock, on campus. According to the agenda, the committee considered reports on the following items: award of construction contract for dressing rooms in Lubbock Coliseum; award of construction contract for final construction phase of Goddard Range and Wildlife Management Building; authority to proceed with planning for expansion of Jones Stadium athletic offices, south side; selection of engineer for Jones Stadium structure renovation; approval of schematics and authority to proceed with contract documents on Music Building addition; acceptance date on Sneed Hall renovation Phase II; and approval to proceed with renovation and improvement of utility distribution system, north loop.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2191.

Filed: September 28, 1979, 2:16 p.m.
Doc. No. 796545

Thursday, October 4, 1979, 4:30 p.m. The Public Affairs, Development, and University Relations Committee of the Board of Regents of Texas Tech University Health Sciences Center met in the Board of Regents Suite, Administration Building, on campus in Lubbock. According to the agenda, the committee considered the following items: policy concerning the procedures for the acceptance, evaluation and acknowledgement of gifts; and policy for the formulation and coordination of programs and activities for the development of private sector support of Texas Tech University Health Sciences Center.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: September 28, 1979, 2:16 p.m.
Doc No. 796546

Thursday, October 4, 1979, 4:30 p.m. The Public Affairs, Development, and University Relations Committee of the Board of Regents of Texas Tech University met in the Board of Regents Suite, Administration Building, Lubbock, on campus. According to the agenda, the committee considered reports on the following items: policy concerning procedures for acceptance, evaluation, and acknowledgement of gifts; policy for formulation and coordination of programs and activities for development of private sector support of Texas Tech University; and resolution acknowledging the establishment of the Charles Sanders Peirce Professorship in Philosophy.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: September 28, 1979, 2:17 p.m.
Doc. No. 796547

Friday, October 5, 1979, 9 a.m. The Board of Regents of Texas Tech University Health Sciences Center will meet in the Board of Regents Suite, Administration Building, on campus in Lubbock. According to the agenda summary, the board will consider the following items: minutes and ratification; public affairs, development, and university relations; campus and building; and finance.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: September 28, 1979, 2:12 p.m.
Doc No. 796548

Friday, October 5, 1979, 9 a.m. and 10:40 a.m. The Board of Regents of Texas Tech University will meet in the Board of Regents Suite, Administration Building, Lubbock, on campus. According to the agenda summary, the board will consider reports and action on the following items: minutes and items for ratification; academic and student affairs; public affairs, development, and university relations; finance; Committee of the Whole; and campus and building.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: September 28, 1979, 2:13 p.m.
Doc No 796549

Texas Water Commission

Tuesday, October 9, 1979, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agenda, the commission will consider the following items: applications for district bond issues; release of escrowed funds; use of surplus funds; petition for district creation; water quality permits; amendments to permits; renewals of permits; application for extension of time; renewal of weather modification license; and filing and setting of hearing dates.

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

Filed: September 27, 1979, 2:40 p.m.
Doc No 796443

Tuesday, October 16, 1979, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agenda, the commission will consider the examiner's proposal for decision on an application by the U.S. Army, Environmental Office, Fort Sam Houston, for Permit 12074 which would authorize a discharge of an average of 12,500 gallons per day of treated domestic sewage generated at the sewage treatment plant which serves the Canyon Lake Recreation Area.

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

Filed: September 28, 1979, 2:51 p.m.
Doc. No. 796532

Wednesday, October 17, 1979, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will set hearing dates and notice of hearings on petition for organization of Sienna Plantation Municipal Utility District 1, which contains approximately 514 acres of land, and on petition for creation of Springwoods Municipal Utility District, which will contain 302.18 acres of land.

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

Filed: September 25, 1979, 2:35 p.m.
Doc. Nos. 796393 & 796394

Wednesday, October 17, 1979, 10 a.m. The Texas Water Commission will conduct hearings in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agendas, the commission will consider the following items:

petition for organization of Harris County Municipal Utility District No. 181, which contains 131.1812 acres of land

petition for organization of Montgomery County Municipal Utility District No. 44, which contains 385.7710 acres of land

petition for organization of Montgomery County Municipal Utility District No. 43, which contains 363.2458 acres of land

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

Filed: September 27, 1979, 2:43 p.m.
Doc. Nos. 796444-796446

Tuesday, October 23, 1979, 10 a.m. The Texas Water Commission will conduct hearings in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the hearings concern requests for conversion into a municipal utility district by Llano County Fresh Water Supply District 1 and by Galveston County Fresh Water Supply District 6.

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

Filed: September 25, 1979, 2:35 p.m.
Doc. Nos. 796395 and 796396

Wednesday, October 31, 1979, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress Avenue. According to the agenda summary, the commission will hear Application 3995 of Edmund M. Longcope for a permit to directly divert and use not to exceed 700 acre-feet of water per annum from Salt Branch, tributary Plum Creek, tributary San Marcos River, tributary Guadalupe River, Guadalupe River Basin, for irrigating purposes in Caldwell County.

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

Filed: September 25, 1979, 2:34 p.m.
Doc. No. 796397

Thursday, November 1, 1979, 10 a.m. The Texas Water Commission will conduct a hearing in the commissioners courtroom, Hill County Courthouse, Hillsboro. According to the agenda summary, the hearing concerns an application by Round Rock Lime Company, Division of Southern Industries, (Blum Plant), Blum, for an amendment to Permit 02014 to

authorize a discharge of uncontaminated rainfall runoff at a flow variable with rainfall from its plant manufacturing quicklime and hydrated lime in Hill County, Texas.

Additional information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: September 25, 1979, 4:40 p.m.
Doc. No. 796400

Friday, November 2, 1979, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress Avenue. According to the agenda summary, the commission will hear Application 3998 of Clyde J. Porterfield for a permit to use for recreational purposes the impounded water of Linda Lake on an unnamed tributary of Thompsons Creek, tributary Brazos River, Brazos River Basin, in Brazos County.

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

Filed: September 25, 1979, 2:33 p.m.
Doc. No. 796398

Tuesday, November 6, 1979, 10 a.m. The Texas Water Commission will conduct a hearing in the County Courtroom, Scurry County Courthouse, Snyder. According to the summarized agenda, the commission will consider an application by American Magnesium Company, Snyder, for renewal of Permit WDW-133, which authorizes the injection of industrial wastes at a rate not to exceed 170 gallons per minute or a pressure not to exceed 1,000 psig into the Clear Fork Formation in Scurry County.

Additional information may be obtained from Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-2711.

Filed: September 28, 1979, 2:55 p.m.
Doc. No. 796533

Thursday, November 8, 1979, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agenda, the commission will consider an application of General Homes Consolidated Companies, Inc., doing business as Eden Corporation, and Fort Bend County Municipal Utility Districts Nos. 34 and 35 for approval of preliminary plans for the purpose of protecting residential and commercial development in Fort Bend County Municipal Utility District Nos. 34 and 35 in Fort Bend County.

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

Filed: September 27, 1979, 2:43 p.m.
Doc. No. 796447

Regional Agencies

Meetings Filed September 28, 1979

The Region IV Education Service Center, Board of Directors, will meet in the Nantucket Room, Anchorage Restaurant, 2504 North Loop West, Houston, on October 10, 1979, at 6 p.m. Further information may be obtained from Tom Pate, Jr., P.O. Box 863, Houston, Texas 77001, telephone (713) 868-1051.

The South Texas Development Council, Board of Directors, will meet in the Zapata Civic Center, Zapata, on October 5, 1979, at 10 a.m. Further information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78041, telephone (512) 722-3995.

The Tri-Region Health Systems Agency, Concho Valley Subarea Council, will meet at the Tom Green County Public Library, City Hall Plaza, San Angelo, on October 9, 1979, at 7 p.m. Further information may be obtained from Jammie Wolf, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

Doc. No. 796531

Meetings Filed October 1, 1979

The Canadian River Municipal Water Authority, Board of Directors, will meet at K-Bob's Restaurant, 3400-C Olton Road, Plainview, on October 10, 1979, at 10:30 a.m. Further information may be obtained from John C. Williams, P.O. Box 99, Sanford, Texas 79078, telephone (806) 865-3325.

The East Texas Council of Governments, Executive Committee, met in the Blue Room, Allied Citizens Bank Building, Kilgore, on October 4, 1979, at 7 p.m. Further information may be obtained from Don R. Edmonds, Allied Citizens Bank, 5th Floor, Kilgore, Texas 75662, telephone (214) 984-8641.

The Copano Bay Soil Conservation District 329 will meet at the Refugio County Fair Grounds, Refugio, on October 9, 1979, at 1 p.m. Further information may be obtained from Jim Wales, Drawer 340, Refugio, Texas 78377, telephone (512) 526-2334.

The North Texas Municipal Water District, Board of Directors, will meet at the NTMWD Central Plant, Wylie, on October 11, 1979, at 4 p.m. Further information may be obtained from Carl W. Riehn, P.O. Drawer C, Wylie, Texas 75098, telephone (214) 442-2217 ext. 26.

