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TEXAS DOCUMENTS

TEXAS REGISTER

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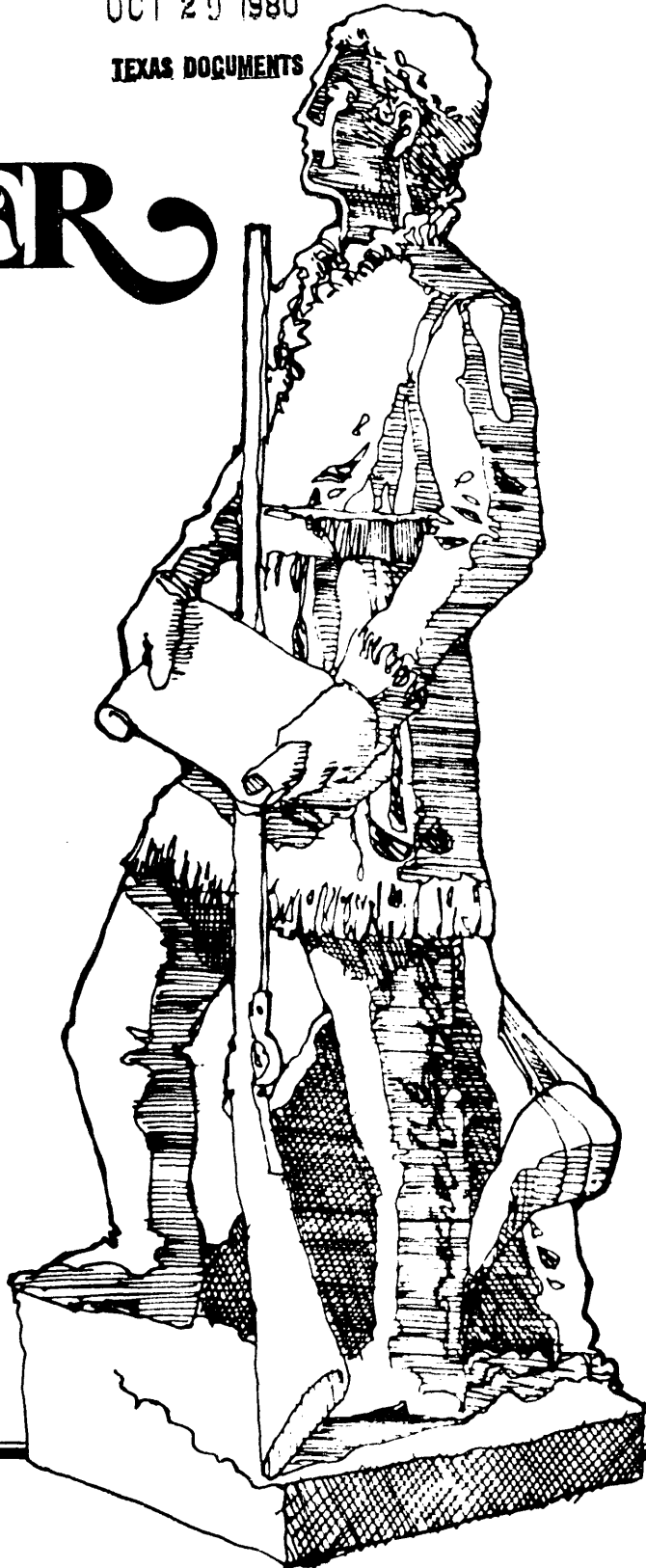
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Office of the Secretary of State

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

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

Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15:

1 is the title (agencies grouped together by subject title which are arranged alphabetically)
TAC is the *Texas Administrative Code*
§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

Latest Texas Code Reporter
(Master Transmittal Sheet) No. 3, Aug. 80

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

TEXAS REGISTER



George W. Strake, Jr.
Secretary of State

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Appointments

Statewide Health Coordinating Council

For a term to expire October 21, 1981:

Bill Boswell, Administrator
Heart of Texas Memorial Hospital
Nine Road
Brady, Texas 76825 (HSA 4 nominee-provider)

Mr. Boswell will be filling the unexpired term of Boone Powell, Jr., who resigned.

For two-year terms to expire October 21, 1982:

Ben Gallant, President
Dynamic Chemicals International, Inc.
P.O. Box 4922
Corpus Christi, Texas 78408 (at-large consumer)

Val Jean Hide
Val Jean Hide Consultants
P.O. Box 27203
Houston, Texas 77027 (at-large provider)

Louis E. Gibson, M.D.
P.O. Box 841
Corsicana, Texas 75110 (at-large direct provider)

Jose L. (Pepe) Gonzalez, Administrator
Laredo Webb County Health Department
P.O. Box 2337
Laredo, Texas 78040 (at-large provider)

Dr. John T. King, President
Huston Tillotson College
1820 East 8th
Austin, Texas 78702 (at-large consumer)

Per Harald Langsjoen, M.D.
Scott and White Clinic
Temple, Texas 76501 (HSA 6 nominee-provider)

Jose San Martin III, O.D.
310 International Building
San Antonio, Texas 78201 (at-large direct provider)

Irwin R. Salmanson
Salmanson, Smith, and Mauer
Box 49289
Austin, Texas 78765 (at-large consumer)

John H. Selby, Sr., M.D.
3801 19th Street
Lubbock, Texas 79401 (HSA 2 nominee-direct provider)

The above appointees are being reappointed.

Christin Hartung, City Councilwoman
City of Houston
P.O. Box 1562
Houston, Texas 77001 (at-large consumer)

Ms. Hartung is replacing William F. Havey of Houston, Harris County, whose term expires.

Boone Powell, Jr., President
Baylor University Medical Center
3500 Gaston Avenue
Dallas, Texas 75246 (at-large provider)

Mr. Powell is replacing Dr. Louis T. Bogy of San Antonio, Bexar County, whose term expires.

Ricardo Saldana
Midland College
3600 North Garfield
Midland, Texas 79701 (at-large consumer)

Mr. Saldana is replacing Ms. LaVonne Unsell of Denton, Denton County, whose term expires.

54th Judicial District Court of Texas

To be judge, McLennan County, until the 1982 general election and until his successor is duly elected and qualified; effective November 1, 1980:

Walter S. Smith, Jr.
5400 Bosque Boulevard
Waco, Texas 76710

Mr. Smith will be replacing Judge Carl C. Anderson of Waco, McLennan County, who resigned effective midnight October 31, 1980.

Issued in Austin, Texas, on October 17, 1980.

Doc. No. 808006 William P. Clements, Jr.
Governor of Texas

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



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.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

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

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

CODIFIED

TITLE 16. ECONOMIC REGULATION Part I. Railroad Commission of Texas Chapter 5. Transportation Division Subchapter P. Commercial Zones

Pursuant to a petition filed by Joe Saldivar, doing business as City Delivery Service and Storage Company, Corpus Christi, the Railroad Commission of Texas is instituting a rulemaking proceeding to consider whether or not it should amend §5.294 (051.03.16.004) of this title relating to motor transportation regulations, which defines the existing Texas commercial zones by adding paragraph (6).

The proposed amendments would prescribe a new commercial zone that would include the incorporated City of Corpus Christi, all of Nueces County lying outside the City of Corpus Christi, all of San Patricio County, and all of the Live Oak peninsula.

In support of the petition, petitioner alleges the following:

(1) Each point within the proposed zone is adjacent to the City of Corpus Christi, an incorporated municipality.

(2) There is a commercial interdependence between each point within the proposed zone and the incorporated municipality of Corpus Christi, such that each point within the proposed zone is commercially part of the City of Corpus Christi.

(3) The establishment of the commercial zone proposed herein is necessary to protect the public interest in flexible, economic, reliable, and convenient surface carriage of goods within the proposed commercial zone.

(4) No carrier certificated by the Railroad Commission or the Interstate Commerce Commission will suffer any damage or harm to carriage offered over any such certificate route by reason of the granting of this petition and promulgation of the amendments proposed herein.

(5) Adoption of the proposed amendments will reduce the cost to taxpayers of enforcing the Texas Motor Carrier Act.

Pursuant to Section 5(a)(4), Texas Revised Civil Statutes Annotated, Article 6252-13a, the Transportation Division estimates that there will be no cost to the state or to any unit of local government of the state in administering or enforcing these amendments.

Public comment on the proposed amendments is invited. Comments may be submitted in writing to Owen T. Kinney, director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711.

Comments will be accepted for 30 days after publication in the *Texas Register*. In publishing these proposed amendments, the commission takes no position either for or against the proposal and specifically reserves the right to reject or modify the proposal in response to comments or on its own motion.

These amendments are proposed under the authority of Texas Revised Civil Statutes Annotated, Article 911a, Section 1(g).

§5.294 (051.03.16.004). *Existing Commercial Zones*. Commercial zones defined and prescribed by the commission after notice and hearing are as follows:

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

(6) *The Corpus Christi commercial zone shall include:*

(A) *the incorporated City of Corpus Christi;*

(B) *all of Nueces County lying outside the City of Corpus Christi;*

(C) *all of San Patricio County; and*

(D) *all of the Live Oak peninsula.*

Issued in Austin, Texas, on October 17, 1980.

Doc. No. 808017 Owen T. Kinney, Director
Transportation Division
Railroad Commission of Texas

Proposed Date of Adoption: February 16, 1981
For further information, please call (512) 445-1335.

TITLE 22. EXAMINING BOARDS Part XIX. Polygraph Examiners Board Chapter 395. Code of Operating Procedure for Polygraph Examiners

The Polygraph Examiners Board proposes to amend §395.10 (397.03.00.010) of this title which pertains to the opportunity for the subject of a polygraph examination to explain questionable responses that appear on his polygraph charts. The present section leaves with the polygraph examiner the decision as to whether or not to give such opportunity for explanation. This amendment obviates this decision. It requires an opportunity be provided the subject to explain the reason(s), or possible reason(s), for questionable response(s) on an examination.

The Polygraph Examiners Board has determined that there will be no fiscal implications by adopting this amendment.

Public comment is invited. Comments may be submitted to the board office by telephoning (512) 227-6100 or by writing the Polygraph Examiners Board, 111 West Laurel, Suite 115, San Antonio, Texas 78212.

This amendment is proposed under authority of Section 6(a), 4413(29cc) Vernon's Civil Statutes (Polygraph Examiners Act).

§395.10 (397.03.00.010). *Opportunity to Explain Any Questionable Responses.* The polygraph examiner shall not render a verbal or a written opinion based on chart analysis until the subject has had an opportunity to explain any questionable responses on the chart that the examiner *shall* [may] point out to the subject.

Issued in San Antonio, Texas, on October 15, 1980.

Doc. No. 808004 Ryerson D. Gates
System Administrator
Polygraph Examiners Board

Proposed Date of Adoption: November 28, 1980
For further information, please call (512) 227-6100.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part XI. Texas Department of Water Resources

Chapter 371. Private Sewage Facilities

Subchapter A. Sam Rayburn Reservoir

The Texas Water Commission, on behalf of the Texas Department of Water Resources, proposes to amend §§371.1 and 371.2 (157.31.12.001 and .002) of this title, concerning private sewage facility regulations for a regulated zone around Sam Rayburn Reservoir. The proposal amends only §371.1 (.001) of this title relating to definitions, and §371.2 (.002) of this title relating to regulated zone.

The amendment to §371.1 (.001) of this title would clarify the definition of "take line" by adding more specificity. The amendment to §371.2 (.002) of this title would revise the definition of the regulated zone to specify the zone in terms of distance from a specific contour line.

According to department staff determination, the amended sections, as proposed, will have no known fiscal implications. Any costs to state and local governments for implementation will be financed by license fees provided in the sections.

Comments and inquiries regarding these proposed amendments are invited. Please direct any comments and inquiries to Larry R. Soward, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-1311. These proposed amendments, as well as any comments received, will be presented to the Texas Water Commission for adoption no less than 30 days after publication.

These amendments are proposed under the authority of the Texas Water Code, Section 26.031.

§371.1 (157.31.12.001). *Definitions.* The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

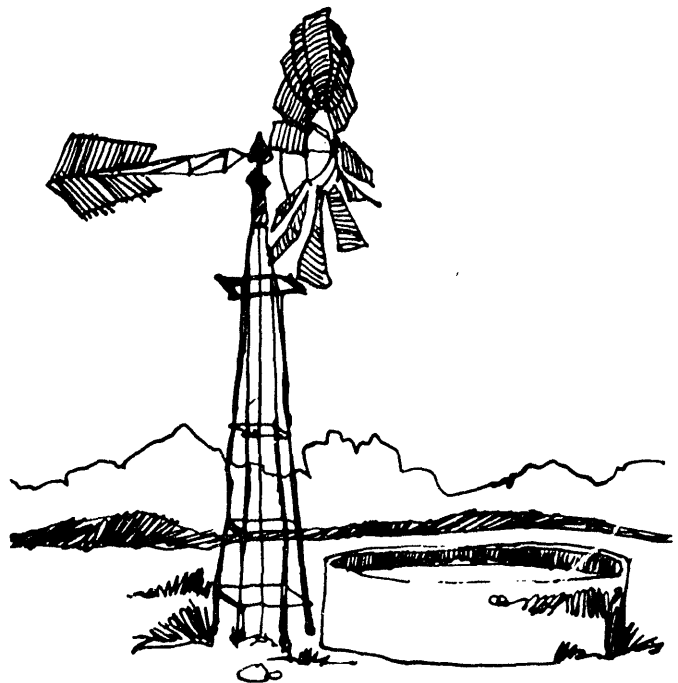
Take line—The limit of land acquisition for the Sam Rayburn Reservoir *as it existed on March 15, 1972.*

§371.2 (157.31.12.002). *Regulated Zone.* The regulated zone is the zone for which regulations of this subchapter apply. It is a zone in the State of Texas within the Sam Rayburn Reservoir Watershed lying between the take line and a line parallel to it 2,000 feet from the take line *in all areas where the take line approximates the 171-foot contour; otherwise, in all other areas, it is a zone within the Sam Rayburn Reservoir Watershed lying between the 171-foot contour and a line parallel to it 2,000 feet from the 171-foot contour.* If any part of a subdivision lies within the regulated zone, the entire subdivision shall be considered to be within the regulated zone for purposes of application of these regulations.