The South Texas Development Council, Board of Directors, held a rescheduled meeting at the Zapata Civic Center, Zapata, on October 4, 1979. Further information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78041.

The South Texas Health Systems Agency, Golden Crescent Subarea Advisory Council, will meet in Room 201, Science Building, Victoria College, Victoria, on October 17, 1979, at 7 p.m. Further information may be obtained from Ruben Saenz, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

The Tri-Region Health Systems Agency, MH/MR Task Force, will hold an emergency meeting in the Starlite Inn, Sante Fe No. 2, 3425 South First, Abilene, on October 9, 1979, at 10:30 a.m. Further information may be obtained from Bob Caras, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

Doc. No. 796575

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 September 17-21, 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 September 21, 1979

CHROMALLOY PMT, Dallas; spraying adhesive binder; 13434 Floyd Circle; 7944; new source

Texas Metal Casting Co., Lufkin; reverberatory furnaces; RM Road 1194; 7945; new source

Texas Industries, Inc., Clodine; lightweight aggregate production facility; Intersection FM 1093—Harlem Road; 7948; new source

H. B. Zachry Co., Carlos; Johnson model rover central mix concrete plant; Gibbons Creek Steam Electric Plant; 7946; new source

Cypress Sand and Gravel Co., Inc., Spring; stabilized sand plant; 14202 Barons Bridge; 7947; new source

Dow Chemical USA, Texas Division, Freeport; polyethylbenzene storage facility; A 1706; 7942; new source

Houston Oil and Minerals Corp., Port Bolivar; primary separation and dehydration facility; North Port Bolivar Facility—Bolivar Peninsula; 5112B; modification

E. I. du Pont de Nemours and Co., Inc., La Porte; spent acid storage tank; Houston Plant; 7941; new source

Cash Concrete Co., Inc., Houston; concrete batch plant; 20600 H&R Road; 7943; new source

Exxon Corp., Pyote; tank battery; Rhoda Walker Oil Unit 2; 7940; new source

Atlas Excavators, Inc., Channelview; air curtain destructor trench burner; New Beltway 8 East; 7110A

Jake Diel Dirt and Paving, Inc., Lubbock; CMI asphaltic concrete plant; 6550B; new source

Brazos Electric Power Cooperative, Inc., Quitman; lignite-fired steam electric power plant; Alba-Quitman; 7939; new source

Texas Oil and Gas Corp., Tynan; gas treating plant; Polasek Gas Treater No. 1; 7952; new source

Anderson Peat/Organic Compost, Cresson; manure composting and bagging operation; Highway 171 North; 4282A

Cola Petroleum, Inc., Welch; lease tank battery; Britt "131"; 7951; new source

Thomas C. Wilson, Inc., Odessa; heat treatment facility; 2301 East Murphy Street; 7949; new source

Johnnie Johnson Tire Co., Fort Worth; bandag retreading plant; 401 Calhoun; 7950; new source

Luling Steel Foundry, Luling; sand coater; 7511A; modification

Issued in Austin, Texas, on September 24, 1979.

Doc. No. 796353 John B. Turney
Hearing Examiner
Texas Air Control Board

Filed: September 24, 1979, 1:38 p.m.
For further information, please call (512) 451-5711, ext. 354.



Texas Department of Community Affairs

Request for Program Proposals

Notice of Invitation for Program Proposals. The Texas Department of Community Affairs (TDCA), under the authority of its enabling act, Article 4413(201), Texas Revised Civil Statutes Annotated, and the Texas Controlled Substances Act, Section 5.11 of Article 4476-15, Texas Revised Civil Statutes Annotated, announces two requests for proposals (RFPs) from its Drug Abuse Prevention Division. If TDCA chooses to enter into and execute contracts for the services described herein, the period of performance shall begin on or about December 1, 1979, and shall not extend beyond July 31, 1980.

Qualifications Desired by TDCA. To be eligible, offerors must evidence the experience and capability to accomplish the requested services. Proposals must include specific items and documents which demonstrate the applicants' capability to provide the desired services. Proposals must include the following elements:

(1) analysis of the current market situation, including analysis of the audience, competing messages, the drug abuse problem in the state, etc.;

(2) statement of advertising objectives, including specific measurable objectives that can be used to evaluate the success of the campaign in achieving knowledge, attitude, or behavioral change;

(3) creative analysis and recommendations, including the design of messages and the translation of those messages into advertisements for use in the various media; this section should clearly state the relationship of the creative strategy to the advertising objectives;

(4) media plan, including a discussion of media strategy and objectives that describe the rationale for selection or rejection of available media for use in the campaign with a complete media schedule in chart format covering the entire period of the campaign;

(5) budget, including a breakdown in both dollar and percentage terms;

(6) promotion, including an outline of plans to promote the public service announcements through increasing use of media materials and the link between the media campaign and behavioral change through the involvement of local groups and individuals;

(7) evaluation plans for measuring attitude, knowledge, or behavioral change among the target audience.

Applicants must give evidence of the capability to accomplish the requested services. Proposals must include documentation of applicants' legal authority to contract with TDCA to provide these services. This shall be accomplished by completing and submitting the Contractor Certification of Eligibility form (TDCA 17-78-1 (78)), which is included in the proposal packages.

Deadline for Submission of Proposals in Response to the RFP. Proposals submitted in response to these RFPs will not be accepted after 5 p.m. Friday, November 2, 1979, unless they are postmarked on or before October 31, 1979. Proposals may be hand-delivered up to the deadline to the Drug Abuse Prevention Division, second floor, TDCA Building, 210 Barton Springs Road, Austin, on any state workday between 8 a.m. and 5 p.m.

General Information. TDCA reserves the right to accept or reject any or all proposals submitted. TDCA is under no legal requirement to execute resulting contracts, if any, on the basis of this advertisement, and intends the material provided herein only as a means of identifying the various contractor alternatives and the general cost of the services desired by TDCA. TDCA intends to use responses hereto as a basis for further negotiation of specific program contracts. In the event that TDCA selects contractors to provide the delivery of services described herein, TDCA will base its choices on factors such as demonstrated competence and qualifications of the offerors and the reasonableness of costs. Other factors upon which selection will be based are included in the proposal packages. These requests do not commit TDCA to pay for any costs incurred prior to execution of contracts and are subject to availability of appropriated funds. Issuance of this material in no way obligates TDCA to award contracts or to pay costs incurred in the preparation of responses hereto.

Person to Contact. To receive proposal packages, please contact Bob Moore, contracts officer, Drug Abuse Prevention Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711, telephone (512) 475-6351.

Design and Deliver Public Information Campaign for Drug Abuse Week.

Description of Project. TDCA is soliciting proposals to design and deliver a public information campaign for Drug Abuse Week. This campaign would have the following objectives:

(1) promote awareness among the citizens of Texas of the extent of the drug abuse problem, including trends in the magnitude of the problem over time;

(2) educate Texas citizens that drug abuse is not limited to the use of illicit drugs but also involves drugs which can be legally obtained and may be therapeutically intended;

(3) educate Texans that drug abuse is a pervasive problem crossing ethnic, cultural, social, and economic lines and as such, involves millions of people using any number of different substances;

(4) educate the public that drug abuse is a health concern for which treatment and prevention are appropriate responses;

(5) inform Texans of the availability of local resources for helping the drug abuser and his or her family and encourage the utilization of these resources;

(6) publicize February 24-29, 1980, as "Drug Abuse Prevention Week" in Texas;

(7) develop strategies for implementation by the various local and regional drug abuse programs for promotion of the "Drug Abuse Prevention Week";

(8) develop a statewide public information campaign based on the report "Recommendations for Future Federal Activities in Drug Abuse Prevention," prepared by the Cabinet Committee on Drug Abuse Prevention, Treatment, and Rehabilitation (USDHEW Publication No. (ADM)77-498). Copies of this report are available from TDCA.

Doc. No. 796439

Design and Deliver Public Information Campaign in Selected Metropolitan Area on Problems of Abuse of Prescription Drugs with Emphasis on Women and the Elderly

Description of Project. TDCA is soliciting proposals to design and deliver a public information campaign in a selected metropolitan area on the problems of the abuse of prescription drugs with an emphasis on women and the elderly. This campaign would have the following objectives:

(1) educate the target audience about the dangers of taking prescription drugs and alcohol together or taking combinations of prescription drugs without approval from a physician;

(2) educate the target audience that drug abuse includes the abuse or misuse of prescription drugs;

(3) educate and motivate the target audience to seek assistance for substance abuse.

Issued in Austin, Texas, on September 26, 1979.

Doc. No. 796440

Tom A. Laramey, Jr.
General Counsel
Texas Department of Community Affairs

Filed: September 27, 1979, 11:22 a.m.

For further information, please call (512) 475-6351.

Texas Department of Health

Notice of Schedule of Controlled Substances

The Texas Controlled Substances Act, Article 4476-15, requires the Texas commissioner of health to file annually with the secretary of state a copy of the schedule of all substances controlled under the Act. Following this law, the commissioner, on September 21, 1979, filed a copy of the current schedule, reflecting all changes made since the last annual filing, with the Administrative Division of the Secretary of State's Office. Copies of this schedule are filed and are available for public inspection in the Food and Drug Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

Issued in Austin, Texas, on September 26, 1979.

Doc. No. 796448 Dan LaFleur
 Attorney
 Texas Department of Health

Filed: September 27, 1979, 3:02 p.m.
 For further information, please call (512) 458-7248.

Texas Health Facilities Commission

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

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory rulings, exemption certificates, and transfers and amendments of certificates accepted September 19-25, 1979.

Should any person wish to become a formal party to any of the above-stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25-day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. on the 25th consecutive day after the date said application is accepted. If the 25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. When a request to become a party is mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, it must be postmarked no later than the day prior to the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in Rule 315.20.01.050. Failure of a party to supply the minimum necessary information in the correct form will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02 or 3.03 of Article 4418(h), Texas

Revised Civil Statutes, and Rules 315.17.04.010-.030, 315.17.05.010-.030, 315.18.04.010-.030, and 315.18.05.010-.030

In the following list, the applicant and date of acceptance are listed first, the file number second, and the relief sought and description of the project third. EC indicates exemption certificate, DR indicates declaratory ruling, TR indicates transfer of ownership, AMD indicates amendment of certificate, and CN indicates certificate of need.

Pittsburg Medical and Surgical Hospital, Pittsburg (9/20/79)
 AH79-0904-008

EC—Replacement of existing six-station renal dialysis unit to correct deficiencies cited by Department of Health, Education, and Welfare

Tidelands General Hospital, Channelview (9/20/79)
 AH79-0920-005

EC—Purchase ultrasound equipment for use in radiology department

Scott and White Memorial Hospital and Scott, Sherwood, and Brindley Foundation, Temple (9/24/79)
 AH79-0914-014

EC—Acquisition of a Coherent System 400 Model surgical laser to be used in conjunction with an existing intraoperative microscope

Methodist Hospitals of Dallas, Dallas (9/24/79)
 AH79-0924-032

EC—Purchase two hemodialysis units to be located in the nephrology unit; one to replace an existing machine and one as an additional hemodialysis unit

Southern Heritage Retirement Home, Palestine (9/24/79)
 AN79-0924-027

DR—Establish an adult day care center at an existing nursing home

Methodist Hospitals of Dallas, Dallas (9/24/79)
 AH79-0924-035

EC—Purchase a mobile gamma camera for use in existing Nuclear Medicine Division

St. John's Hospital, San Angelo (9/25/79)
 AH78-0327-005T (092579)

Transfer of CN—The transfer of partial ownership of CN AH78-0327-005 from certificate holder to Tom Green County, Texas Hospital Authority

St. John's Hospital, San Angelo (9/25/79)
 AH77-0222-016T (092579)

Transfer of CN—The transfer of partial ownership of CN AH77-0222-016 from certificate holder to Tom Green County, Texas Hospital Authority

Issued in Austin, Texas, on September 28, 1979.

Doc. No. 796523 Dan R. McNery
 General Counsel
 Texas Health Facilities Commission

Filed: September 28, 1979, 11:48 a.m.
 For further information, please call (512) 475-6940.

Texas Department of Human Resources

Notice of Public Hearing on Hearing Aid Program Limitations

A hearing to accept public comment on the department's Hearing Aid Program limitation proposals will be held on Wednesday, October 17, 1979, in Room 406 of the John H. Reagan Building, Austin, beginning at 9 a.m. Proposed rules on the Hearing Aid Program limitations were published in the September 11, 1979, issue of the *Texas Register* (4 TexReg 3203).

Issued in Austin, Texas, on September 27, 1979.

Doc. No. 796502 Jerome Chapman
Commissioner
Texas Department of Human Resources

Filed: September 27, 1979, 4:32 p.m.

For further information, please call (512) 475-4601.

Texas Register

Guide to Agency Activity—September

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

Adjutant General's Department, Texas

In Addition

Texas Court of Military Appeals

Notice of Issuance and Availability of Opinion 3524

Adult Probation Commission, Texas

Adopted Rules

Standards 608.01.00 3500

Open Meetings

meeting, Sept. 14 3234

Aeronautics Commission, Texas

Proposed Rules

Aviation Facilities Development 105.03.00 3266-3267

Open Meetings

meeting, Sept. 18 3310

Agriculture, Texas Department of

Open Meetings

meetings, Sept. 19 3234, 3310

meeting, Oct. 4 3564

Air Control Board, Texas

Adopted Rules

Volatile Organic Compounds

Filling of Gasoline Storage Vessels (Stage 1) for Motor

Vehicles Fuel Dispensing Facilities 131.07.54 3500

Open Meetings

meetings, Sept. 7 3156

meeting, Oct. 1 3516

In Addition

Applications for Construction Permits 3184, 3316, 3440,
3524-3525

Aircraft Pooling Board, State

Open Meetings

meeting, Sept. 4 3156

meeting, Sept. 11 3310

Alamo Area Council of Governments

Open Meetings

meetings, Sept. 10 3182, 3183

meeting, Sept. 11 3183

meeting, Sept. 12 3243

meeting, Sept. 13 3183

meeting, Sept. 14 3183

meeting, Sept. 19 3183

meeting, Sept. 20 3183

emergency meetings, Sept. 26 3570

Alcoholic Beverage Commission, Texas

Open Meetings

meeting, Sept. 24 3365

Alcoholism, Texas Commission on

Adopted Rules

State Planning 303.04.00 3500

Amarillo MH/MR Regional Center

Open Meetings

meetings, Aug. 30 3165

meeting, Sept. 6 3244

meetings, Sept. 27 3522

Architectural Examiners, Texas Board of

Open Meetings

meeting, Sept. 14 3234

Ark-Tex Council of Governments

Open Meetings

emergency meeting, Sept. 25 3570

meeting, Sept. 27 3570

meeting, Oct. 4 3570

Army, Department of the

In Addition

Public Meetings

Trinity River Basin 3245

Arts, Texas Commission on the

Open Meetings

meeting, Sept. 29-30 3516

Attorney General, Office of the

Requests for Opinions

RQ-151 (concerning whether location of registered bee yards is excepted from the Open Records Act) 3126

RQ-152 (concerning whether an elected public official serving on Board of Directors of South Texas Development Council can designate a nonelected person to serve as his alternate) 3126

RQ-153 (concerning whether the board of trustees of a school district can authorize payment of expenses incurred by relatives of school board members attending board-related activities) 3126

RQ-154 (concerning tax appraisal districts) 3328

RQ-155 (concerning charter amendment for the City of Fort Worth) 3328

RQ-156 (concerning constitutionality of limitation on property tax increases) 3328

RQ-157 (concerning corporations formed under the Texas Professional Corporation Act and the Texas Business Corporation Act) 3328

RQ-158 (concerning whether a certificate of inspection is required prior to registering motor vehicle) 3328

RQ-159 (concerning whether Victoria County may own and operate a sewage plant in a private subdivision) 3328

RQ-160 (concerning provisions of Senate Bill 621) 3328

RQ-161 (concerning when a person is considered a "convicted felon" under law) 3329

RQ-162 (concerning whether Potter County may pay expert witness fees) 3329

RQ-163 (concerning whether construction contract bids are excepted from the Open Records Act) 3329

RQ-164 (concerning whether the Texas Deepwater Port Authority is an agency of the state) 3329