Issued in Austin, Texas, on October 17, 1980.

Doc. No. 807991 Mary Ann Helmer
Chief Clerk
Texas Water Commission

Proposed Date of Adoption: November 28, 1980
For further information, please call (512) 475-4514.



TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public Accounts
Chapter 3. Tax Administration
Subchapter F. Motor Vehicle Sales and Use Tax
Division

The Comptroller of Public Accounts proposes to amend §3.69 (026.02.06.015) of this title. The section has been totally revised to explain under what circumstances a person, firm, or other entity is liable for the motor vehicle use tax on a vehicle purchased outside Texas and brought into the state for use on the public highways. The amendments explain when a person, firm, or other entity is considered to be doing business in the state so that it is liable for the tax. In addition, the section has been reformatted to conform to *Texas Register* requirements.

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

Public comment on the proposed amendments is invited. Persons should submit their comments in writing to Richard Montgomery, Drawer SS, Austin, Texas 78711.

These amendments are proposed under the authority of Texas Taxation—General Annotated, Article 6.01(2) (Vernon 1969).

§3.69 (026.02.06.015. Motor Vehicle Use Tax; Interstate or Foreign Commerce.

(a) *The motor vehicle use tax is due upon every motor vehicle purchased at retail outside this state and brought into Texas for use upon the public highways by any person, firm, or corporation that is doing business in this state. The tax shall be the obligation of and be paid by the operator of such motor vehicle.*

(b) *For the purposes of this section and Article 6.01(2), an individual, firm, corporation, or other entity is doing business in the state if it engages or transacts some part of its ordinary business in the state. The activities of either the entity or the manner in which the motor vehicle is used in the state may result in liability for the motor vehicle use tax.*

(c) *An entity which has sufficient contacts or conducts sufficient activities in the state so that it is doing business will be liable for the motor vehicle use tax on any motor vehicle which uses the highways in Texas. If the entity does not conduct sufficient activities or have sufficient contacts with the state to be doing business, it will not be liable for the motor vehicle use tax on any vehicle unless the use of the vehicle itself in Texas constitutes doing business.*

(d) *The following is a nonexhaustive list of activities which constitute doing business in Texas and which would subject a person, firm, corporation, or other entity to liability for the motor vehicle use tax imposed by Article 6.01(2):*

(1) *providing any service in Texas whether or not the persons performing such service are residents of the state;*

(2) *assembling, erecting, processing, manufacturing, selling, or storing property located in Texas;*

(3) *transporting persons or property from one point in Texas to another point in Texas, even though the transporting vehicle's ultimate origination or destination may be outside Texas.*

(4) *owning, leasing, or maintaining facilities, and/or maintaining employees in Texas:*

(A) *for storage, delivery, or shipment of goods;*

or
 (B) *for servicing, maintenance, or repair of vehicles, etc.; or*

(C) *for coordinating and directing the transportation of persons or property which transportation is at least partially within Texas;*

(5) *having a representative, agent, salesman, canvasser, or solicitor in the state under the authority of the entity for the purpose of selling goods or services.*

(e) *A domestic corporation or a foreign corporation qualified to transact business in Texas is considered to be doing business in Texas for the purposes of this section.*

(f) *A person, firm, corporation, or other entity which is not otherwise doing business under this section will not be liable for motor vehicle use tax on vehicles which enter Texas from outside the state solely to deliver and/or pickup persons or property being transported in interstate or foreign commerce.*

[The motor vehicle use tax is due upon the operator of a motor vehicle purchased out of Texas by a person, firm, or corporation that is either a resident of Texas, domiciled in Texas, or doing business in Texas if brought into Texas for use upon the highways in this state, even though such a motor vehicle will be used only in interstate commerce.]

Doc. No. 808024

The Comptroller of Public Accounts proposes to adopt a new section defining who is considered to be a person operating a motor vehicle upon the public highways pursuant to Texas Taxation—General Annotated, Article 6.01(2). It is the obligation of the "operator," as defined in this section, to pay the motor vehicle use tax imposed by Article 6.01(2) when it is determined to be due.

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

Public comment on the proposed section is invited. Persons should submit their comments in writing to Richard Montgomery, Drawer SS, Austin, Texas 78711.

This section is proposed under the authority of Texas Taxation—General Annotated, Article 6.01(2) (Vernon 1969).

§3.92 (026.02.06.045) Operators.

(a) *The "operator" of a motor vehicle purchased at retail outside this state and brought into Texas for use upon the public highways is obligated to pay the motor vehicle use tax if the "operator" is a resident domiciled or doing business in Texas.*

(b) *For the purposes of this section, an operator includes any one of the following:*

(1) *a person, firm, corporation, or other entity which owns the vehicle and operates the vehicle itself, or by an employee or agent; or*

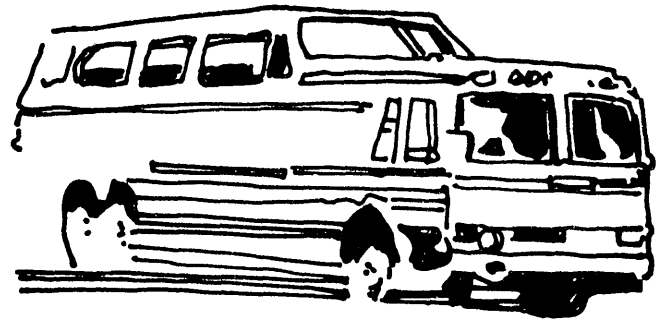
(2) a person, firm, corporation, or other entity which leases a vehicle and operates the vehicle itself, or by an employee or agent; or

(3) a person, firm, corporation, or other entity which contracts to hire a driver with a vehicle, to transport persons or property over the entity's routes and under the authority of the entity's permits.

Issued in Austin, Texas, on October 21, 1980.

Doc. No. 808025 Bob Bullock
 Comptroller of Public Accounts

Proposed Date of Adoption: November 28, 1980
For further information, please call (512) 475-1720.



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.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

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

CODIFIED

TITLE 13. CULTURAL RESOURCES

Part IV. Texas Antiquities Committee

Chapter 43. Procedure

Adjudicative Procedures

The Texas Antiquities Committee has adopted the following sections pursuant to Chapter 191, Texas Natural Resources Code (1978):

§43.21 (355.10.30.001) Scope. These sections contain a set of adjudicative procedures which may be adopted and modified in other sections of this chapter for use in deciding the particular types of matters covered by those other sections. These sections are not self implementing and do not apply to any matter before the committee unless specifically applied by another subchapter of the committee's rules.

§43.22 (355.10.30.002) Informal Disposition. Unless precluded by law or objected to by a party, informal disposition may be made of any proceeding conducted under these sections. Informal disposition includes disposition by stipulation, agreed settlement, consent order, and default.

§43.23 (355.10.30.021) Classification of Participants.

(a) Applicants, respondents, and intervenors shall be classified as parties to proceedings before the committee. A party to a proceeding has the right to present a direct case, cross examine each witness, submit legal arguments, and otherwise participate fully in the proceeding.

(b) All other participants are classified as nonparty participants. A nonparty participant may, subject to §43.27 (025) of this title, present views and may, at the discretion of the examiner and subject to other rules, otherwise participate.

§43.25 (355.10.30.023) Alignment of Parties. Each party shall be aligned according to the nature of the proceeding and the party's relationship to it.

§43.27 (355.10.30.025) Party Designations and Appearances.

(a) The staff of the committee is always a party to a proceeding before the committee.

(b) Any person having a justiciable interest in a proceeding may be admitted as a party and may appear in the proceeding subject to the following limitations:

(1) A person seeking to appear as a party to a proceeding must file his request to be named a party at or before the conference set for designation of parties.

(2) A request to be named a party shall clearly and specifically set out:

(A) the name and address of the person making the request;

(B) the pending matter to which it pertains;

(C) the person's interest in the proceeding; and

(D) the action or outcome the person seeks.

(3) Any person seeking to appear as a party to a proceeding must give notice by serving a copy of his pleadings upon each other party to the proceeding, as required in §43.37 (035) of this title.

(4) The examiner may require hearing participants of a similar class to select one person to represent them in a proceeding.

(c) A person not wishing to appear as a party or not entitled to be admitted as a party, but wishing to show support or opposition, may appear as a nonparty participant by giving notice to all parties in accordance with §43.49 (047) of this title.

§43.29 (355.10.30.027) Representative Appearance. Except when a party appears as a member of a class of affected persons, any party may represent himself or appear and be represented by any person of his choosing.

§43.31 (355.10.30.029) Classification of Pleadings. Pleadings filed with the committee include applications, answers, complaints, exceptions, replies, and motions. Regardless of error in designation, a pleading shall be accorded its true status in the proceeding in which it is filed.

§43.33 (355.10.30.031) Form and Content of Pleadings.

(a) Pleadings and briefs shall be typewritten or printed in black type on 8 1/2 by 11 inch white paper with one inch margins. Exhibits, unless prepared according to other committee rules pertaining to maps, plats, or the like, shall be folded to the same size. Unless printed, the impression shall be on one side of the paper only and shall be double spaced, except that footnotes and quotations in excess of a few lines may be single spaced. Reproductions may be by any process, provided all copies are sharp and optically stable. The original copy of each pleading shall be signed in ink by the pleader or his authorized representative.

(b) When official forms for committee proceedings are developed, the state archeologist will furnish them on request. A pleading for which an official form has been developed must contain the information and other matter designated in that official form and must conform substantially to that official form.

(c) A pleading for which no official form is prescribed must contain:

(1) the name of the person supporting or opposing committee action;

(2) the business phone number and the address, including the city, if any, and county, of the pleader and the phone number and address of his authorized representative, if any;

(3) the jurisdiction of the committee over the subject matter;

(4) a concise statement of the facts relied upon by pleader;

(5) a request stating the type of action or order desired by the pleader;

(6) the name and address of each person who the pleader knows or believes would be affected if the request were granted;

(7) any other matter required by statute or other committee rule; and

(8) a certificate of service, if required by §43.35 (.033) of this title.

§43.35 (355.10.30.033). Filing. An original and seven copies of each pleading must be filed with the state archeologist. Each copy filed must include a certification that a copy has been served on each party of record, stating the name of each party served and the date and manner of service. If a filing fee is applicable, the filing fee must accompany the pleading.

§43.37 (355.10.30.035). Service of Pleadings. The party filing a pleading shall mail or deliver a copy of it to every other party of record. If a party is being represented by an attorney or other representative authorized under these sections to make appearance, service must be made upon that attorney or representative, instead of upon the party. The knowing failure of a party to make this service shall be grounds for the entry of an order striking the pleading from the record.

§43.39 (355.10.30.037). Determination of Completeness of Initial Pleadings.

(a) The committee shall determine the completeness of each pleading filed to initiate a proceeding within five days of its filing. If the committee determines that the pleading is not complete in all material respects, the committee shall within 10 days of the filing give notice of the specific deficiencies to the pleading party and each party, if any, upon whom the pleading party has served a copy of the pleading. If the pleading is determined to be complete on its face, the committee shall within 10 days of the filing so notify the pleading party and each party, if any, upon whom the pleading party has served a copy of the pleading.

(b) No further action may be taken by the committee on a pleading filed with the committee to initiate a proceeding, nor may any time period for action other than determination of completeness and notice of completeness or deficiency begin to run until the committee has determined the pleading complete on its face.

(c) The committee delegates to the state archeologist the authority to:

(1) determine, according to committee rules, the completeness or deficiencies of an application or pleading filed to institute a proceeding;

(2) give notice, in the name of the committee, as to the completeness or deficiencies of an application or other pleading.

§43.41 (355.10.30.039). Exceptions to Pleadings. Any objection to a defect, omission, or fault in the form or content of a pleading must be specifically stated in a motion or an exception presented no later than the prehearing conference if one

is held, and no later than 15 days before the date of the hearing if a prehearing conference is not held. A party who fails to timely file such motion or exception waives his objection.

§43.43 (355.10.30.041). Amended Pleadings. A pleading may be amended at any time upon motion, if it does not unfairly surprise an opposing party. The examiner may allow a pleading amendment which surprises an opposing party if the examiner determines that no harm will result. A nonparty participant or intervenor may at any time adopt as his pleading, by amendment, any matter proposed in another pleading.

§43.45 (355.10.30.043). Incorporation of Records by Reference. A pleading may adopt and incorporate by specific reference any part of any document or entry in the official files and records of the committee. This section does not relieve the pleader of the necessity of alleging in detail, if required, facts necessary to sustain his burden of proof imposed by law.

§43.47 (355.10.30.045). Lost Records and Papers.

(a) When a paper or record in the committee's custody is lost or destroyed, the parties may, with the approval of the committee, agree in writing on a brief statement of the matters contained therein.

(b) The committee may enter an order that a copy be substituted for a lost or destroyed original paper or record if:

(1) any person makes a written, sworn motion to the committee stating the loss or destruction of such record or paper, accompanied by a certified copy of the original, if obtainable, or by a substantial copy of it, if not; and

(2) upon hearing, the committee is satisfied that it is an exact or substantial copy of the original.

(c) Such a substituted copy when filed with the state archeologist as a part of the record has the force and effect of the original.

§43.49 (355.10.30.047). Notice of Nonparty Participation.

(a) One who is not a party and who desires to support or oppose any matter pending before the committee shall file his written statement with the committee at least 15 days before the hearing date. At the time of filing, he shall serve a copy on each designated party and file proof of service with the committee. The committee may authorize late filing on a showing of good cause and extenuating circumstances. Such a statement must:

(1) show the name and address of the nonparty participant;

(2) identify the pending matter to which it pertains;

(3) state the basis of participant's interest and allege any relevant facts and conclusions;

(4) propose any amendment or adjustment to the application which, if made, would result in withdrawal of the statement.

(b) A nonparty statement may be dismissed if it does not substantially comply with this section.

§43.51 (355.10.30.049). Docketing and Numbering Causes.

(a) When an application or pleading intended to institute a proceeding has been received by the state archeologist and has been preliminarily determined complete, the state archeologist shall docket the matter as a pending proceeding, number it in accordance with the established docket numbering system of the committee, assign an examiner (unless the matter is to be heard originally by the committee), issue a call for participants, and see that the

committee's responsibility to give notice of the application or pleading is met.

(b) The committee may institute a proceeding on its own motion by causing the general counsel of the General Land Office, or his designee, to file an appropriate pleading with the state archeologist.

§43.53 (355.10.30.051) Notice of Hearing and Call for Participants

(a) Within five days after determining an application (or other pleading intended to initiate a proceeding) complete, the committee shall submit for publication in the *Register* notice of a hearing on the application and a call for participants in the hearing.

(b) The notice of hearing and call for participants shall be given in an issue of the *Register* dated not fewer than 15 days before the date of the conference at which parties are to be designated.

(c) The hearing on the application shall be held no sooner than 15 days after the conference at which parties are designated.

(d) The notice of hearing and call for participants shall include the following

(1) A statement of the date, time, and place of the conference at which parties to the proceeding will be designated and a statement of the date, time, and place of the hearing on the application

(2) A short, plain statement of the matters asserted by the application, the geographic area to which the application pertains, the committee action which is sought, and the telephone number and address of a committee employee who may be consulted for further information on the application.

(3) A statement of the legal authority and jurisdiction of the committee to entertain the application

(4) A statement that to become a party in the proceeding one must be so designated by the committee, and that a person wishing to be so designated must present a written request to that effect in the proper form to the committee at or before the conference held by the committee for that purpose.

(5) A statement that limited nonparty participation may be allowed under other committee rules

(e) The committee shall maintain a mailing list of all persons who request personal notice of public hearings or other proceedings of the committee. The committee shall mail notice of each proceeding to each person on such list at the address provided to the committee. The annual renewal of each such request is a condition of continuing each name and address on the mailing list. This notice requirement stands in addition to any others required by law or rules of the committee

§43.55 (355.10.30.053) Revised Notice If the committee determines that a material error has been made in a notice, or that a material change has been made in an application after notice has been issued, the committee shall issue a revised notice. If the material change or error affecting the content of the notice does not come to the attention of the committee in sufficient time to correct notice given by newspaper publication, the committee will adjust the time limitations provided in its rules, and will reschedule the hearing if necessary. The party who has caused the change or error requiring revised notice shall be at the expense of giving such notice.

§43.57 (355.10.30.055) Written Motions. Any motion relating to a pending proceeding shall, unless made during a prehearing conference or a hearing, be written and shall set forth the relief sought and the specific reasons and grounds for relief. If based upon matters which do not appear of record, it shall be supported by affidavit. Each written motion shall be filed with the examiner or the state archeologist, as appropriate.

§43.59 (355.10.30.057) Prefiling Prepared Testimony and Exhibits.

(a) Prepared testimony consists of any document which is intended to be offered as evidence and adopted as sworn testimony by a witness who prepared the document or supervised its preparation.

(b) A person who intends to offer prepared testimony at a hearing shall prefile the testimony with the state archeologist not more than eight nor less than five days prior to the hearing for consideration and review by the examiner prior to the hearing, and shall serve a copy of the prepared testimony on each other party to the proceeding and each other person who has filed a nonparty statement or written request to receive such testimony. The examiner may authorize the late filing of prepared testimony upon a showing of good cause and extenuating circumstances.

(c) To receive a copy of prepared testimony submitted in compliance with this section a person who is not a party must bear the reasonable expense of the copies sought and the person must file a written statement in compliance with §43.49 (047) of this title, or file a written request with the committee not less than 15 days prior to the hearing. A person is not made a party to a proceeding by the filing of such a statement or request.

§43.61 (355.10.30.059) Examiner

(a) Hearings and prehearing proceedings may be conducted by one or more members of the committee or a hearing examiner. In a hearing conducted by one or more members of the committee, the commissioner or his designee shall serve as presiding examiner. In a hearing conducted by a hearing examiner, the hearing examiner is presiding examiner. The presiding examiner's authority includes all authority which may be delegated to a hearing examiner.

(b) The presiding examiner has authority to admit parties, authorize the taking of depositions, issue subpoenas to compel the attendance of witnesses and the production of papers and documents, administer oaths, receive evidence, rule on the admissibility of evidence and amendments to pleadings, examine witnesses, set reasonable times within which a party may present evidence and within which a witness may testify, permit and limit oral argument, issue interim orders, recess a hearing from day to day and place to place, propose findings of fact and conclusions of law, propose orders and decisions, and do all other things necessary to a fair and proper hearing.

(c) If the committee for any reason removes a hearing examiner or if an examiner is unable to continue presiding at any time before final decision, the committee may appoint another examiner to preside and to perform any function remaining to be performed, without the necessity of repeating any previous proceeding.

§43.63 (355.10.30.061) Designation and Use of Hearing Examiners.

(a) The committee delegates to the chairman authority to designate which, if any, of the proceedings docketed for

hearing shall be heard originally by a hearing examiner rather than by the committee.

(b) Each docketed proceeding shall be routinely set for original hearing by the committee unless within five days of docketing a proceeding, the chairman directs the state archeologist to set the proceeding for original hearing by a hearing examiner.

(c) The committee may designate special hearing examiners on a temporary basis to hear complex proceedings, to assist in training hearing examiners, or to expedite clearing the committee's docket.

§43.65 (355.10.30.063) Qualifications of Hearing Examiners.

(a) Each hearing examiner must be an attorney licensed to practice before the Supreme Court of the State of Texas.

(b) No person who has participated in a matter in any capacity other than that of hearing examiner for the committee may serve as a hearing examiner in the same matter.

(c) No person may serve as hearing examiner in a matter in the outcome of which he has an economic interest. A person is deemed to have an economic interest in a matter if he, or any of his immediate family, dependents, business partners, or clients have an economic interest in a matter. A person is deemed to have an economic interest in a matter if he or his immediate family or dependents separately or together hold any office in or own 10% or more of the stock of any business or professional corporation or association having an economic interest in a matter.

§43.67 (355.10.30.065) Prehearing Conference

(a) Upon written notice, the examiner assigned to a proceeding may, on his own motion or on the motion of a party, direct the parties or their representatives to appear at a specified time and place for a prehearing conference to formulate issues and consider any of the following:

- (1) simplifying issues;
 - (2) amending the pleadings;
 - (3) making admissions of fact or stipulations to avoid the unnecessary introduction of proof;
 - (4) designating parties;
 - (5) setting the order of procedure at a hearing;
 - (6) identifying and limiting the number of witnesses;
- and

(7) resolving other matters which may expedite or simplify the disposition of the controversy, including settling issues in dispute.

(b) The examiner shall record the action taken at the conference unless the parties enter into a written agreement as to such action, as permitted in §43.5 (355.10.10.005) of this title.

(c) The examiner conducting a prehearing conference may enter appropriate orders concerning prehearing discovery, stipulations of uncontested matters, presentation of evidence and scope of inquiry.

§43.69 (355.10.30.067) Motion To Consolidate.

(a) A party may move to consolidate two or more applications or other proceedings. A motion to consolidate must be in writing, signed by the movant or his representative, and filed with the committee prior to the date set for hearing.

(b) The committee may not consolidate proceedings or hear them jointly without the consent of all parties to each affected proceeding, unless the committee finds both (1) that the proceedings involve common questions of law or fact, and

(2) that separate hearings would result in unwarranted expense, delay, or substantial injustice. The committee may hold special hearings on separate issues.

§43.71 (355.10.30.069) Place and Nature of Hearings. All hearings in every proceeding must be open to the public. Each hearing shall be held in Austin, Texas, unless the law requires otherwise, or unless, for good cause stated in its minutes, the committee designates another place.

§43.73 (355.10.30.071) Postponement and Continuance.

(a) A motion for postponement must be in writing, must set forth the specific grounds on which it is sought, and must be filed with the committee before the date set for hearing. If the examiner grants a motion for postponement, notice of postponement must issue.

(b) After a matter has proceeded to a hearing, the presiding examiner may grant a continuance on either an oral or a written motion, without issuing new notice, by announcing at the hearing before recessing it the date, time, and place for the hearing to reconvene. If the examiner continues a hearing without publicly announcing at the recessed hearing the date, time, and place for its reconvening, the committee must mail notice at least 10 days before the further setting to parties present at the hearing and to all other persons who the committee has reason to believe should be notified.

§43.75 (355.10.30.073) Order of Procedure

(a) The presiding examiner shall open the hearing, make a concise statement of its scope and purposes, and announce that a record of the hearing is being made.

(b) Once the hearing has begun, parties or their representatives may be off the record only when the examiner permits. If a discussion off the record is pertinent, the presiding examiner will summarize the discussion for the record.

(c) All appearances by parties and their representatives and by persons who may testify must be entered on the record.

(d) The examiner shall then receive motions and afford each party of record an opportunity to make an opening statement.

(e) Each party of record is entitled to present a direct case and to cross examine opposition witnesses. The party with the burden of proof, usually the applicant, is entitled to open and close, except that if the proceeding has been initiated by the committee or if several proceedings are heard on a consolidated record, the presiding examiner shall designate who may open and close and at what stage intervenors may offer evidence.

(f) All witnesses to be called shall be sworn, and after opening statements, if any, the party with the burden or such other party as the presiding examiner has designated under the preceding paragraph may proceed with his direct case. Opposing parties may then cross examine witnesses.

(g) All other parties may then present their cases and be subjected to cross examination. Unless the order of their presentations has already been agreed on, the presiding examiner may entertain motions from the parties on order of procedure and shall determine how best to proceed.

(h) The presiding examiner may allow nonparty participants to cross examine parties and witnesses when it appears this may lead to significantly fuller disclosure of facts without unduly delaying the hearing or burdening the record.

(i) At the conclusion of all evidence and cross-examination, the presiding examiner shall allow closing statements.

(j) Before writing his report and proposal for decision, the presiding examiner may call upon any party for further relevant and material evidence on any issue. He shall not consider such evidence or allow it into the record without giving each party an opportunity to inspect and rebut it.

(k) Upon written notice or notice stated into the record, the presiding examiner may direct the parties or their representatives to appear for a conference to consider any matter which may expedite the hearing and serve the interests of justice. The action taken at the conference must be reduced to writing, and the writing shall be signed by the parties and made part of the record in the proceeding.

§43.77 (355.10.30.075) *Reporters and Transcripts*

(a) The committee shall engage an official reporter to make a stenographic record of the hearing and to file it with the state archeologist. The committee may allocate the cost of the reporter and transcript among the parties.

(b) If a transcript of the stenographic record is requested, the committee may assess costs of preparing such a transcript to the requesting party.

(c) A participant may challenge errors made in transcribing a hearing by noting them in writing and suggesting corrections within 10 days after the transcript is filed, or later if the examiner permits. The participant claiming errors shall serve a copy of his suggested corrections upon each party of record, the official reporter, and the examiner. If proposed corrections are not objected to within 12 days after being offered, the presiding examiner may direct that the suggested corrections be made and the manner of making them. If parties disagree on suggested corrections, the presiding examiner, with the aid of argument and testimony from the parties, shall determine whether to change the record, and if so, how.

§43.79 (355.10.30.077) *The Record*. The record in an adjudicative hearing includes

(1) all pleadings, motions, intermediate rulings, and interim orders;

(2) all evidence received or considered;

(3) a statement of all matters officially noticed;

(4) questions, offers of proof, objections, and rulings on objections;

(5) proposed findings and exceptions;

(6) any proposal for decision, opinion, or report by the examiner conducting the hearing;

(7) all memoranda and data submitted by staff to the examiner or the committee or considered by the examiner or the committee in connection with the proceeding; and

(8) summaries of any conferences held before or during the hearing.

§43.81 (355.10.30.079) *Witnesses To Be Sworn*. All testimony shall be given under oath administered by the presiding examiner.

§43.83 (355.10.30.081) *Witnesses Limited*. The examiner may limit the number of witnesses whose testimony is merely cumulative.

§43.85 (355.10.30.083) *Rules of Evidence*.

(a) The examiner shall exclude all irrelevant, immaterial, or unduly repetitious evidence.

(b) The presiding examiner shall follow the rules of evidence as applied in nonjury civil cases in Texas district courts. When necessary to ascertain facts not reasonably susceptible of proof under those rules, the presiding examiner may admit evidence not admissible under them (unless precluded by statute) if it is of a type commonly relied on by reasonably prudent persons in the conduct of their affairs. The rules of privilege recognized by Texas law shall be applied in committee proceedings.

(c) A party may object to an evidentiary offer and his objection shall be noted in the record.

(d) No evidence which is beyond the scope of the allegations in a proceeding may be admitted.

§43.87 (355.10.30.085) *Formal Exceptions*. Formal exceptions to rulings of the presiding examiner during a hearing are unnecessary. It is sufficient that the party, at the time a ruling is made or sought, makes known to the presiding examiner the action which he desires.

§43.89 (355.10.30.087) *Offer of Proof*

(a) When the presiding examiner rules to exclude evidence, the party offering it may make an offer of proof by dictating or submitting in writing the substance of the proposed evidence, before the closing of the hearing. That offer of proof suffices to preserve the point for review by the committee.

(b) The presiding examiner may ask a witness or offered witness those questions he deems necessary to satisfy himself that the witness would testify as represented in the offer of proof.

(c) An alleged error in sustaining an objection to questions asked on cross-examination may be preserved without making an offer of proof.

§43.91 (355.10.30.089) *Official Notice*

(a) The committee may take official notice of judicially cognizable facts and of facts generally recognized within the area of the committee's specialized knowledge.

(b) Parties shall be notified before final decision of the specific facts noticed, including any facts or other data in staff memoranda, and they shall be afforded an opportunity to contest the material so noticed.

(c) The special skills and knowledge of the committee and its staff may be utilized in evaluating the evidence.

§43.93 (355.10.30.091) *Documentary Evidence*

(a) The presiding examiner may receive documentary evidence in the form of copies or excerpts if the original is not readily available. On request, parties shall be given an opportunity to compare the copy with the original when possible.