RQ-165 (concerning payment of tuition for CPA review course) 3329

RQ-166 (concerning recognition of labor unions by state agencies) 3378

RQ-167 (concerning use of county funds for city-owned zoo) 3532

RQ-168 (concerning constitutionality of Department of Corrections proposed rule controlling authorized inmate group activity)	3532
RQ-169 (concerning whether fees for service of a precept are prescribed by Chapter 519, Acts of the 66th Legislature)	3532
RQ-170 (concerning authority of county court at law judge to resign as juvenile court judge and redesignate duties to another judge)	3532
RQ-171 (concerning deposits of pro rate interest earned from time deposits of Fire Fighter Relief and Retirement Fund)	3532
RQ-172 (concerning authority under which the governor may transfer one statutory agency to be a division of another)	3532
Opinions	
MW-49 (concerning special benefits for Traditional Kickapoo Indians)	3172
MW-50 (concerning a feedlot owner's obligation to list for taxation purposes cattle owned by another)	3193
MW-51 (concerning the governor's authority to veto certain provisions of the General Appropriations Act)	3193
MW-52 (concerning incarceration of municipal prisoners in the Harris County jail)	3329
MW-53 (concerning length of terms for members of the Texas Prosecutors Coordinating Council)	3329
MW-54 (concerning whether Department of Public Safety must include information on traffic accidents in records of nonpaid law enforcement personnel or fire fighters)	3329
MW-55 (concerning authority of Department of Mental Health and Mental Retardation to pay community centers for start up costs)	3329
MW-56 (concerning whether school district may employ relatives of school superintendent)	3447
MW-57 (concerning construction of new prison)	3447
MW-58 (concerning effect of proposed charter amendment which would inhibit City of Fort Worth taxing authority)	3533
Open Records Decisions	
ORD-224 (concerning whether handwritten student evaluations are public under Open Records Act)	3193
ORD-225 (concerning whether a governmental body's handwritten meeting notes are public under Open Records Act)	3193
ORD-226 (concerning whether an employee's IRS Form W-2 is public under Open Records Act)	3447
Austin-Travis County MH/MR Center	
Open Meetings	
rescheduled emergency meeting, Aug. 28	3165
meeting, Sept. 27	3570
Banking, Department of	
In Addition	
Applications to Purchase Control of State Banks	
Ennis State Bank, Ennis	3572
North State Bank of Amarillo, Amarillo	3166
Post Oak Bank, Houston	3185
Southwestern Bank, Stafford	3166
Banking Board, State	
Open Meetings	
hearing, Sept. 10	3156
hearing, Sept. 12	3156
meeting, Sept. 13	3234
emergency additions to agenda, Sept. 13	3310
Bar of Texas, State	
Open Meetings	
meeting, Sept. 10	3235
In Addition	
Basic Estate Planning and Probate for the General Practitioner	3166
Barber Examiners, State Board of	
Proposed Rules	
Practice and Procedure	
Examinations and Licensing 378.01.03	3139
Open Meetings	
meeting, Sept. 10	3157
meeting, Oct. 1	3516
Bexar-Medina-Atascosa Counties Water Improvement District No. 1	
Open Meetings	
meeting, Sept. 4	3165
Blind, State Commission for the	
Open Meetings	
meeting, Sept. 13	3235
meeting, Sept. 14	3235
Brazos River Authority	
Open Meetings	
meetings, Sept. 27	3523, 3570
Brazos Valley Development Council	
Open Meetings	
meeting, Sept. 6	3165
Brazos Valley MH/MR Center	
Open Meetings	
meeting, Sept. 12	3314
meeting, Sept. 20	3371
Building Commission, State	
Adopted Rules	
Capitol Area Development Program 029.01	3219
Building Construction Administration Procedures 029.02	3219
Disaster Emergency Services Operations 029.04	3219
CETA Consortium, Region XI	
Open Meetings	
meeting, Sept. 27	3570
Camino Real Health Systems Agency	
Open Meetings	
emergency meeting, Sept. 26	3570
Capital Area Planning Council	
Open Meetings	
meetings, Sept. 25	3438
Central Counties Center for MH/MR Services	
Open Meetings	
meeting, Sept. 20	3438
Central Texas Council of Governments	
Open Meetings	
meeting, Sept. 12	3165
meeting, Sept. 20	3437
Central Texas Health Systems Agency	
Open Meetings	
meeting, Sept. 25	3437
Central Texas MH/MR Center	
Open Meetings	
meeting, Sept. 27	3523
Coastal Bend Council of Governments	
Open Meetings	
meeting, Sept. 28	3570
Colorado River Municipal Water District	
Open Meetings	
meeting, Sept. 12	3243
Comptroller of Public Accounts	
Proposed Rules	
Tax Administration	
Sales Tax Division—State Taxes 026.02.20	3381-3384
Sales Tax Division—Metropolitan Transit Authority Sales and Use Tax 026.02.24	3384-3385
Adopted Rules	
Tax Administration	
Business Tax Division 026.02.12	3150
Sales Tax Division—State Taxes 026.02.20	3426
In Addition	
Administrative Decisions	

7848 (net loss is not a receipt for franchise tax purposes)	3166
9525 (person purchasing property out of state for use in Texas is responsible for use tax unless he takes receipt from Texas vendor saying tax was paid by the vendor)	3572
9898 (seller placing fictitious information on motor vehicle affidavit is responsible for sales tax on understated amount)	3245
10290 (brochures not taken possession of in Texas are exempt from sales tax)	3525
Concho Valley Council of Governments	
Open Meetings	
meeting, Sept. 12	3314
Control, Texas State Board of	
Adopted Rules	
Executive Administration Division	
Parking 028.11.03	3219-3223
Facilities Planning and Construction Division	
Capitol Area Development Program 028.17.01	3223
Building Construction Administration 028.17.02	3223-3226
Prevailing Wage Rate Determination 028.17.03	3226-3227
Coordinating Board, Texas College and University System	
Open Meetings	
meeting, Sept. 25	3365
emergency addition to agenda, Sept. 26	3235
meeting, Sept. 27	3157
meetings, Oct. 18	3564
meeting, Oct. 19	3564-3565
Copano Bay Soil Conservation District No. 329	
Open Meetings	
meeting, Sept. 24	3438
Corrections, Texas Department of	
Adopted Rules	
Rules and Regulations and Grievance Procedures Governing Inmate Conduct	
Standards and Behavior Codes 202.01.30	3501-3502
Request for Public Information	
Open Records Request 202.02.10	3501-3502
Cosmetology Commission, Texas	
Adopted Rules	
General Provisions 381.14.00	3426-3430
Open Meetings	
meeting, Sept. 16	3235
emergency meeting, Sept. 16	3365
County and District Retirement System, Texas	
Open Meetings	
meeting, Sept. 20	3369
Court Reporters Committee, Texas	
Open Meetings	
meeting, Sept. 8	3157
Credit Union Department	
Proposed Rules	
Credit Union Regulations	
Organization Procedure Community Charter Credit Unions 058.01.02	3173-3175
Capital 058.01.06	3175-3177
Deaf, Texas Commission for the	
Emergency Rules	
Practice and Procedure	
Operations 332.01.01	3379
Proposed Rules	
Practice and Procedure	
Operations 332.01.01	3332
Open Meetings	
meeting, Sept. 4	3181
meeting, Sept. 29	3516
Deep East Texas Council of Governments	
Open Meetings	
meeting, Sept. 7	3183
meeting, Sept. 27	3438
Deep East Texas Regional MHMR Services	
Open Meetings	
meeting, Sept. 25	3438
Deepwater Port Authority, Texas	
Open Meetings	
meeting, Sept. 27	3522
Dental Examiners, Texas State Board of	
Adopted Rules	
Dentistry	
Examination—Application 382.01.02	3228
Requirements for Dental Offices 382.06.00	3228-3229
Conduct	
Suspended or Revoked Licenses 382.19.12	3228
Extension of Duties of Auxiliary Personnel	
Dental Hygiene 382.31.01	3502
Dental Assistants 382.31.02	3502
Open Meetings	
meeting, Sept. 29	3181
meeting, Oct. 5	3516
East Texas CETA Consortium	
Open Meetings	
meeting, Sept. 19	3438
East Texas Council of Governments	
Open Meetings	
emergency meeting, Sept. 6	3243
Education, State Board of	
Open Meetings	
meetings, Sept. 7	3157-3158
meeting, Sept. 8	3158
emergency additions to agenda, Sept. 8	3235
Education Agency, Texas	
Emergency Rules	
Texas School for the Blind and Texas School for the Deaf	
Governance 226.88.01	3127-3128
Proposed Rules	
Regional Education Service Centers	
Administration and Operation of Regional Education Service Centers 226.21.02	3535-3536
Proprietary Schools and Veterans Education	
Guidelines and Minimum Standards for Operation of Texas Proprietary Schools 226.25.90	3177-3178
Goals	
Goals for Public School Education in Texas	
226.31.01	3455-3456
Student Services	
Commitment to Providing Student Transportation	
Services 226.34.61	3456
Student Eligibility for Transportation Services	
226.34.62	3456-3459
Types of Transportation 226.34.63	3459-3463
Foundation School Program	
Transportation 226.41.07	3463-3467
Texas School for the Blind and Texas School for the Deaf	
Governance 226.81.01	3139
Adopted Rules	
State Department of Education	
Functions of the Organizational Units of the State	
Department of Education 226.14.03	3229
Regional Education Service Centers	
Administration and Operation of Regional Education Service Centers 226.21.02	3503
School Districts	
School District Responsibilities and Powers for Operation 226.23.06	3361
Comprehensive Instruction	
Community Education 226.32.71	3503-3504
Instructional Resources	
Process for State Adoption of Textbooks	
226.33.34	3504-3505
State Textbook Committee 226.33.35	3505