(b) When many similar documents are offered, the examiner may limit those admitted to a number which are representative, and may require that the relevant data be abstracted from the documents and presented as an exhibit. When so requiring, the examiner shall give all parties or their representatives an opportunity to examine the documents from which the abstracts are made.

§43.95 (355.10.30.093) *Admissibility of Prepared Testimony and Exhibits*. When it will expedite a hearing without substantially prejudicing the interests of a party, the examiner may receive evidence in written form. The prepared, written testimony of a witness upon direct examination, either in narrative or question and answer form, may be incorporated into the record as if read or received as an exhibit, upon the

witness' being sworn and identifying the writing as a true and accurate record of what his testimony would be if he were to testify orally. The witness is subject to clarifying questions and to cross examination in accordance with §43.75 (.073) of this title, and his prepared testimony is subject to a motion to strike either in whole or in part.

§43.97 (.355 10.30.095) *Exhibits*

(a) Form of exhibits. Documentary exhibits must be of a size which will not unduly encumber the records. Whenever practicable, exhibits must conform to the requirements of §43.33 (.031) of this title. The first sheet of the exhibit must briefly state what the exhibit purports to show. Exhibits may include only facts material and relevant to the issues of the proceeding. Maps or drawings must be so rolled or folded as not to encumber the record. Exhibits not conforming to this section may be excluded.

(b) Tender and service. The offering party shall tender to the examiner for identification the original of each exhibit offered. The offering party shall furnish one copy to the examiner and one copy to each party of record or his representative. Documents and maps received in evidence may not be withdrawn except with the approval of the presiding examiner.

(c) Excluded exhibits. If an exhibit has been offered, objected to, and excluded, the presiding examiner shall determine whether or not the party offering the exhibit withdraws the offer, and if so, permit the return of the exhibit to him. If the excluded exhibit is not withdrawn, it shall be numbered for identification, endorsed by the presiding examiner with his ruling, and included in the record to preserve the exception.

(d) Late exhibits. A party may not file an exhibit after the hearing closes, unless the examiner specifically directs, in which event the party shall, before filing the exhibit, serve a copy of it on all other parties.

§43.99 (.355 10.30.097) *Subpoenas*

(a) Following written request by a party, or on its own motion, the committee may issue a subpoena addressed to a sheriff or any constable to require the attendance of witnesses and the production of books, records, papers, or other objects as may be necessary and proper for the purposes of a proceeding. A committee member or a hearing examiner may issue a subpoena in the name of the committee.

(b) A motion for a subpoena to compel the production of books, records, papers, or other objects shall be addressed to the appropriate person, shall be verified and shall specify as nearly as may be the books, records, papers, or other objects desired and the relevant and material facts to be proved by them.

(c) The party requesting a subpoena shall deposit with the state archeologist a sum sufficient to insure payment of the witness' reasonable and necessary travel expenses and the necessary witness fee.

§43.101 (.355 10.30.099) *Depositions*. Section 14 of the Administrative Procedure and Texas Register Act governs the taking and use of depositions. Rule 169 of the Texas Rules of Civil Procedure governs requests for admissions of fact and genuineness of documents.

§43.103 (.355 10.30.101) *Interim Orders*. Prior to a final order of the committee, a party may seek from a presiding examiner relief by a written interim order. An interim order is not subject to exceptions or motion for rehearing, but a party

aggrieved by an interim order may file an appeal from the presiding examiner's ruling to the committee within three days of the issuance of the order. The committee shall rule on the interim order at its next meeting, and pending ruling thereon, the interim order is stayed.

§43.105 (.355 10.30.103) *Briefs*

(a) Briefs must conform, where practicable, to the requirements for formal pleadings set out in these sections. The points involved shall be concisely stated, the evidence in support of each point shall be summarized, and the argument and authorities shall be concisely and logically organized and directed to each point.

(b) The examiner may request briefs before or after he files the examiner's report and proposal for decision required in §43.107(b) (.105(b)) of this title.

§43.107 (.355 10.30.105) *Proposal for Decision and Examiner's Report*

(a) Decision not adverse to a party. If a majority of the committee has neither heard nor read the record of a proceeding, and if the proposed decision is not adverse to any party to the proceeding, the examiner may propose to the committee a decision which need not contain findings of fact or conclusions of law.

(b) Decision adverse to a party.

(1) If a majority of the committee has neither heard the case nor read the record of a proceeding, the committee may not make a decision adverse to a party until a proposal for decision has been served on the parties, and an opportunity has been given each party adversely affected to file exceptions and present briefs to the committee.

(2) The proposal for decision, if adverse to a party, must be prepared by the examiner or by one who has read the record and must contain a statement of the reasons for the proposed decision and a statement of each finding of fact and conclusion of law necessary to the proposed decision. The examiner may request that any party draft and submit a proposal for decision including proposed findings of fact and conclusions of law separately stated. In making such a request, the examiner will indicate to all parties the general nature of the intended proposal for final decision to be drafted. When the presiding examiner wishes to use the special skills of the committee staff in evaluating the evidence received or record made, he may request in writing to the state archeologist the assignment of appropriate personnel who have not participated in the review or processing of the matter. The presiding examiner may communicate with any committee employee assigned under this section.

(3) The proposal for decision shall be circulated among the parties. If any party files an exception or presents a brief, an opportunity must be afforded to all other parties to file replies to the exception or brief. The proposal for decision may be amended pursuant to exceptions, replies, or briefs submitted by the parties without again being served on the parties.

(c) Regardless of whether subsection (a) or subsection (b) of this section is followed, the proposal for decision must be accompanied by an examiner's report. This report must contain a statement of the nature of the case and a discussion of the issues, the evidence and the applicable law.

§43.109 (.355 10.30.107) *Countersignature by State Archeologist*. The state archeologist shall countersign every examiner's report and proposal for decision.

§43 111 (355 10.30.109) Filing of Exceptions and Replies

(a) Unless the examiner has set a different period of time, a party may file exceptions to the examiner's report or the proposal for decision or both within 15 days after the examiner's report and proposal for decision are served.

(b) A party may file replies to these exceptions within 15 days after the exceptions are filed unless the examiner has set a different period of time.

(c) Any request to enlarge or shorten the time for filing exceptions or replies must be filed with the examiner and a copy served on all parties by the requesting party. The examiner shall promptly notify the parties of his decision on the request. Additional time may be allowed only when the interests of justice require.

§43 113 (355 10.30.111) Form of Exceptions and Replies. Exceptions and replies to exceptions shall conform as nearly as practicable to the rules for pleadings. Specific exceptions shall be concisely stated. The evidence relied on shall be pointed out with particularity, and that evidence and any arguments relied on shall be grouped under the exceptions to which they relate.

§43 115 (355 10.30.113) Oral Argument before the Committee. A party may request and the committee may allow oral argument before the committee before final committee determination. A request for oral argument may be incorporated in the exceptions, in a reply to exceptions, or in a separate pleading.

§43 117 (355 10.30.115) Pleading before Final Decision. The committee may permit or request parties to file briefs and proposed findings of fact within such time after the hearing and before final decision as the committee may specify. A party doing so shall file eight copies with the committee and serve a copy on each other party, certifying to the committee that such service has been made.

§43 119 (355 10.30.117) Final Decision or Order. After the time for filing exceptions and replies to exceptions has expired, or when all timely exceptions and replies to exceptions have actually been filed, the committee shall consider the examiner's report and the proposal for decision. The committee may adopt the proposal for decision, modify and adopt it, reject it and issue a committee decision, or remand the matter to the examiner. The committee shall render its final decision or issue its final order within 60 days after the hearing closes, except that in a contested case not heard by a majority of the committee the committee may prescribe a time up to 120 days after the close of the hearing within which it will render its final decision or issue its final order. Any such extension must be announced at the conclusion of the hearing.

§43 121 (355 10.30.119) Form, Content and Service. A final decision or order of the committee adverse to one or more parties must be written and signed by at least four committee members. Such final decision must include findings of fact and conclusions of law separately stated. Findings of fact, if set forth in statutory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Findings of fact must be based exclusively on the evidence and on matters officially noticed. If a party submits proposed findings of fact, the decision must include a ruling on each proposed finding. The state archeologist shall mail or deliver a copy of the decision or order to each party or his authorized representative.

§43 123 (355 10.30.121) Effective Date of Decision or Order. A final decision or final order is effective on the date of committee action, unless otherwise stated in the decision or order. The date of committee action must be incorporated in the body of each final decision and order.

§43 125 (355 10.30.123) Administrative Finality. Committee action becomes final when the first of the following events occurs:

(1) the time period for filing a motion for rehearing after a final decision or order expires without a motion for rehearing having been filed;

(2) the committee denies a motion for rehearing on a final decision or order, either expressly or by operation of law, or

(3) the committee renders a final decision or issues a final order which includes a statement that no motion for rehearing will be necessary because an imminent peril to the public health, safety, or welfare requires immediate effect be given to the decision or order.

§43 127 (355 10.30.125) Rehearing

(a) A motion for rehearing is prerequisite to appeal, except as provided in §43 125 (123) of this title. A motion for rehearing must be made within 15 days after the final decision or order. Any reply to a motion for rehearing must be filed with the committee within 25 days after the final decision or order. A party filing a motion for rehearing or a reply to a motion for rehearing shall serve a copy on each party concurrently with the filing.

(b) The committee shall act on the motion within 45 days after the final decision or order. If the committee does not act within this 45 day period, the motion for rehearing is overruled by operation of law 45 days after the final decision or order.

(c) The committee may by written order extend the time for filing motions and replies and for taking committee action, except that this extension may not extend the period for committee action beyond 90 days after the date of the final decision or order. In the event of an extension a motion for rehearing is overruled by operation of law on the date fixed by the order or, in the absence of a fixed date, 90 days from the date of the final decision or order.

§43 129 (355 10.30.127) Emergency Orders. If the committee finds that an imminent peril to the public health, safety, or welfare requires the immediate finality of a decision or order in a contested case, it shall recite that finding in the decision or order in addition to reciting that the decision or order is final from the date rendered, in which event the decision or order is final and appealable from the date rendered and a motion for rehearing is not prerequisite to appeal.

§43 131 (355 10.30.129) Show Cause Orders and Complaints. The committee, either upon its own motion or upon receipt of written complaint, may at any time after notice to all interested persons cite any person within its jurisdiction to appear before it in a public hearing and require that person to show cause why he should not comply with a rule, regulation, agreement, general order or statute committed to the committee's administration which that person is allegedly violating.

§43 133 (355 10.30.131) Ex Parte Communications. Except as provided in §43 107(b) (105(b)) of this title and unless required for the disposition of ex parte matters authorized by law, no member of the committee and no employee of the

committee assigned to propose a decision or assigned to propose or make findings of fact or conclusions of law in a case covered by these sections may communicate, directly or indirectly, in connection with any issue of fact or law with any person or party or any representative of either, except on notice and opportunity for all parties to participate. Notwithstanding the preceding sentence, a member of the committee may communicate with another member of the committee.

Doc No 808027

Proceedings Regarding Permits for Salvage, Restoration, or Study

The Texas Antiquities Committee has adopted the following sections pursuant to Chapter 191, Texas Natural Resources Code (1978):

§43.151 (355.10.50.001) *Scope*—These sections govern proceedings before the committee in regard to or arising under Texas Natural Resources Code, Article 191.054, Permits for Salvage, Restoration, or Study.

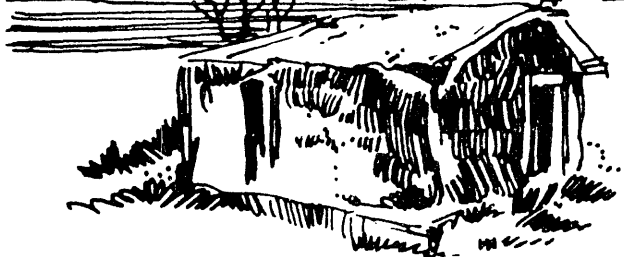
§43.152 (355.10.50.002) *Application*—The procedural sections set out in §§43.143.8 (355.10.10.001.008) and §§43.21.43.133 (355.10.30.001, .002, .021, .131) of this chapter shall be applied by the committee in processing any application for a permit, any complaint, or any enforcement action under Article 191.054 of the Texas Natural Resources Code, and in hearing and deciding any contested application or enforcement proceeding under the said Section 191.054 of the Texas Natural Resources Code.

Issued in Austin, Texas, on October 21, 1980.

Doc No 808028 Dr. Fred Wendorf
Chairman
Texas Antiquities Committee

Effective Date: November 11, 1980
Proposal Publication Date: September 16, 1980
For further information, please call (512) 475-3092

TEXAS HERITAGE



TITLE 22. EXAMINING BOARDS

Part XIX. Polygraph Examiners Board

Chapter 395. Code of Operating Procedure for Polygraph Examiners

The Polygraph Examiners Board has adopted §395.17 (397.03.00.017) of this title that restricts the release of infor-

mation obtained during a polygraph examination to an unauthorized source by defining those to whom such information may be given.

This section is promulgated under the authority of Section 6(a), Article 4413(29cc), Vernon's Civil Statutes (Polygraph Examiners Act).

§395.17 (397.03.00.017) *Confidentiality*—To protect the privacy of each examinee, no polygraph examiner shall release information obtained during a polygraph examination to any unauthorized person. Authorized persons shall consist of the following:

- (1) the examinee and other persons specifically designated in writing by the examinee;
- (2) the person, firm, corporation, partnership, or business entity or the governmental agency which requested the examination;
- (3) members or their agents of governmental bodies such as federal, state, county, or municipal agencies which license, supervise, or control the activities of polygraph examiners;
- (4) other polygraph examiners in private consultation, all of whom will adhere to this section;
- (5) others as may be required by due process of law.

Issued in San Antonio, Texas, on October 15, 1980.

Doc No 808005 Ryerson D. Gates
System Administrator
Polygraph Examiners Board

Effective Date: November 11, 1980
Proposal Publication Date: August 26, 1980
For further information, please call (512) 227-6100

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation

Chapter 25. Maintenance Division

General

Under the authority of Article 6701d, Texas Civil Statutes, the State Department of Highways and Public Transportation has amended subsection (a) of §25.1 (101.18.01.001) of this title to read as follows:

§25.1 (101.18.01.001) *Uniform Traffic Control Devices*

(a) The Texas Manual on Uniform Traffic Control Devices for Streets and Highways, 1980 edition, which is filed with this section and hereby incorporated by reference, was prepared as required by law to govern standards and specifications for all such traffic control devices to be erected and maintained upon all highways within this state, including those under local jurisdiction.

(b) (d) (No change.)

Issued in Austin, Texas, on October 20, 1980.

Doc No 808007 Diane Northam
Administrative Technician
State Department of Highways and
Public Transportation

Effective Date: December 1, 1980
Proposal Publication Date: September 9, 1980
For further information, please call (512) 475-2141.

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, November 18, 1980, 8:30 a.m. The Agricultural Protective Act Division of the Texas Department of Agriculture will meet at Expressway 83, two blocks west of Morningside Road, San Juan. According to the agenda, the division will discuss allegations against Veg Pak, Inc., San Antonio, in account with Rogers Produce Company, Edinburg.

Information may be obtained from Bobby Champion, P.O. Box 12847, Austin, Texas 78711.

Filed October 22, 1980, 4:24 p.m.
Doc. No. 808058

State Bar of Texas

Thursday and Friday, October 23 and 24, 1980, 9 a.m. daily. The Board of Directors of the State Bar of Texas has filed an emergency rescheduling of a meeting held in the Texas Law Center, 1414 Colorado, Austin. Pursuant to an error in the original meeting notice, the time and dates of the meeting were rescheduled as indicated above. The agenda remained the same.

Information may be obtained from Adele Evans, Room 400, Texas Law Center, Austin, Texas, (512) 475-2288.

Filed October 21, 1980, 12:14 p.m.
Doc. No. 808018

Texas Guaranteed Student Loan Corporation

Monday, December 1, 1980, 10 a.m.-5 p.m. The Board of Directors of the Texas Guaranteed Student Loan Corporation will meet in Suite 510, 400 East Anderson Lane, Austin. According to the agenda summary, the board will approve minutes, hear reports from the chairman, executive director, Policy Committee, and Budget Committee, and consider new business.

Information may be obtained from Joe L. McCormick, Champion Tower, Suite 510, 400 East Anderson Lane, Austin, Texas 78752, (512) 835-1900.

Filed October 23, 1980, 9:10 a.m.
Doc. No. 808066

Texas Department of Health

The Texas Department of Health will conduct the following hearings in November:

Wednesday, November 12, 1980, 1 p.m.

council chambers, Civic Center Complex, 825 West Irving Boulevard, Irving. Application 1379 of Las Colinas Corp., to operate a proposed Type IV brush and construction demolition waste disposal site to be located 1,200 feet south of IH 635, 0.6 mile north of Royal Lane, 0.6 mile east of Raspberry Road, and 0.4 mile west of the Elm Fork of the Trinity River in Irving, Dallas County.

Thursday, November 13, 1980, 9 a.m.

council chambers, Civic Center Complex, 825 West Irving Boulevard, Irving. Application 1394 of the City of Irving to operate a proposed Type I municipal solid waste disposal site to include an air curtain destructor (trench burner) for brush incineration, to be located immediately south of Hunter Ferrell Road, immediately north of the west fork of the Trinity River, immediately east of the intersection of Hunter Ferrell Road and Luper Road, immediately west of the intersection of Hunter Ferrell Road and Nursery Road, and 0.9 mile west of Loop Highway 12 in Irving (500 block of East Hunter Ferrell Road).

Thursday, November 13, 1980, 9:30 a.m.

commissioners' courtroom, courthouse, Livingston. Application 1384 of Polk County to operate a proposed Type I municipal solid waste disposal site to be located north of FM 942, 3.0 miles west of the intersection of U.S. 59 and FM 942 in Leggett, Polk County.

Tuesday, November 18, 1980, 1:30 p.m.

council chambers, city hall, College Station. Application 419A of the City of College Station to operate a proposed 35 acre addition to an existing 15.3 acre Type I municipal solid waste disposal site located southeast of College Station, on the north side of State Highway 6, 1.34 miles southeast of its intersection with State Highway Loop 507 in Brazos County.

Information may be obtained from Jack C. Carmichael, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7271.

Filed October 21, 1980, 1:45 p.m.
Doc. No. 808019

Texas Health Facilities Commission

Friday, October 31, 1980, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

Certificate of Need
Southwestern General Hospital, El Paso
AH80 0314 002
Guadalupe Valley Hospital, Seguin
AH80 0605 035

Exemption Certificate Nunc Pro Tunc
Eastway General Hospital, Houston
AH80 0805 005

Amendment of Certificate of Need Nunc Pro Tunc
Ella Austin Community Center, San Antonio
AO78 1013 022A(020780)

Certificate of Need Nunc Pro Tunc
Irving Community Hospital, Irving
AH80 0530 094

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

Filed October 22, 1980, 9 46 a.m.
Doc No 808035

Texas Housing Agency

Friday, October 24, 1980, 10 a.m. The Board of Directors of the Texas Housing Agency will meet in Conference Room E of the John H. Reagan Building 15th at Congress, Austin. According to the summarized agenda, the board will consider and take action on the following items: minutes, financial report, contracts with trustee, auditor, mortgage banking consultant, and bond counsel, printing bonds, depository selection and contracts, pool and hazard insurance, allocation of bond proceeds, sale of bonds, trust indenture, supplemental trust indenture, origination, sale, and servicing agreement, a purchase contract, preliminary and final official statements for the 1980 Series A bonds, authorizing execution of documents, declaring a public purpose, resolution concerning adoption of rules, ratification of allocation and acceptance procedures of proceeds of bonds, solicitation of advance commitment agreements, distribution of invitations to participate, origination, sale, and service agreements, election of officers, agency seal, ratification of previous actions taken at organizational meeting, requests for ratings, and all other matters necessary or convenient to institute a single family mortgage purchase program and authorization of issuance of bonds including consultants, committees, and contracts.

Information may be obtained from Earline Jewett, P.O. Box 13944, Austin, Texas 78711, (512) 475 0812.

Filed October 22, 1980, 4 43 p.m.
Doc No 808057

University of Houston

Monday, October 27, 1980. The following committees of the University of Houston Board of Regents met in Room 510 of the Houston United Bank Building, 4600 Gulf Freeway, Houston, at the times listed below.

8 a.m. The Audit Committee discussed completed audits; audits in progress; the audit plan for 1980-81, the proposed downtown college policies and procedures for rental agreements, and continuing education and public service fees and charges.

9:30 a.m. The Budget and Finance Committee considered the educational and general budget summary quarterly report, quarterly investment report, quarterly report for full time employees; second submission of legislative appropriations requests, revised budget for Melrose-Thompson royalties; UH Central Campus—allocation and undate of select fees; UH Clear Lake—allocation of bond earnings and increase of fees; bank and signatory resolutions; gift income.

11:30 a.m. The Athletics Affairs Committee discussed facilities needs; 1979-80 and 1980-81 operating budgets; departmental administrative structure and programs; Endowed Scholarship Program; aerobic rehabilitation and research center proposal, role of booster clubs; 1981 Cougar Athletic Fund Drive; and other matters.

1:30 p.m. The Academic Affairs Committee considered the proposed nepotism policy, proposed promotion and tenure policy, personnel actions for UH System, UH Central Campus, UH Clear Lake City, UH Downtown College, and UH Victoria Center for October and or September 1980, and grants for UH Central Campus, UH Clear Lake City, and UH Downtown College.

Information may be obtained from Deborah Selden, 4800 Calhoun, Houston, Texas 77004, (713) 749 7545.

Filed October 22, 1980, 9 19 a.m.
Doc Nos 808034, 808036, 808037, & 808038

Monday, November 3, 1980. The Board of Regents and the Broadcasting and Public Affairs Committee of the Board of Regents of the University of Houston will meet in the board room, 220 Ezekiel Cullen Building, University of Houston Central Campus, at the times listed below.

8 a.m. The Broadcasting and Public Affairs Committee will discuss the KUHT TV quarterly report and the Community Advisory Board of KUHT TV and KUHF FM yearly report.

1:30 p.m. The Board of Regents will approve minutes of September 8, 1980, meeting and meet in executive session. Following the executive session the board will consider the following items: completed audits, audits in progress, audit plan for 1980-81, proposed downtown college policies and procedures, KUHT TV quarterly report, Campus, Faculty, and Academic Affairs Committee report, proposed nepotism and promotion and tenure policies, personnel actions, grants, report of investment changes, educational and general budget summary, quarterly investment report, second submission of legislative appropriations requests, full time employees quarterly report, allocation and fee increases, bank and signatory resolutions, gifts, memorial resolution, Building Committee report, and president's report.

Information may be obtained from Deborah Selden, 4800 Calhoun, Houston, Texas 77004, (713) 749 7545.

Filed October 22, 1980, 9 19 a.m.
Doc Nos 808039 and 808040

Texas Department of Human Resources

Thursday, October 23, 1980, 7 p.m. The board of the Texas Department of Human Resources met in emergency session in the attorney general's conference room, seventh floor of the Supreme Court Building, Austin. According to the agenda summary, the board discussed pending and contemplated litigation with the attorney general. This was considered a matter of public necessity.

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

Filed October 22, 1980, 9.39 a.m.
Doc No. 808046

Industrial Accident Board

Friday, November 21, 1980, 9:30 a.m. The Industrial Accident Board will meet on the first floor, 200 East Riverside Drive, Austin. According to the agenda, the Texas Workers' Compensation Advisory Committee, established by Senate Concurrent Resolution 103, 66th Legislature, Regular Session, 1979, will meet to adopt proposed remedial legislation for submission to the 67th Legislature concerning changes to the Workers' Compensation Law, Article 8306 through Article 8309.

Information may be obtained from William Treacy, first floor, 200 East Riverside Drive, Austin, Texas 78704, (512) 475-4538.

Filed October 21, 1980, 11:19 a.m.
Doc No 808015

State Board of Insurance

Thursday, October 23, 1980, 10 a.m. The State Board of Insurance made an emergency addition to the agenda of a meeting held in Room 408, 1110 San Jacinto, Austin. According to the agenda, the addition concerned the corrective amendment to Workers' Compensation Manual adopted at the hearing held on October 14, 1980. The emergency meeting was warranted in order to get new manual printed and distributed prior to the effective date of December 1, 1980.

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

Filed October 22, 1980, 10:45 a.m.
Doc No 808048

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

Wednesday, November 5, 1980, 2 p.m.

Wednesday, November 12, 1980, 2 p.m.

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

Filed October 23, 1980, 9:12 a.m.
Doc Nos 808059 and 808061

Wednesday and Thursday, November 12 and 13, 1980, 9 a.m. The State Board of Insurance will conduct a public hearing in Room E of the John H. Reagan Building, 105 West 5th, Austin, to consider the adoption of premium rates and amendments to the basic manual of rules, rates, and forms for the writing of title insurance in the State of Texas.

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

Filed October 23, 1980, 9:11 a.m.
Doc No 808060

The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, on the following dates to discuss the

commissioner's report and to conduct an executive session on personnel matters.

Tuesday, November 18, 1980, 2 p.m.

Tuesday, November 25, 1980, 2 p.m.

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

Filed October 23, 1980, 9:12 a.m.
Doc Nos 808062 and 808064

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

Wednesday, November 19, 1980, 2 p.m.

Wednesday, November 26, 1980, 2 p.m.

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

Filed October 23, 1980, 9:13 a.m.
Doc Nos 808063 and 808065

Texas Commission on Law Enforcement Officer Standards and Education

Thursday, November 6, 1980, 10 a.m. The Texas Commission on Law Enforcement Officer Standards and Education will meet in the conference room of the Twin Towers Office Building, 1106 Clayton Lane, Austin. According to the agenda summary, the commission will call to order, recognize visitors, read minutes, enter official orders, consider entry of final order in the contested case Docket 457-52-378C-1 for revocation of certificate, consider applications for academy certification, consider adoption of amendments to Rules 210.01-02.005, 010, and 011, and hear staff activity reports.

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

Filed October 21, 1980, 3:54 p.m.
Doc No 808022

Board for Lease of State-Owned Lands

Thursday, October 30, 1980, 10 a.m. The Board for Lease of State Department of Highways and Public Transportation of the Board for Lease of State Owned Lands will meet in the State Department of Highways and Public Transportation District Office, Austin. According to the agenda, the board will consider bids received at the October 7, 1980, oil, gas, and sulphur lease sale.

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

Filed October 22, 1980, 10:58 a.m.
Doc No 808049

Board for Lease of University Lands

Friday, October 24, 1980, 2 p.m. The Board for Lease of University Lands met in emergency session in the eighth floor conference room of the General Land Office, 1700 North

Congress, Austin. According to the agenda, the board considered the termination of oil and gas leases and contemplation of litigation involving those leases: Lease 39827—Aminoil, operator, Andrews County; Lease 41491—Champlin Petroleum Company, operator, Andrews County; Lease 37996—Shell Oil Company, operator, Andrews County.

Information may be obtained from Maxine R. Dean, 210 West 6th Street, Austin, Texas 78701, (512) 471-5781.

Filed: October 22, 1980, 9:16 a.m.
Doc. No. 808047

Midwestern State University

Wednesday, October 22, 1980, 4 p.m. The Board of Regents of Midwestern State University met in emergency session in the board room of the Hardin Administration Building, Midwestern State University, Wichita Falls, to discuss Pierce Hall addition—plans and projections.

Information may be obtained from Jesse W. Rogers, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6611, ext. 211.

Filed: October 22, 1980, 9:28 a.m.
Doc. No. 808031

Public Utility Commission of Texas

Wednesday, October 29, 1980, 9:30 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct an emergency prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3473—application of West Texas Utilities Company for authority to increase rates. The meeting was held on less than seven days' notice because of limited discovery time to rule on objection.