Textbooks for Blind and Visually Handicapped	
Pupils and Personnel 226.33.38.....	3505-3506
Student Services	
Student Services in General 226.34.11.....	3506
Guidance Services 226.34.12.....	3506-3507
School Health Services 226.34.13.....	3507
School Psychological Services 226.34.16.....	3507-3508
Adaptations for Special Populations	
Compensatory Education in General 226.35.61.....	3508
Compensatory Education Program 226.35.63.....	3508
Emerging Programs	
Community Education 226.36.21.....	3508
Planning and Accreditation	
Principles, Standards, and Procedures for the	
Accreditation of School Districts—1977	
226.37.15.....	3508-3510
Foundation School Program	
Purpose of the Foundation School Program 226.41.01.....	3361
Allocation of Personnel Units 226.41.03.....	3510-3511
Allocations of Operating Cost 226.41.06.....	3559
State Available School Fund 226.41.08.....	3511
Local Fund Assignment 226.41.10.....	3512
State Allocation to Regional Education Service	
Centers 226.41.15.....	3512-3513
Student Attendance	
Student Attendance Allowed 226.51.01.....	3513
Compulsory Student Attendance 226.51.02.....	3513-3514
Open Meetings	
meeting, Sept. 11.....	3158-3159
meetings, Sept. 21.....	3431
meeting, Sept. 27-28.....	3516-3517
Education Service Center, Region IV	
Open Meetings	
meeting, Sept. 5.....	3183
meeting, Sept. 19.....	3438
Education Service Center, Region VII	
Open Meetings	
meeting, Sept. 25.....	3438
Education Service Center, Region VIII	
Open Meetings	
meeting, Sept. 20.....	3438
Education Service Center, Region XI	
Open Meetings	
meeting, Sept. 25.....	3522
Education Service Center, Region XIII	
Open Meetings	
meeting, Sept. 24.....	3522
Education Service Center, Region XV	
Open Meetings	
meeting, Sept. 27.....	3523
Education Service Center, Region XVI	
Open Meetings	
meeting, Oct. 4.....	3438
Education Service Center, Region XVII	
Open Meetings	
meeting, Oct. 2.....	3570-3571
Edwards Underground Water District	
Open Meetings	
meeting, Sept. 11.....	3371
meeting, Sept. 13.....	3371
meeting, Sept. 27.....	3438
Employees Retirement System of Texas	
Adopted Rules	
Uniform Group Insurance Program 335.80.00.....	3361-3362
Energy and Natural Resources Advisory Council, Texas	
Open Meetings	
emergency meeting, Sept. 6.....	3181
Finance Commission of Texas	
Open Meetings	
meeting, Sept. 6.....	3159

Firemen's Pension Commissioner, Office of the	
Open Meetings	
meeting, Oct. 4.....	3517
General Land Office	
Proposed Rules	
Energy Resources	
Payment of Royalties 126.12.01.....	3139-3140
Open Meetings	
meeting, Sept. 10.....	3159
Good Neighbor Commission	
Open Meetings	
meeting, Oct. 5.....	3517
Governor, Office of the	
Appointments	
Aging, Governor's Committee on.....	3323
Air Control Board, Texas.....	3323
Arts, Texas Commission on the.....	3323
Canvassers, State Board of.....	3323
Children and Youth, Commission on Services to.....	3323
Civil Air Patrol Commission, Texas.....	3323
Coastal and Marine Council, Texas.....	3324
Conservation Foundation, Texas.....	3324
Coordinating Board, Texas College and University System.....	3324
Criminal Justice Division Advisory Board.....	3190
Deaf, Texas Commission for the.....	3324
Depository Board, State.....	3324
Developmental Disabilities, Texas Planning Council for.....	3190
Energy and Natural Resources Advisory Council, Texas.....	3324
Houston, University of.....	3325
Intergovernmental Relations, Texas Advisory	
Commission on.....	3325
Irrigators, Texas Board of.....	3325
97th Judicial District of Texas.....	3325
302nd Judicial District of Texas.....	3325
Labor and Standards, Department of.....	3325
Law Enforcement Officer Standards and Education,	
Commission on.....	3325
Legal Services Corporation, Texas Advisory Council	
for the.....	3190
Lower Colorado River Authority.....	3325
Metric System Advisory Council.....	3325
Mining Council, Texas.....	3326
Morticians, State Board of.....	3326
Nursing Home Administrators, Texas Board of	
Licensure for.....	3326
Pan American University.....	3326
Physical Fitness, Governor's Commission on.....	3326
Pilot Commission for the Sabine Bar, Pass, and	
Tributaries.....	3326
Polygraph Examiners, State Board of.....	3326
Public Utility Commission of Texas.....	3326
Purchasing and General Services Commission, State.....	3326
Rehabilitation, Texas Commission on.....	3190
Sabine River Authority of Texas.....	3190
School Land Board.....	3190
Small Business Assistance, Advisory Council on.....	3326
South Texas, University of.....	3326
Tourist Development Board, Texas.....	3326
Veterinary Medical Examiners, State Board of.....	3190
Youth Council, Texas.....	3327
Executive Orders	
WPC-7G (abolishing guidelines for motor gasoline end-user	
allocation with certain exemptions).....	3191
WPC-12 (relating to the Governor's Traffic Safety	
Program).....	3191-3192
Proposed Rules	
Governor's Office of Energy Resources	
Innovative Grants for Energy Conservation	
001.79.01.....	3202-3203

Adopted Rules	
Criminal Justice Division	
State-Federal Relations 001.55.02.....	3362
Continuation Funding Policy for State Agency Projects 001.55.20.....	3230
Open Meetings	
meeting, Sept. 7.....	3181
meeting, Sept. 10.....	3159
meeting, Sept. 26.....	3365
In Addition	
Consultant Proposal Requests.....	3525
Grain Sorghum Producers Board, Texas	
Open Meetings	
meeting, Sept. 18.....	3365
Greater East Texas Health Systems Agency, Inc.	
Open Meetings	
meeting, Sept. 27.....	3438
Guadalupe-Blanco River Authority	
Open Meetings	
meeting, Sept. 20.....	3437
Health, Texas Department of	
Emergency Rules	
Maternal and Child Health Services	
Medical and Rehabilitative Services 301.33.06.....	3534
Open Meetings	
meeting, Sept. 15.....	3311
emergency additions to agenda, Sept. 15.....	3431
hearing, Sept. 18.....	3235
hearings, Sept. 19.....	3235
hearing, Sept. 20.....	3236
hearings, Sept. 26.....	3236
meeting, Sept. 29.....	3517
meeting, Oct. 6.....	3517
Health Facilities Commission, Texas	
Open Meetings	
emergency addition to agenda, Aug. 30.....	3159
meetings, Sept. 13.....	3159-3160, 3236
meeting, Sept. 20.....	3311
meetings, Sept. 27.....	3431-3432, 3517
meeting, Oct. 4.....	3565
In Addition	
Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate.....	3166-3167, 3245-3246, 3316-3317, 3440-3441, 3572-3573
Notice of Petition for Certificate of Need Reissuance.....	3317
Heart of Texas Council of Governments	
Open Meetings	
meeting, Sept. 27.....	3371
Heart of Texas Region MHMR Center	
Open Meetings	
emergency meeting, Sept. 25.....	3571
High Plains Underground Water Conservation District No. 1	
Open Meetings	
meeting, Sept. 11.....	3165
meeting, Sept. 20.....	3438
meeting, Sept. 25.....	3570
Highways and Public Transportation, State Department of	
Open Meetings	
meeting, Sept. 26-27.....	3517
Historical Commission, Texas	
Proposed Rules	
Historical Marker Policies 352.02.00.....	3140
Open Meetings	
meeting, Sept. 20.....	3160
Houston-Galveston Area Council	
Open Meetings	
meeting, Sept. 13.....	3314
meeting, Sept. 19.....	3371
emergency meeting, Sept. 25.....	3571
meeting, Oct. 2.....	3571
Houston System, University of	
Open Meetings	
emergency meeting, Sept. 19.....	3432
emergency addition to agenda, Sept. 26.....	3565
Human Resources, Texas Department of	
Emergency Rules	
Early and Periodic Screening, Diagnosis, and Treatment	
Definitions 326.39.20.....	3128-3129
Medical Phase 326.39.31.....	3129
Dental Program Benefits 326.39.44.....	3129
Hearing Aid Program	
General Information 326.42.01.....	3129-3130
Minimum Criteria for Hearing Aid Need 326.42.03.....	3130
Replacements 326.42.07.....	3130
Reimbursement Policies 326.42.08.....	3130-3131
Program Limitations 326.42.09.....	3131-3132
Prior Authorization 326.42.10.....	3132
Support Documents 326.42.99.....	3132
Proposed Rules	
Refugee Assistance Program	
Repatriated, Destitute, and Ill Nationals 326.13.16.....	3267-3268
Food Stamps	
Household Concept 326.15.22.....	3536
Application Process 326.15.23.....	3536-3537
Non-PA Eligibility and Application 326.15.24.....	3537
Expedited Service 326.15.25.....	3537
PA Application 326.15.27.....	3537
Resources 326.15.35.....	3537
Computation of Income 326.15.43.....	3538
Drug Addicts, Alcoholics, and Participants in Prepared Meal Services 326.15.53.....	3538
Changes during Certification Periods 326.15.64.....	3538
Fair Hearings 326.15.71.....	3538-3539
Replacement Procedures 326.15.74.....	3539
Food Stamp Assistance in Disasters 326.15.76.....	3539
Sixty Day Continuation of Certification 326.15.82.....	3539
ATP System 326.15.92.....	3539
Nursing Facility Administration	
Support Documents 326.33.99.....	3540-3541
Intermediate Care Facility for Mentally Retarded	
Support Documents 326.35.99.....	3541-3543
Early and Periodic Screening, Diagnosis, and Treatment	
Definitions 326.39.20.....	3385
Medical Phase 326.39.31.....	3385
Dental Program Benefits 326.39.44.....	3332-3333, 3385
Dental Provider Claims 326.39.48.....	3333
Hearing Aid Program	
General Information 326.42.01.....	3203
Minimum Criteria for Hearing Aid Need 326.42.03.....	3203
Replacements 326.42.07.....	3203
Reimbursement Policies 326.42.08.....	3203
Program Limitations 326.42.09.....	3204
Prior Authorization 326.42.10.....	3204
Support Documents 326.42.99.....	3204
Primary Home Care	
Overview 326.47.10.....	3141
Eligibility Requirements 326.47.20.....	3142
Claims Processing 326.47.30.....	3142
Provider Contract 326.47.40.....	3142-3143
Standards for Participation 326.47.50.....	3143-3144
Alternate Care for Aged, Blind, and Disabled Adults	
Title XIX Primary Home Care 326.58.57.....	3144-3146
Purchased Social Services	
Standards 326.64.90.....	3386-3395
Day Care Licensing	
Standards for Child-Placing Agencies 326.90.01.....	3178, 3205-3210