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

Filed: October 22, 1980, 2:01 p.m.
Doc. No. 808052

Friday, October 31, 1980, 9 a.m. The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider final orders and hear oral argument in the following Dockets: 3248 and 2990, 3476, 3450, 3418, 3495, 3436, 3481, 3248, 3424, 3271, 3336, 2356, 3413, 3475, 3487, 3432, 3456, 3046, 3249, and 3359 and 3332.

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

Filed: October 21, 1980, 2:49 p.m.
Doc. No. 808020

Thursday, November 6, 1980, 1 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin,

in Dockets 3348 and 3417—application of Texoma Services Corp. for a rate increase within Grayson County and appeal from the rate determination of the City of Southmayd (water rate increase).

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

Filed: October 22, 1980, 2:01 p.m.
Doc. No. 808053

Monday, December 8, 1980, 9:30 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3473—application of West Texas Utilities Company for authority to increase rates.

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

Filed: October 22, 1980, 2:01 p.m.
Doc. No. 808054

Tuesday, December 9, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3471—application of Sabine Investments Company of Texas, doing business as Twin Lakes Utility Company, for a rate increase with Jasper, Sabine, and San Augustine Counties (Water).

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

Filed: October 22, 1980, 9:17 a.m.
Doc. No. 808041

Teacher Retirement System of Texas

Thursday and Friday, November 6 and 7, 1980, 7:30 p.m. and 9 a.m., respectively. The Board of Trustees of the Teacher Retirement System of Texas will meet in Parlor B of the Sheraton Crest Hotel, Austin, to interview and consider candidates for possible appointment to the position of executive secretary of the Teacher Retirement System of Texas.

Information may be obtained from Shari Cooper, 1001 Trinity, Austin, Texas, (512) 477-9711, ext. 201.

Filed: October 22, 1980, 9:34 a.m.
Doc. No. 808032

University of Texas

Saturday, October 25, 1980, 8:30 a.m. The Athletics Council for Men of the University of Texas filed an emergency notice for the agenda of a meeting held in Room 240 of Bellmont Hall, San Jacinto between 21st and 23rd Streets, Austin. According to the agenda, the board approved

minutes and considered the following items: allocation for ninth level feasibility study; tennis courts and football support facilities study; appointment of multidisciplinary building committee for tennis courts and football support facilities; overtime for NCAA baseball and track tournaments; budget adjustments; electrical work for track and visitors dressing room; approval of schedules; stadium security; status of basketball ticket applications and allocations. The council also heard committee reports on varsity club status, bowl policy, licensing and sponsorship, and athletic facilities, and met in executive session. The agenda was filed on an emergency basis because the council was unable to finalize the agenda before October 22, 1980.

Information may be obtained from Hula Kauffman, P.O. Box 7399, Austin, Texas, (512) 471-7348

Filed: October 22, 1980, 11:42 a.m.
Doc No 808051

Texas Southern University

Wednesday, November 5, 1980, 9:30 a.m. The Finance Committee of the Board of Regents of Texas Southern University will meet at 3201 Wheeler Avenue, Texas Southern University, Houston. According to the agenda, the committee will consider monthly financial reports from the administration.

Information may be obtained from Everett O. Bell, Texas Southern University, 3201 Wheeler Avenue, Houston, Texas 77004, (713) 529-8911

Filed: October 21, 1980, 11:07 a.m.
Doc No 808011

Wednesday, November 5, 1980, 11 a.m. The Faculty and Curriculum Committee of the Board of Regents of Texas Southern University will meet at 3201 Wheeler Avenue, Texas Southern University, Houston. According to the agenda, the committee will receive enrollment and curricula data from the administration.

Information may be obtained from Everett O. Bell, Texas Southern University, 3201 Wheeler Avenue, Houston, Texas, (713) 529-8911

Filed: October 21, 1980, 11:07 a.m.
Doc No 808012

Wednesday, November 5, 1980, 2 p.m. The Building and Grounds Committee of the Board of Regents of Texas Southern University will meet at 3201 Wheeler Avenue, Texas Southern University, Houston. According to the agenda, the committee will consider approval of contracts for payment, acquisition of real estate, and awarding of contracts.

Information may be obtained from Everett O. Bell, Texas Southern University, 3201 Wheeler Avenue, Houston, Texas, (713) 529-8911

Filed: October 21, 1980, 11:07 a.m.
Doc No 808013

Thursday, November 6, 1980, 10 a.m. The Board of Regents of Texas Southern University will meet in Student Life Center 203 (conference room), Texas Southern University, Houston. According to the agenda, the board will consider fiscal and curriculum reports from the administration and approve short term investments as recommended by the Finance Committee.

Information may be obtained from Everett O. Bell, Texas Southern University, Houston, Texas, (713) 529-8911.

Filed: October 21, 1980, 11:07 a.m.
Doc No 808014



Texas Water Commission

Monday, October 27, 1980, 10 a.m. The Texas Water Commission made an emergency addition to the agenda of a meeting held in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerned the petition for creation of Harris County Municipal Utility District 169 and Harris County Municipal Utility District 199 for filing and setting of hearing dates. In order for the proposed districts to meet the January 1981 election date, it was necessary for the commission to set a hearing date as soon as possible.

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

Filed: October 22, 1980, 9:21 a.m.
Doc No 808033

Wednesday, December 10, 1980, 10 a.m. The Texas Water Commission will meet in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on an application by the City of Corsicana for approval of plans for an existing levee which was constructed to provide flood protection for a sewage treatment plant in Navarro County (RE 0154).

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

Filed: October 22, 1980, 11:02 a.m.
Doc No 808050

Regional Agencies

Meetings Filed October 21, 1980

The South Texas Health Systems Agency, Nominating Committee of the Lower Rio Grande Valley Subarea Advisory Council, will meet at the Sheraton Harlingen Inn, Expressway 83 and Steward Place Road, Harlingen, on October 30, 1980, at 6 p.m. Information may be obtained from Fidel Pizana, Station 1, Box 2378, Kingsville, Texas 78363, (512) 595-5545.

Doc. No 808016

Meetings Filed October 22, 1980

The Central Texas MHMR Center, Board of Trustees, met at 308 Lakeway Drive, Brownwood, on October 27, 1980, at 4:30 p.m. Information may be obtained from Jamie Clements, P.O. Box 250, Brownwood, Texas 76801, (915) 646-9574, ext. 25.

The Golden Crescent Council of Governments, Board of Directors, will meet in the LaSalle Room of the Victoria Bank and Trust Building, 112 South Main, Victoria, on October 29, 1980, at 5 p.m. Information may be obtained from Joe Atkinson, P.O. Box 2028, Victoria, Texas 77901, (512) 578-1587.

The Middle Rio Grande Development Council, A 95 Project Review Committee, will meet in the city council chambers, city hall, Uvalde, on October 29, 1980, at 2 p.m. Information may be obtained from Elna G. Santos, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

Northeast Texas Health Systems Agency, Executive Committee, will meet at the Marshall Civic Center, 2501 East End Boulevard, South Marshall, November 4, 1980, at 7 p.m. In-

formation may be obtained from Bayard S. Galbraith, Suite 201, 505 East Travis Street, Marshall, Texas 75670, (214) 938-8331.

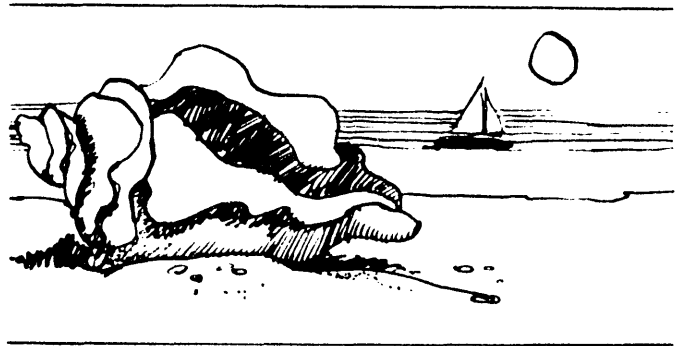
The San Jacinto River Authority, Board of Directors, will meet at the Lake Conroe Office Building, dam site, 105 West, Conroe, on October 28, 1980, at 2 p.m. Information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77301, (713) 588-1111.

Doc. No. 808042

Meetings Filed October 23, 1980

The Amarillo MHMR Regional Center, Executive Committee of the Board of Trustees, will meet in Room J 13, Psychiatric Pavilion, 7201 Evans Street, Amarillo, on October 30, 1980, at noon. The Board of Trustees will meet at the same location following the noon Executive Committee meeting, at 1 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

Doc. No 808067



State Banking Board

Public Hearing

The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on Monday, November 3, 1980, at 2601 North Lamar, Austin, concerning the charter application for First Western Bank to be located in Houston.

Information may be obtained from O. A. Cassity, assistant general counsel, State Banking Department, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas on October 21, 1980.

Doc. No. 808045 O. A. Cassity
Assistant General Counsel
State Banking Department

Filed, October 22, 1980, 9:15 a.m.

For further information, please call (512) 475-4451.

Texas Department of Health

Correction of Error

An adopted rule submitted by the Texas Department of Health contained an error as published in the October 14, 1980 issue of the *Texas Register* (5 TexReg 4124). Subsection (b)(1) of Rule 301.0104.004 should have read:

(1) A written request for permission to use the facilities for meeting purposes must be made to the commissioner or his designee two weeks before the date of the requested use of the facilities; however, the commissioner or designee may waive or shorten such two-week period upon being shown good cause for such action. The request must contain the following information:

Texas Health Facilities Commission

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

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of October 20 and 21, 1980.

Should any person wish to become a formal party to any of the above stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25 day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. on the 25th consecutive day after the date said application is accepted. If the 25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party should be mailed to the chairman of the commission, P.O. Box

15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. of the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in 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, Rules 315.17.05.010-.030, Rules 315.18.04.010-.030, and Rules 315.18.05.010-.030.

In the following list, the applicant and date of acceptance are listed first, the file number second, the relief sought third, and description of the project fourth. EC indicates exemption certificate, DR indicates declaratory ruling, TR indicates transfer of ownership of certificate, AMD indicates amendment of certificate, and CN indicates certificate of need.

The Methodist Hospital, Houston (10/20/80)
AH80 1017 003

EC—To change the heating, ventilation, and air conditioning system at the hospital in order to implement energy conservation measures.

Mission Road Development Center, San Antonio
(10/20/80)

AQ80 1017 001

EC—To establish a community group home for 10 ICF-MR I level residents at 1838 Lee Hall in the Los Angeles Heights addition, San Antonio.

Memorial Hospital, Beeville (10/20/80)
AH80 1017 009

EC—To construct a 2,800 square foot prefabricated building on the hospital campus in order to house air conditioning and mechanical equipment.

Gulf Coast Medical Center and Caney Valley
Memorial Hospital, Wharton (10/20/80)

AH80 1014 034

EC—To realign the intensive care services provided by the Gulf Coast Medical Foundation hospitals to provide for the care of all medical and surgical intensive care in the Gulf Coast Medical Center in Wharton.

Issued in Austin, Texas, on October 22, 1980.

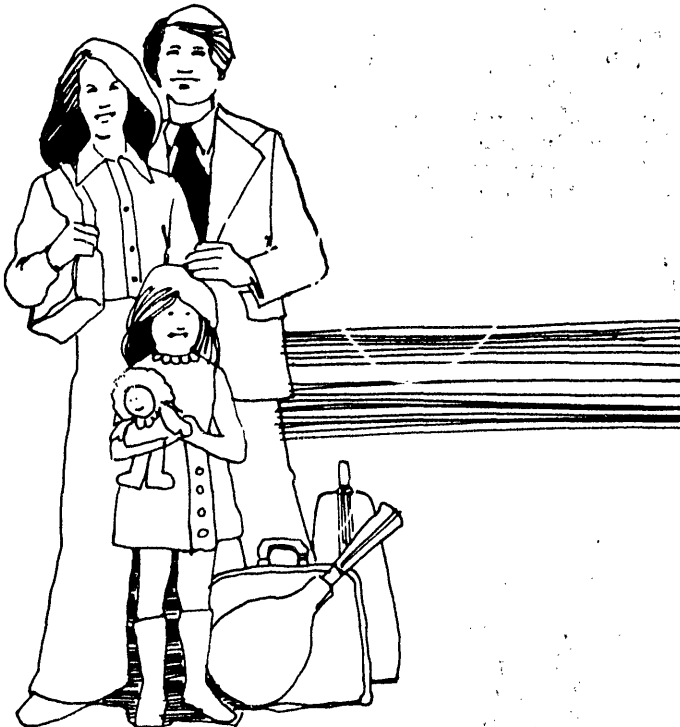
Doc. No. 808044 Linda E. Zatopek
Assistant General Counsel
Texas Health Facilities Commission

Filed: October 22, 1980, 9:46 a.m.

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

Board for Lease of State-Owned Lands Correction of Error

An open meeting notice submitted by the Board for Lease of Texas Department of Corrections of the Board for Lease of State Owned Lands contained an error as published in the October 24, 1980, issue of the *Texas Register* (5 TexReg 4232). The agenda of that meeting should have read "consideration of bids received for the October 7, 1980, oil, gas, and sulphur lease sale."



Legislative Budget Board Tax Relief Amendment Implementation Limit on Growth of Certain State Appropriations

Section 3, Article 9, Chapter 302, Laws of 1979, requires that the Legislative Budget Board publish in the *Texas Register* certain items of information together with a description of the methodology and sources utilized in the calculations. This memorandum is published to meet that requirement.

Article VIII, Section 22, Texas Constitution, approved by the voters in November 1978, states that:

In no biennium shall the rate of growth of appropriations from state tax revenues not dedicated by this constitution exceed the estimated rate of growth of the state's economy. The legislature shall provide by general law procedures to implement this subsection.

This provision does not alter, amend, or repeal Article III, Section 49a, of the Texas Constitution, the well known "pay as you go" provision.