Standards for Family Day Homes	
326.90.02	3178, 3211-3217
Standards for Kindergartens and Nursery	
Schools 326.90.03	3178, 3269-3281
Standards for Schools: Grades Kindergarten	
and Above 326.90.04	3178, 3281-3290
Standards for Day Care Centers 326.90.05	3178, 3334-3348
Standards for Registered Family Homes	
326.90.06	3178, 3348-3350
Standards for Group Day Care Homes	
326.90.07	3178, 3350-3357
Support Documents 326.90.99	3178, 3357
24-Hour Care Licensing	
Standards for Foster Family Homes	
326.91.03	3178, 3396-3400
Standards for Foster Group Homes	
326.91.04	3178, 3400-3413
Standards for Halfway Houses 326.91.05	3178, 3413-3420
Standards for Institutions Serving	
Mentally Retarded Children 326.91.06	3178, 3469-3477
Standards for Institutions Providing	
Basic Child Care 326.91.07	3178, 3477-3487
Standards for Therapeutic Camps	
326.91.08	3178, 3487-3493
Standards for Residential Treatment Centers	
326.91.09	3179, 3544-3552
Standards for Emergency Shelters	
326.91.10	3179, 3552-3557
General Licensing Procedure	
Support Documents 326.92.99	3179, 3557-3558
Adopted Rules	
Food Stamps	
Replacement Procedures 326.15.74	3362
Skilled Nursing Facility	
Conditions and Eligibility for Participation 326.32.01	3301
Definitions in Standards 326.32.02	3301
Administrative Services 326.32.03	3301
Admission, Transfer, and Discharge Policies	
326.32.04	3301
Nursing Services 326.32.05	3301
Dietary 326.32.06	3301
Patient Care and Rehabilitation 326.32.07	3301
Pharmaceutical Services 326.32.08	3301
Personnel Policies 326.32.09	3301
Professional Consultants 326.32.10	3301
Utilization Review 326.32.11	3301
Transfer Agreement with Hospitals 326.32.12	3301
Medical Records Service 326.32.13	3301
Change in Status of Facility 326.32.14	3301
Physical Environment 326.32.15	3301
Housekeeping and Maintenance Services 326.32.16	3301
Services and Supplies Included in Vendor Payment	
326.32.17	3301
Compliance with Title VI of the Civil Rights Act	
326.32.18	3301
Physician Services 326.32.19	3301
Social Services 326.32.20	3301
Patient Activities 326.32.21	3301
Pharmacy Services 326.40	3430
Organization, Administration, and Management	
Support Documents 326.51.99	3362-3364
Open Meetings	
meeting, Sept. 19-20	3236
meeting, Sept. 26	3432
meeting, Sept. 27	3432
meeting, Sept. 28	3432
In Addition	
Public Hearing Notice	3167, 3372, 3525
Indian Commission, Texas	
Open Meetings	
emergency meeting, Sept. 24	3432
emergency addition to agenda, Sept. 24	3565
Industrial Accident Board, Texas	
Adopted Rules	
General Communication 061.01.00	3230
Insurance Coverage 061.02.00	3230
Employee's Notice of Injury or Death and Claim for	
Benefits 061.04.00	3231
Procedures for Formal Hearings by the Board 061.05.00	3231
The Award of the Board 061.06.00	3231
Carrier's Reports of Initiation and Suspension of	
Compensation Payments 061.07.00	3231
Settlement Agreements 061.08.00	3231-3232
Unethical or Fraudulent Claims Practices 061.13.00	3232
Allegations of Fraud 061.14.00	3232
Industrial Commission, Texas	
Adopted Rules	
Revenue Bonds for the Promotion and Development of	
Industrial Enterprises	
Industrial Projects 103.03.01	3559-3562
Insurance, State Board of	
Emergency Rules	
Rating and Policy Forms	
Fixing Rate of Automobile Insurance 059.05.01	3331, 3379
Policy Forms and Endorsements 059.05.06	3380
Proposed Rules	
Rating and Policy Forms	
Fixing Rate of Automobile Insurance 059.05.01	3358, 3421
Policy Forms and Endorsements 059.05.06	3358, 3421
Adopted Rules	
Rating and Policy Forms	
Fixing Rate of Automobile Insurance 059.05.01	3563
Open Meetings	
emergency addition to agenda, Aug. 28	3160
hearings, Sept. 6	3160
meeting, Sept. 6	3160
hearings, Sept. 7	3160, 3236
hearing, Sept. 10	3160
hearings, Sept. 11	3161, 3236
meeting, Sept. 11	3161
hearings, Sept. 12	3161, 3236
meeting, Sept. 12	3161
meeting, Sept. 13	3236
hearing, Sept. 14	3236-3237
hearings, Sept. 17	3237
hearings, Sept. 18	3237, 3365-3366
hearings, Sept. 19	3366
meeting, Sept. 19	3366
emergency addition to agenda, Sept. 19	3366
hearings, Sept. 20	3366
meeting, Sept. 21	3432-3433
hearings, Sept. 24	3433
hearing, Sept. 25	3366
rescheduled hearing from Sept. 9 to Sept. 25	3433
hearings, Sept. 26	3518
hearing, Sept. 27	3518
rescheduled hearing from Sept. 21 to Sept. 27	3518
meeting, Oct. 3	3311
meeting, Oct. 10	3311
meeting, Oct. 11	3433
In Addition	
Correction of Error	3246
Intergovernmental Relations, Texas Advisory Commission on	
Open Meetings	
meetings, Sept. 14	3237
meeting, Oct. 1	3565
Irrigators, Texas Board of	
Emergency Rules	
Introductory Provisions	
General Provisions 409.01.01	3448
General Provisions Affecting Board 409.01.05	3448-3449