To implement this provision of the Texas Constitution, the 66th Legislature enacted Article 9, Chapter 302, Laws 1979,

which placed in the Legislative Budget Board the responsibility for initial approval of a limitation on the growth of certain state appropriations. A part of the procedure for approving the limitation is set forth in Section 3 as follows:

Sec. 3. Prior to final board approval of the stipulated items of information in Section 2 of this article, the board shall publish in the *Texas Register* the proposed items of information together with a description of the methodology and sources utilized in the calculations. In addition, the board shall hold a public hearing no later than December 1 of each even-numbered year at which testimony shall be solicited with regard to the proposed items of information and the methodology utilized in the calculations.

The items of information mentioned in Section 3 are identified as follows in Section 2 of Article 9:

- (1) the estimated rate of growth of the state's economy from the then current biennium to the next biennium;
- (2) the level of appropriations for the current biennium from state tax revenues not dedicated by the constitution; and
- (3) the amount of state tax revenues not dedicated by the constitution which could be appropriated for the succeeding biennium within the limit established by the estimated rate of growth of the state's economy.

In this memorandum, each item of information is taken up in the order set forth in Section 2 of Article 9.

Estimated Rate of Growth of the State's Economy. A definition of the "estimated rate of growth of the state's economy" is set forth in paragraph (b) of Section 2 of Article 9 in the following words:

(b) Estimated rate of growth of the state's economy shall be the quotient of the estimated Texas total personal income for the next following fiscal biennium divided by the estimated Texas total personal income for the current biennium. The estimate shall be made by projecting through the biennium estimates of Texas total personal income as reported by the United States Department of Commerce, or its successor in this function, using standard statistical methods. However, if a more comprehensive definition of the rate of growth of the state's economy is developed and is approved by the committee, the board may utilize this definition in its calculation of the limit on appropriations.

The state's fiscal year begins on September 1 and ends on August 31, whereas the U.S. Department of Commerce reports personal income by state on a calendar quarter basis. The Legislative Budget Office has used the average of the data for the first three calendar quarters of a year plus the fourth quarter of the preceding year to represent the data for the state's fiscal year. A biennium is the sum of two fiscal years. The historical record of the rate of growth in Texas personal income for the past nine completed biennia using basic data published by the U.S. Department of Commerce has been submitted to the Legislative Budget Board by its staff as follows:

Biennium-to-Biennium Growth Rates in Texas Personal Income 1962-63 to 1978-79		
Base Biennium	Target Biennium	Growth Rate
1960-61	1962-63	1.1033
1962-63	1964-65	1.1333
1964-65	1966-67	1.1899
1966-67	1968-69	1.2210
1968-69	1970-71	1.1926
1970-71	1972-73	1.2194
1972-73	1974-75	1.2818
1974-75	1976-77	1.2839
1976-77	1978-79	1.2958

In reviewing standard statistical techniques for forecasting or projecting personal income, the Legislative Budget Office (1) contracted with the Bureau of Business Research to provide such projections using time series analysis techniques and (2) requested from State Comptroller Bob Bullock the results of forecasts using the State of Texas econometric model (STEM). The Legislative Budget Office requested, also, that the forecasts of Chase Econometrics Associates, Inc., and Data Resources, Inc., be used where forecasts of national economic variables would be necessary.

In response, the state comptroller's staff has provided two projections of Texas personal income using the Texas econometric model and the forecasts of national economic variables by Chase and by DRI. The Bureau of Business Research developed three statistically valid time series equations, of which two use national variables; this results in five estimates of the growth rate of Texas personal income using time series analysis techniques. (For these results, see the section at the end of this report entitled "The Limit on Certain Appropriations in the 1982-83 Biennium.")

Information provided the LBO in a report from the Bureau of Business Research is reviewed in the following paragraphs and then the Texas econometric model is discussed.

Texas Forecasting Studies: Time Series Analysis by Richard A. Ashley (dated September 3, 1980), Bureau of Business Research, University of Texas at Austin, states:

In responding to its statutory responsibilities, the Legislative Budget Board can choose some mix of the following generally accepted approaches to trying to foresee future economic conditions:

- a. the judgment of wise men and women.
- b. extrapolation of time trends (assuming they will continue).
- c. estimates of lead-lag relations between variables (assuming the relations are fixed).
- d. estimates of structural relations in the state and national economies (assuming the relations are fixed). (p. i)

$$tpy_t = .008342 + .1432 tpy_{t-1} + .04255 tpy_{t-2} + .3597 tpy_{t-3} + .2562 tpy_{t-4}$$

(1.84) (1.01) (-.35) (2.95) (1.98)

tpy is the quarterly growth rate in Texas personal income; the subscripts in the right side of the equation stand for the number of quarters preceding the quarter to be estimated. The number in parentheses is the "t" statistic.

The bivariate model adds to the past growth rate in Texas personal income the relationship between that growth rate and the growth rate of a national economic variable—for one equation, the growth rate in the gross national product, and for a second equation, the growth rate in U.S. personal income.

The root mean square error over the test period for the bivariate equation using national GNP was .00650 (or 6.50), a reduction of nearly 38% from the root mean square error of the naive model. The similar figure for the bivariate equation using the growth rate of U.S. personal income was .00529, about 1/2 of the root mean square error of the naive model.

The Bureau of Business Research was asked by the Legislative Budget Office to apply univariate and bivariate time series analysis (a version of approaches b. and c.) to forecasting Texas personal income and to explore the importance of structural drift in forecasting Texas personal income and a possible means of dealing with it.

A number of time series models were explored. Specifically, the growth of Texas personal income was projected using: (1) a constant growth rate, (2) a dynamic relation based on past growth, and (3) dynamic relations with a number of national variables of which gross national product and personal income produced the statistically measurable best results.

The statistical method split the available data into two parts: a sample period and a test period. The most promising models were estimated from the sample data (1965-1 to 1977-4) and their forecasting abilities were tested against the remaining data (1978-1 to 1979-4). The statistical measurements of structural change dictated against using data prior to 1965. The best forecasts for the two-year test period were obtained using a relation between Texas personal income forecasted U.S. gross national product where national forecasts were obtained from Data Resources, Inc. (DRI).

The test of the accuracy of each model was performed by comparing its root mean square error over the post sample period (1978-1 to 1979-4). The root mean square error of a "naive model" was .01046, which for convenience may be read as 10.46. The naive model is simply a projection using the average growth rate for the sample period.

The univariate model's root mean square error was .00894 (or 8.94), a reduction of 14.5% from the naive model. The univariate model relates the growth in Texas personal income to its own past. The univariate model works best when the forecast period is short; it tends to decay to a constant growth rate as the forecast period is extended. The test period was eight quarters but the lag in availability of data and the timing of the process requires the Legislative Budget Board to forecast Texas personal income over a period of at least 13 quarters. The univariate equation is:

The bivariate-U.S. personal income model is better than the bivariate-GNP model using historical data, as measured by the reduction in the root mean square error, but the bivariate-GNP model was better when forecasts of the exogenous variable were used. This is because the bivariate-GNP model places less weight on the exogenous variable. This finding is based on tests in which the forecasts of Chase Econometrics Associates and Data Resources, Inc., for GNP and U.S. personal income, which would have been available as of 1977-4 for the period 1978-1 through 1979-4, were used. Using the Chase Econometric Associates, Inc., forecasts, the root mean square error for the bivariate-GNP equation was .01061 compared with .01101 for the bivariate-U.S. personal income equation. Similarly, using the DRI forecasts, the root mean square error for the bivariate-GNP equation was .00880 compared with .00958 for the bivariate-U.S. personal income equation. Therefore, the bivariate-GNP equation is favored over the bivariate-U.S. personal income equation. The bivariate equations are as follows:

$$\begin{aligned}
 tpy_t &= .003311 + .1088 tpy_{t-1} + .09395 tpy_{t-2} + .3228 tpy_{t-3} + .4538 gnp_t \\
 & \quad (.80) \quad (1.01) \quad (.84) \quad (3.07) \quad (4.65) \\
 tpy_t &= -.002533 + .03715 tpy_{t-1} + .1667 tpy_{t-2} + 1.073 uspy_t \\
 & \quad (-.80) \quad (.47) \quad (2.17) \quad (10.69)
 \end{aligned}$$

Both equations are based on data for 1965-1 to 1979-4.

The root mean square error of the State of Texas econometric model (STEM) based on historical data for the test period 1978-1 to 1979-4 is .00761, modestly higher than the comparable figures for the bivariate-GNP equation (.00641) and the bivariate-U.S. personal income equation (.00539) and lower than the univariate equation (.00894).

Chase Econometrics Associates, Inc., has developed regional econometric models, one of which is for the State of Texas.

The Comptroller of Public Accounts uses this model, with modest variation, to provide forecasts of variables which are basic to revenue estimating. One of the variables is Texas personal income. CEA, Inc., has a proprietary interest, of course, in equations which made up the State of Texas econometric model (STEM). The model can be outlined in this memorandum.

The STEM equation for Texas personal income is simply the sum of its component parts:

Estimate of Texas Personal Income for Fiscal 1981

	Amount in billions	Percent
Wages in Manufacturing	\$ 18.31	13.4%
Wages in Non-manufacturing	66.77	49.0
Other Labor Income	10.17	7.5
Subtotal - Wages & Salaries	<u>\$ 95.25</u>	<u>69.9%</u>
Dividends, Interest, Rents	21.69	15.9
Nonfarm Proprietors' Income	8.14	6.0
Farm Proprietors' Income	1.49	1.1
Transfer Payments	15.44	11.3
Less Personal Contributions for Social Security	<u>-5.79</u>	<u>-4.2</u>
Total Texas Personal Income	<u>\$136.22</u>	<u>100.0%</u>

The forecast of wages in manufacturing is crucial to the forecast of Texas personal income. Its components are employment in manufacturing and wage rates. The equation for employment in manufacturing is built around the value of Texas industry shipments.

The estimate of the value of Texas industry shipments is derived from industry-by industry forecasts of shipments and

employment at the national level. The historical relationship between Texas production and U.S. production is adjusted by use of three factors: wage rates in Texas relative to the U.S. average for each industry, the cost of industrial electricity in Texas relative to the U.S. average, and the state/local tax burden in Texas relative to the U.S. average. Texas industries are represented in the weighted average of Texas industrial production as follows:

Industry	Proportion	Cumulative Weight
Petroleum products	29.38	29.38
Chemicals and products	18.89	48.27
Food processing	12.88	61.15
Nonelectrical machinery	7.14	68.29
Transportation equipment	5.49	73.78
Fabricated metal products	5.04	78.82
Primary metals	3.91	82.73
Electrical machinery	3.19	85.92
All other industries	14.08	100.00

The model assumes that production by each industry within Texas will move with production for that industry for the U.S. except that wage rates, energy costs, and tax burdens in Texas that are lower than the U.S. average will attract industry and tend to increase production and jobs within the state relative to the nation.

Changes in industrial production are the key to changes in employment in manufacturing, which, along with wage rates, is an element in determining total wages in manufacturing. The change in manufacturing wages is a component in the equation for nonmanufacturing wages, on the assumption that an increase in industrial activity creates an increase in employment and wages in service, retail, commercial, and construction industries. Total wages and salaries are used in the equation for "other labor income."

The equations for other components of Texas personal income are, for the most part, dependent upon forecasts of their national counterparts and/or their own past values.

The STEM is designed to produce a forecast of economic variables for Texas which are related to forecasts of national variables. The system of equations works most conveniently with the national forecasts of Chase Econometrics Associates, Inc., but the state comptroller's staff have adapted the national forecasts of Data Resources, Inc. (DRI), for use in STEM. Econometric models are most useful in comparing policy alternatives in which the differences in results can be identified in all sectors of the economy when the model is run based on one set of assumptions and run again with a different set of assumptions. When used for forecasting purposes, the models require key assumptions to be made by the operator. Chase Econometrics Associates, Inc., or Data Resources, Inc., are nationally recognized and well respected firms in this business. Each firm states the assumptions which underlie its forecasts and each provides alternative forecasts using other assumptions, which the firm regards as possible but less likely of occurrence. Neither firm has been entirely successful over recent months in anticipating the inflationary consequences of actions of governments, our own or the governments of oil-producing countries, the responses of business firms seeking to maintain profit margins despite rising costs, and the changing attitudes of consumers. Because of the importance of the assumptions used in generating the national forecasts and the related impact on the output of the Texas econometric model, the growth rates for Texas personal income from 1980-81 biennium to the 1982-83 biennium vary depending on (1) the time that the forecast was issued and (2) the national forecast firm used.

Using the Chase Econometric Associates, Inc., forecasts, STEM produces the following growth rates from the 1980-81 biennium to the 1982-83 biennium:

Chase Forecast Issued in	Growth Rate in Texas Personal Income from the 1980-81 Biennium to the 1982-83 Biennium
June	1.269 or +26.9%
July	1.255 or +25.5%
August	1.238 or +23.8%
September	1.249 or +24.9%

The forecasts of the Texas econometric model vary depending on which firm's national forecasts are used. The growth rate in Texas personal income from the 1980-81 biennium to the 1982-83 biennium using the September forecast from Chase is 1.249 compared with 1.271 based on the September forecast of Data Resources, Inc.

The growth rates produced by the econometric model may be compared with those produced by time series analysis. The bivariate GNP equation using the Chase/September forecast of GNP produces a biennium-to-biennium growth rate of 1.291. The same equation using the DRI/September forecast of GNP produces growth rate for Texas personal income of 1.312.

The average of the growth rates based on the two procedures and the September forecasts of the two firms is 1.2813. It is anticipated that these numbers will continue to change each month as the budget cycle proceeds. The staff plans to update these numbers for the Legislative Budget Board at its public hearing scheduled for November 14 and subsequent meetings as requested. It seems evident that standard statistical techniques can establish the range within which a single-number estimate would most likely occur, but that the best judgment of informed board members will be essential to the process of determining that single-number growth rate.

Appropriations from State Tax Revenues Not Dedicated by the Constitution: 1980-81 Biennium. There are two steps in establishing the level of appropriations for the 1980-81 biennium from state tax revenues not dedicated by the constitution. The first step is to identify state tax revenues not dedicated by the constitution and the funds into which those revenues flow. The second step is to determine the level of appropriations from those funds which is attributable to those revenues.