Registration of Irrigators and Installers	
Application for Registration 409.02.01	3449-3450
Examinations 409.02.05	3450
Certificate of Registration and Seal	
Certificate of Registration 409.03.01	3450
Seal 409.03.05	3451-3452
Violation of Statute or Board Rules	
Complaint Process 409.04.01	3452
Revocation of Registration 409.04.05	3452
Open Meetings	
emergency meeting, Sept. 11	3237
Jail Standards, Texas Commission on	
Adopted Rules	
Existing Construction	
Existing Jail Design, Construction, and Furnishing	
Requirements 217.07.01	3301
Existing Lock-Up Design, Construction, and Furnishing	
Requirements 217.07.02	3301
Existing Low Risk Design, Construction, and Furnishing	
Requirements 217.07.03	3302
Judicial Council, Texas	
Open Meetings	
meeting, Sept. 14	3238
Lamar University	
Open Meetings	
meeting, Sept. 12	3161
meeting, Sept. 13	3161
Library and Archives Commission, Texas State	
Proposed Rules	
State Documents Depository Program	
Depositing State Agency Publications 351.40.01 ..	3421-3422
Open Meetings	
meeting, Oct. 1	3366
meeting, Oct. 10	3433
In Addition	
Consultant Contract Award	3372
Library Examiners, State Board of	
Open Meetings	
meeting, Sept. 13	3238
Library Systems Act Advisory Board	
Open Meetings	
meeting, Sept. 10	3161
Lower Colorado River Authority	
Open Meetings	
meetings, Sept. 20	3371, 3522
Lower Neches Valley Authority	
Open Meetings	
meeting, Sept. 18	3315
Lower Rio Grande Valley Development Council	
Open Meetings	
meeting, Sept. 27	3438
Lubbock Regional MH/MR Center	
Open Meetings	
meeting, Aug. 28	3165
meeting, Sept. 25	3570
Medical Examiners, Texas State Board of	
Emergency Rules	
Schedule of Fees 386.08.00	3132-3133
Proposed Rules	
Schedule of Fees 386.08.00	3179
Adopted Rules	
Licensure by Examination 386.02.00	3151
Applications 386.07.00	3151
Open Meetings	
meeting, Sept. 15	3238
emergency addition to agenda, Sept. 15	3311
meeting, Sept. 20-22	3238
emergency additions to agenda, Sept. 20-22	3518
Mental Health and Mental Retardation, Texas Department of	
Proposed Rules	
Client (Patient) Care	
Departmental Procedure for Therapeutic	
Utilization of Electroconvulsive Therapy	
(ECT) 302.04.05	3422-3424
Adopted Rules	
Client (Patient) Care	
Quality Assurance 302.04.38	3151-3153
Open Meetings	
meetings, Sept. 21	3367
meeting, Sept. 28	3433
Mental Health/Mental Retardation Regional Center of	
East Texas	
Open Meetings	
meeting, Sept. 27	3571
Merit System Council	
Open Meetings	
hearings, Sept. 7	3161
hearing, Sept. 28	3518
Middle Rio Grande Development Council	
Open Meetings	
meeting, Sept. 5	3165
emergency meeting, Sept. 26	3571
Midwestern State University	
Open Meetings	
emergency meeting, Sept. 17	3433-3434
Morticians, State Board of	
Open Meetings	
meeting, Sept. 10-13	3238
emergency additions to agenda, Sept. 10-13	3312
Motor Vehicle Commission, Texas	
Open Meetings	
meeting, Sept. 18	3367
Municipal Power Agency, Texas	
Open Meetings	
meeting, Sept. 6	3165
meeting, Sept. 13	3244
Municipal Retirement System, Texas	
Open Meetings	
meeting, Sept. 15	3161-3162
Nortex Regional Planning Commission	
Open Meetings	
meetings, Sept. 20	3315, 3371
North Texas Multi-Regional Processing Center	
Open Meetings	
meeting, Sept. 13	3315
North Texas Municipal Water District	
Open Meetings	
meeting, Sept. 27	3371
Northeast Texas Health Systems Agency	
Open Meetings	
emergency meeting, Sept. 4	3243
meeting, Oct. 1	3571
Northeast Texas Municipal Water District	
Open Meetings	
meeting, Sept. 25	3438
Nueces River Authority	
Open Meetings	
meeting, Sept. 5	3165
Nursing Home Administrators, Texas Board of Licensure for	
Emergency Rules	
Complaint Procedures 391.07.00	3262
Disciplinary Action 391.08.00	3262-3263
Hearing Procedures 391.09.00	3263-3265
Proposed Rules	
Administrative Authority 391.01.00	3290-3291
Application 391.02.00	3291-3293
Examination 391.03.00	3293-3294
Education 391.04.00	3294-3296
License Certificates 391.05.00	3296-3297

Inactive Status 391.06.00	3297	Definitions 401.41.00	3497-3498
Complaint Procedures 391.07.00	3297	The Board 401.42.00	3498
Disciplinary Action 391.08.00	3297-3298	Employees of the Board 401.43.00	3498
Hearing Procedure 391.09.00	3298	Licenses 401.48.00	3498-3499
Reinstatement of Licensing 391.11.00	3298	Temporary Practice in Texas 401.49.00	3499
Optometry Board, Texas		Fee Schedule 401.51.00	3499
Open Meetings		Adopted Rules	
meeting, Sept. 18-19	3367	Definitions 401.01.00	3232
emergency addition to agenda, Sept. 19	3518-3519	Professional Conduct 401.03.00	3232
Pan American University		The Board 401.04.00	3232
Open Meetings		Fees 401.05.00	3232-3233
meetings, Oct. 2	3566	Reinstatements 401.09.00	3233
Panhandle Regional Planning Commission		Interpretations of Rules of Professional Conduct	
Open Meetings		Solicitation and/or Encroachment 401.25.06	3514
meetings, Sept. 6	3165	Advertising 401.25.09	3514
meeting, Sept. 12	3315	Substantial Interest 401.25.12	3514
meeting, Sept. 13	3243	Feeder to Practice 401.25.15	3515
meetings, Sept. 20	3315, 3438	Open Meetings	
meeting, Sept. 25	3438-3439	emergency additions to agenda, Aug. 31-Sept. 1	3162
meeting, Sept. 27	3571	Public Safety, Texas Department of	
meetings, Oct. 4	3571	Open Meetings	
Panhandle Rural Health Corporation		meeting, Sept. 25	3434
Open Meetings		Public Utility Commission of Texas	
meeting, Sept. 25	3571	Open Meetings	
Pardons and Paroles, Board of		prehearing, Sept. 7	3162
Open Meetings		prehearing, Sept. 11	3239
meeting, Sept. 10-14	3162	prehearing, Sept. 12	3239
meeting, Sept. 17-21	3238	meeting, Sept. 13	3239
meeting, Sept. 19	3238-3239	emergency additions to agenda, Sept. 13	3312, 3368
meeting, Sept. 24-28	3367	prehearings, Sept. 17	3239, 3312
meeting, Oct. 1-5	3519	prehearing, Sept. 18	3239
meeting, Oct. 3	3519	hearing, Sept. 19	3312
Parks and Wildlife Department, Texas		prehearing, Sept. 19	3239
Open Meetings		meeting, Sept. 19	3312
meeting, Sept. 25	3367-3368	emergency addition to agenda, Sept. 19	3368
meeting, Sept. 26	3519	hearing, Sept. 24	3239-3240
In Addition		prehearing, Sept. 26	3519
Consultant Proposal Request	3372	hearing, Sept. 28	3162
Pecan Valley Mental Health/Mental Retardation Region		emergency prehearing, Sept. 28	3566
Open Meetings		prehearing, Oct. 1	3519
meeting, Sept. 19	3438	hearings, Oct. 3	3312, 3434
Pharmacy, Texas State Board of		prehearing, Oct. 4	3434
Open Meetings		prehearing, Oct. 5	3312
meeting, Sept. 25-26	3368	prehearings, Oct. 9	3368, 3566
Plumbing Examiners, Board of		prehearings, Oct. 10	3368-3369
Open Meetings		hearing, Oct. 11	3519
meeting, Sept. 25	3239	hearing, Oct. 15	3369
meeting, Sept. 26	3239	hearings, Oct. 29	3162, 3566
Professional Engineers, Texas State Board of Registration		hearing, Nov. 1	3519-3520
for		hearing, Nov. 3	3434
Proposed Rules		hearing, Nov. 12	3162
Practice and Procedure		hearing, Nov. 14	3240
Engineers' Seals 383.01.09	3359	hearing, Nov. 19	3434
Psychologists, Texas State Board of Examiners of		hearing, Nov. 21	3434
Adopted Rules		prehearing, Dec. 7	3369
Applications 400.02.00	3154	hearing, Jan. 21, 1980	3369
Practice 400.03.00	3154-3155	Purchasing and General Services Commission, State	
Specialty Certification 400.05.00	3155	Open Meetings	
Open Meetings		emergency meeting, Sept. 6	3240
meeting, Sept. 20-23	3368	Railroad Commission of Texas	
Public Accountancy, Texas State Board of		Emergency Rules	
Emergency Rules		Oil and Gas Division	
Professional Conduct 401.33.00	3194-3197	Rules Having Statewide General Applications to	
Definitions 401.41.00	3197-3198	Oil, Gas, and Geothermal Resource Operations	
The Board 401.42.00	3198-3199	within the State of Texas	
Employees of the Board 401.43.00	3199	051.02.02	3452-3453
Licenses 401.48.00	3199	Natural Gas Policy Act (NGPA) Determination	
Temporary Practice in Texas 401.49.00	3199-3200	Procedures 051.02.03	3453
Fee Schedule 401.51.00	3200	Proposed Rules	
Proposed Rules		Transportation Division	
Professional Conduct 401.33.00	3494-3497	Commercial Zones 051.03.16	3424

Surface Coal Mining	
State Program 051.07.05	3424-3425
Adopted Rules	
Transportation Division	
Tariffs and Schedules 051.03.08	3180
Open Meetings	
emergency additions to agendas, Sept. 4	3162-3163, 3181, 3240
meetings, Sept. 10	3163, 3181
emergency additions to agendas, Sept. 10	3240, 3313
emergency rescheduled meeting from Sept. 10 to Sept. 11	3369
meetings, Sept. 17	3313, 3314
emergency additions to agendas, Sept. 17	3434-3435
meetings, Sept. 24	3435-3436
emergency additions to agendas, Sept. 24	3566-3568
meeting Oct. 18	3568
In Addition	
Surface Mining and Reclamation Division	
Notice of Invitation for Offers of Consulting Services	3246
<i>Real Estate Commission, Texas</i>	
Emergency Rules	
Provisions of the Real Estate License Act	
Education, Experience, Educational Programs, Time Periods, and Type of License 402.03.07	3453-3454
Provisions of the Residential Service Company Act	
Application for License 402.05.07	3454
Fees 402.05.27	3454
Open Meetings	
meeting, Sept. 10	3182
meeting, Sept. 11	3182
<i>Red River Authority of Texas</i>	
Open Meetings	
meeting, Sept. 11	3244
<i>Sabine Valley Regional MUMR Center</i>	
Open Meetings	
emergency meeting, Sept. 5	3243
meeting, Sept. 12	3315
meetings, Sept. 20	3438, 3439
<i>San Antonio River Authority</i>	
Open Meetings	
meetings, Sept. 19	3371
<i>San Jacinto River Authority</i>	
Open Meetings	
meeting, Sept. 27	3571
<i>Savings and Loan Department of Texas</i>	
In Addition	
Notice of Interest Rate	3317-3318
<i>School Land Board</i>	
Open Meetings	
meeting, Sept. 18	3369
emergency addition to agenda, Sept. 18	3369
<i>Secretary of State, Office of the</i>	
Emergency Rules	
Office of the Secretary	
Practice and Procedure 004.01.01	3380
Elections	
Suffrage 004.30.05	3200-3201
Proposed Rules	
Elections	
Miscellaneous 004.30.01	3217-3218, 3298-3299, 3558
Suffrage 004.30.05	3218
Adopted Rules	
Elections	
Suffrage 004.30.05	3302
Nominations 004.30.13	3563
In Addition	
Texas Register	
Guide to Agency Activity—August	3246-3257
Notice of Schedule Variation	3573

October, November, and December Publication Schedule for the <i>Texas Register</i>	3574
<i>Securities Board, Texas</i>	
Open Meetings	
meeting, Sept. 14	3241
rescheduled hearing from Sept. 14 to Sept. 20	3369-3370
hearings, Sept. 28	3568
hearing, Oct. 1	3520
<i>Senate, Texas</i>	
Open Meetings	
meeting, Sept. 11	3182
meeting, Sept. 12	3182
meeting, Sept. 13	3182
In Addition	
Committee to Study Efficiency in State Government	3525-3526
Special Committee on Delivery of Human Services in Texas	3441, 3572
<i>Social Psychotherapy, Texas State Board of Examiners in</i>	
Open Meetings	
meeting, Sept. 22	3370
<i>Soil and Water Conservation Board, Texas State</i>	
Open Meetings	
meeting, Sept. 20	3241
meeting, Oct. 2-4	3568
<i>South Plains Association of Governments</i>	
Open Meetings	
meetings, Sept. 11	3243-3244
<i>South Plains Health Systems Agency, Inc.</i>	
Open Meetings	
meeting, Sept. 20	3183
<i>South Texas University System of</i>	
Open Meetings	
meetings, Sept. 13	3241
emergency addition to agenda, Sept. 13	3370
<i>South Texas Development Council</i>	
Open Meetings	
meeting, Sept. 13	3315
emergency meeting, Sept. 25	3571
meeting, Oct. 2	3571
meeting, Oct. 17	3571
<i>South Texas Health Systems Agency</i>	
Open Meetings	
meeting, Sept. 10	3183
meeting, Sept. 12	3183
meeting, Sept. 15	3315
meetings, Oct. 2	3571
meeting, Oct. 3	3571
<i>State-Owned Lands, Board for Lease of</i>	
Open Meetings	
meeting, Sept. 26	3520
<i>Stephen F. Austin State University</i>	
Open Meetings	
meeting, Oct. 1	3568
<i>Sunset Advisory Commission</i>	
Open Meetings	
meeting, Sept. 25	3520
<i>Teacher Retirement System of Texas</i>	
Emergency Rules	
Membership Credit	
Compensation 334.03.03	3133-3134
Delinquent Report of Service 334.03.04	3135
Termination of Membership and Refunds 334.04.00	3135
Benefits	
Service Retirement 334.05.01	3135-3136
Employment after Retirement 334.06.00	3136
Adopted Rules	
Membership Credit	
Service Eligible for Membership 334.03.01	3302-3303
Compensation 334.03.03	3303-3305
Delinquent Report of Service 334.03.04	3304-3305

Purchase of Credit for Out of State Service 334.03.07	3305
Creditable Time and School Year 334.03.10	3305
Developmental Leave 334.03.11	3305-3306
Credit for Previous Work Experience of Distributive Education Teachers 334.03.12	3306
Other Special Service Credit 334.03.13	3306
Optional Retirement Program 334.03.14	3306-3307
Termination of Membership and Refunds 334.04.00	3307-3308
Benefits	
Service Retirement 334.05.01	3308
Employment after Retirement 334.06.00	3308-3309
Open Meetings	
meeting, Sept. 14	3182
<i>Technical-Vocational Education in Texas, Advisory Council on</i>	
Open Meetings	
meeting, Sept. 10	3163
emergency meeting, Sept. 19	3436
meeting, Sept. 20	3163-3164
<i>Texas A & M University System</i>	
Open Meetings	
meetings, Sept. 25	3520
meeting, Sept. 26	3520
<i>Texas at Austin, University of</i>	
Open Meetings	
emergency meeting, Sept. 7	3241
<i>Texas Southern University</i>	
Open Meetings	
meetings, Oct. 3	3521
meeting, Oct. 4	3521
<i>Texas State Technical Institute</i>	
Open Meetings	
meeting, Oct. 12	3521
<i>Texas System, University of</i>	
Open Meetings	
meeting, Sept. 22	3521
<i>Tourist Development Agency, Texas</i>	
Open Meetings	
meeting, Sept. 19	3241
meeting, Sept. 20-21	3241-3242
<i>Tri-Region Health Systems Agency</i>	
Open Meetings	
meeting, Sept. 18	3244
meeting, Sept. 19	3244
meetings, Sept. 20	3315
meeting, Sept. 26	3437
meetings, Sept. 27	3439
meeting, Oct. 2	3523
meetings, Oct. 3	3523, 3571
<i>Turnpike Authority, Texas</i>	
Open Meetings	
emergency meeting, Sept. 5	3182
meeting, Oct. 3	3569
<i>University Lands, Board for Lease of</i>	
Open Meetings	
meeting, Sept. 4	3164
<i>Upper Leon River Municipal Water District</i>	
Open Meetings	
meeting, Sept. 27	3571
<i>Veterans Land Board</i>	
Open Meetings	
emergency meeting, Sept. 18	3370

Veterinary Medical Examiners, State Board of

Proposed Rules

Licensing

Examinations 405.01.01	3299
Professional Conduct 405.02.00	3299-3300, 3359-3360
Practice and Procedure 405.03.00	3360

Water Commission, Texas

Open Meetings

meeting, Sept. 4	3164
emergency addition to agenda, Sept. 4	3164
meeting, Sept. 10	3242
emergency addition to agenda, Sept. 10	3314
hearings, Sept. 14	3164, 3242
meeting, Sept. 17	3242
emergency additions to agenda, Sept. 17	3437
hearings, Sept. 18	3164, 3242-3243
hearings, Sept. 19	3370
hearing, Sept. 20	3164
emergency meeting, Sept. 21	3569
meeting, Sept. 24	3437
emergency additions to agenda, Sept. 24	3569
hearings, Sept. 26	3436
hearings, Sept. 27	3521-3522
meeting, Oct. 1	3569
hearings, Oct. 3	3569
hearing, Oct. 4	3164
hearing, Oct. 5	3569
hearing, Oct. 9	3569-3570
hearings, Oct. 10	3165
rescheduled hearing from Aug. 25 to Oct. 11	3243
hearing, Oct. 22	3522
meeting, Oct. 22	3370
hearings, Oct. 26	3522, 3570
hearings, Oct. 30	3370-3371
hearing, Nov. 1	3522

In Addition

Applications for Waste Discharge

Permits	3372-3373, 3526-3527
---------	----------------------

Water Development Board, Texas

Emergency Rules

Waste Discharge Permits

Procedure for Obtaining Waste Discharge Permits

156.25.05	3137-3138
Amendment with Consent 156.25.10	3138
Public Hearing, Notice 156.25.20	3138

Proposed Rules

Effluent Standards

Domestic Wastewater Treatment Plant

156.18.05	3146-3149
-----------	-----------

Open Meetings

meeting, Sept. 18	3371
-------------------	------

Water Resources, Texas Department of

In Addition

Availability of Requests for Proposals	3527
Request for Proposal	3575

West Texas Council of Governments

Open Meetings

meeting, Sept. 21	3439
meeting, Sept. 26	3439

West Texas Health Systems Agency

Open Meetings

meeting, Sept. 20	3438
-------------------	------