In this memorandum, revenue projections for the 1980-81 biennium are those of the Legislative Budget Office. If an updated revenue forecast is published by the state comptroller prior to final action of the Legislative Budget Board on the limitation, the state comptroller's revenue forecast will be used.

The Legislative Budget Office has assumed that the meaning of the term "state taxes" shall be based on the annual reports of the state comptroller of public accounts for use of the public up to the time the tax limitation amendment was approved by the voters. Accordingly, the term would include revenue from commonly recognized taxes, such as the limited sales and use tax, but would not include license and registration fees. At the request of the Legislative Budget Office, James Nance of the Legislative Council classified these taxes according to those constitutionally dedicated and those not dedicated by the Texas Constitution. The listing is as follows:

Legal Citations for Nondedicated and Dedicated State Taxes

A. State Taxes Not Dedicated by the Texas Constitution

V.A.T.S., Tax.—Gen., Art. 20.02	Limited sales and use tax
V.A.T.S., Tax.—Gen., Art. 6.01	Motor vehicle tax
V.A.T.S., Tax.—Gen., Arts. 7.02, 7.06	Cigarette tax
V.A.T.S., Tax.—Gen., Art. 12.01	Franchise tax
V.T.C.A., Alcoholic Beverage Code, Sec. 201.42	Ale tax
V.T.C.A., Alcoholic Beverage Code, Sec. 203.01	Beer tax
V.T.C.A., Alcoholic Beverage Code, Sec. 201.03	Liquor tax
V.T.C.A., Alcoholic Beverage Code, Sec. 201.02	Mixed drinks gross receipts
V.T.C.A., Alcoholic Beverage Code, Sec. 201.04	Wine tax
V.A.C.S., Arts. 4769, 7061, 7064a	Insurance companies occupational tax
V.A.T.S., Tax.—Gen., Art. 6.01	Motor vehicle rental tax
V.A.T.S., Tax.—Gen., Art. 8.02	Tobacco products tax
V.A.T.S., Tax.—Gen., Arts. 14.02, 14.06, 14.12	Inheritance tax
V.A.T.S., Tax.—Gen., Art. 21.02	Admission tax
V.A.T.S., Tax.—Gen., Art. 23.02	Hotel and motel tax
V.A.C.S., Art. 6032	Oil and gas regulation tax
V.A.C.S., Art. 6060	Gas utility administration tax
V.A.C.S., Art. 4476a	Bedding tax
V.A.T.S., Insurance Code, Art. 14.42	Burial association
V.A.T.S., Insurance Code, Art. 5.49	Fire
V.A.T.S., Insurance Code, Art. 5.24	General casualty
V.A.T.S., Insurance Code, Art. 5.12	Motor vehicle
V.A.T.S., Insurance Code, Art. 9.26	Title
V.A.T.S., Insurance Code, Art. 5.68	Workmen's compensation
V.A.C.S., Art. 8306, Sec. 2b	Insurance companies workmen's compensation tax
V.A.C.S., Art. 1446c	Public utilities gross receipts tax

B. State Taxes Partially Dedicated by the Texas Constitution (After deduction of cost of enforcement, 25% of revenues are dedicated for the benefit of schools.)

Texas Constitution, Art. VII, Sec. 3	Taxes for benefit of schools: school districts
V.A.T.S., Tax.—Gen., Art. 3.01	Natural and casinghead gas tax
V.A.T.S., Tax.—Gen., Art. 4.02	Oil production tax
V.A.T.S., Tax.—Gen., Art. 5.01	Sulphur tax
V.A.T.S., Tax.—Gen., Art. 18.01	Cement tax
V.A.T.S., Tax.—Gen., Art. 19.01	Brokers and factors
V.A.T.S., Tax.—Gen., Art. 19.01(7); 7047a 20	Pistol dealers

V.A.T.S., Tax.—Gen., Art. 19.01	Ship brokers
V.A.T.S., Tax.—Gen., Art. 19.01, Sec. 10	Billiard tables
V.A.T.S., Tax.—Gen., Art. 19.02	Oil and gas well servicing tax
V.A.T.S., Tax.—Gen., Art. 11.02	Telegraph tax
V.A.T.S., Tax.—Gen., Art. 11.03	Utilities tax
V.A.T.S., Tax.—Gen., Art. 11.04	Carline companies tax
V.A.T.S., Tax.—Gen., Art. 11.06	Telephone companies
V.A.T.S., Tax.—Gen., Art. 13.02	Coin service machine tax
V.A.C.S., Art. 5221a 5, Sec. 4	Emigrant labor agencies

C. State Taxes Dedicated by the Texas Constitution

Texas Constitution, Art. VIII, Sec. 7 a	Revenues from motor vehicle registration fees and taxes on motor fuels and lubricants
V.A.T.S., Tax.—Gen., Arts. 9.02, 9.06, 9.14	Motor fuel gasoline tax
V.A.T.S., Tax.—Gen., Arts. 10.03, 10.09, 10.53, 10.59	special motor fuels tax
V.A.T.S., Tax.—Gen., Art. 20.13(2)	motor fuel lubricants sales tax
Texas Constitution, Art. VII, Sec. 17	State ad valorem tax for pensions and for permanent improvements at institutions of higher learning

The list of funds from which appropriations are made which are financed in some part from nondedicated state tax revenues is as follows:

Fund No.	Identification
1	General Revenue
2	Available School Fund
3	State Textbook Fund
6	State Highway Fund
62	Comptroller's Operating Fund
64	State Parks Fund
97	Liquor Act Enforcement
120	Teacher Retirement System
122	Children Assistance Fund
149	Medical Assistance Fund
155	Railroad Commission Operating Fund
189	Farm to Market Road Fund
193	Foundation School Fund
464	School Taxing Ability Protection Fund
467	Texas Local Parks, Recreational Open Space Fund
10	Motor Vehicle Insurance Fund
13	Fire Insurance Fund
14	Compensation Insurance Fund
94	Workers' Compensation Fund
161	Casualty Insurance Fund
162	Title Insurance Fund
178	Aircraft Insurance Fund
180	Burial Association Rate Fund
182	Health Maintenance Organizations Fund
183	Prepaid Legal Services Fund

This list of funds was sent to the Funds Management Division of the Comptroller of Public Accounts with a request for the amount of appropriations for the 1980-81 biennium. The

reply from the Comptroller of Public Accounts provided the dollar amount of appropriations as of the time that the bills making appropriations were signed by the governor with the exception that the latest available estimate was used for those items appropriated on an "estimated to be" basis.

"Appropriations" are generally defined in the following table as an authorization to expend money from the state's treasury. Due to the state's complex fund structure which occasionally requires the transfer of funds from a tax clearance fund to a second fund and then to an expenditure fund, better accounting control can be made of the relationship between nondedicated state tax revenues and the rise in appropriations if the limitation applies to the transfer from the tax clearance fund rather than to the appropriation from the expenditure fund. Specific examples are as follows:

(1) The transfers from Omnibus Tax Clearance Fund 120 to State Parks Fund 64 (line 14) and to Texas Local Parks, Recreational Open Space Fund 467 (line 15) are the estimated amounts generated by a tax rate of \$.01 per pack on cigarettes. It is recommended that the amount of the transfer be defined as the "appropriation" for purposes of the limitation rather than the authority to spend from those two funds because those funds receive interest and other revenues as well as the clearly defined cigarette tax money.

(2) The amount shown for total appropriations for State Highway Fund 6 (line 8) is the sum of specific revenue items that flow into Fund 6. The column for constitutionally dedicated tax revenues in this line shows the sum of the transfer

from Highway Motor Fuel Tax Fund 60 to State Highway Fund 6 plus revenue in Fund 6 from the sales tax on motor lubricants. The column for "other revenue" in this line shows the estimated revenue from motor vehicle registrations which is reported directly in Fund 6. The column for state tax revenues not dedicated by the constitution for this line is the sum of the estimated transfer from Omnibus Tax Clearance Fund 120 to Fund 6 under House Bill 3 plus the Farm-to-Market Road transfer from Fund 120 to Fund 6. This method of handling State Highway Fund 6 provides direct accounting for the nondedicated state tax revenues from Fund 120 and avoids the difficulties of allocation of appropriations based on sources of revenues which include federal funds of uncertain amount.

(3) The transfers from the Omnibus Tax Clearance Fund 120 to the Children's Assistance Fund 122 (line 12) and to the Medical Assistance Fund 149 (line 13) are again transferred and finally expended out of welfare administration and program funds. Better accounting control of the amount financed from nondedicated state tax revenues can be attained at the point of the transfer authorized from OTC Fund 120 than at the point of final expenditure out of a fund having other sources of revenues.

(4) Technically, the amount received by the Teacher Retirement System may be considered as a transfer from the Omnibus Tax Clearance Fund 120 (line 11); in the budget creation and adoption process, it is regarded as an appropriation. It is treated as an appropriation in the following table.

1980-81 Base for Limitation
on the Growth of Certain Appropriations

Line	Total Appropriations	Biennium Totals		Non-Dedicated State Taxes
		Dedicated State Taxes	Other Non-Tax Revenue	
1. General Revenue Fund 1 payment to finance the Foundation School Program	\$2,099,478,323	\$	\$ 170,419,831	\$ 1,918,058,492
2. Foundation School Fund 193 (transfer from OTC Fund 120)	1,160,401,751		4,058,587	1,156,343,165
3. Available School Fund 2 (excludes transfer to Textbook Fund 3)	1,919,341,570	1,224,882,651	384,196,073	310,262,846
4. Subtotal: State's share of cost of the Foundation School Program	\$5,168,221,645	\$ 1,224,882,651	\$ 558,674,491	\$ 3,384,664,503

5. General Revenue Fund 1 payment for Water Development Bonds	\$ 7,712,355	\$	\$ 629,328	\$ 7,083,027
6. General Revenue Fund 1 (excludes Foundation School Program and Water Development Bonds)				
Revenues			479,722,797	4,789,800,306
Beginning Balance		79,857,598	70,787,467	469,704,488
	5,889,872,656			

7.	State Textbook Fund 3				
	78,281,382				78,281,382
8.	State Highway Fund 6 (includes HB 3 and Farm to Market Road Transfers)				
	2,016,690,731	742,349,736	562,281,063		712,059,932
9.	Comptroller Operating Fund 62				
	20,649,095		3,692		20,645,403
10.	Liquor Act Enforcement Fund 97				
	24,701,863				24,701,863
11.	Omnibus Tax Clearance Fund 120 transfer to (Teacher Retirement/Optional Retirement)				
	866,557,149				866,557,149
12.	Children Assistance Fund 122				
	115,440,072				115,440,072
13.	Medical Assistance Fund 149				
	824,912,674				824,912,674
14.	State Parks Fund 64				
	34,306,243		49,229		34,257,014
15.	Texas Local Parks, Recreational Open Space Fund 467				
	34,306,243		49,229		34,257,014
16.	Federal Revenue Sharing				
	<u>142,397,050</u>		<u>142,397,050</u>		
17.	Total - Major Funds Appropriations				
	<u>\$15,223,677,660</u>	<u>\$ 2,047,089,985</u>	<u>\$1,814,594,346</u>		<u>\$11,362,364,827</u>
18.	Railroad Commission Operating Fund 155				
	44,573,632				44,573,632
19.	Insurance Companies Maintenance Taxes				
	<u>13,628,512</u>				<u>13,257,014</u>
20.	Total Appropriations Relevant to Calculation of the Base for Limitation of Growth of Appropriations in 1982-83				
	<u>\$15,281,879,804</u>	<u>\$ 2,047,089,985</u>	<u>\$1,814,594,346</u>		<u>\$11,420,195,473</u>

The Legislative Budget Board directed the staff to deduct from these appropriations (1) tax revenues dedicated by the Texas Constitution, (2) nontax revenues, and (3) a proportion of the opening General Revenue Fund balance attributable to tax revenues dedicated by the constitution or to nontax revenues. The residual would be appropriations financed from state tax revenues not dedicated by the Texas Constitution in the 1980-81 biennium. This residual would be the base to which the growth rate of the state's economy would be

applied to determine the limitation on appropriations from state tax revenues not dedicated by the constitution in 1982-83.

The appropriations that provide the base in 1980-81 for the calculation of the limitation on the growth of appropriations in the 1982-83 biennium is \$11,420,195,473. It must be noted that the Foundation School Budget Committee is to meet before November 1 to re-estimate the state's share of the cost of the Foundation School Program for the 1980-81

biennium, and the Highway Cost Index Committee will also re-estimate the amount of the transfer to be made from the Omnibus Tax Clearance Fund Highway Fund 6. These actions would provide reason for some revision in the base stated in this memorandum.

It may be noted that the appropriations from state tax revenues not dedicated by the constitution for the 1980-81 biennium plus the allocated portion of the beginning balance are \$613,557,844 less than the estimated revenues from state taxes not dedicated by the constitution plus the allocated portion of the beginning balance. The informal estimate by the Legislative Budget Office of the 1980-81 revenues from non-dedicated state taxes is \$11,564,048,829; add the apportioned amount from the beginning balance, \$469,704,488 and the total is \$12,033,753,317 compared with appropriations financed from this source totaling \$11,420,195,473.

The Limit on Certain Appropriations in the 1982-83 Biennium. The limit on the dollar amount of state tax revenues not dedicated by the constitution which may be appropriated in the 1982-83 biennium is the result of multiplying the growth rate of the state's economy times the relevant appropriations in the 1980-81 biennium.

The Legislative Budget Board has not determined, of course, the growth rate to be used. For purposes of illustration, the Legislative Budget Office has averaged the ratios as follows:

- (1) Average of the ratios using the Texas econometric model 1.2599
 Chase: 1.2487
 DRI: 1.2711
- (2) Average of the ratios using time series analysis 1.3027
 Chase: GNP 1.2910 USPY 1.2867
 DRI: GNP 1.3125 USPY 1.3387
 Univariate: 1.2845
- (3) Average of the two methods of forecasting 1.2813

These ratios are based on the forecasts issued nearest the end of September 1980 by the two national forecasting firms. Recent experience indicates that there is some fluctuation from month to month in these ratios. The staff anticipates having available for the Legislative Budget Board the ratios calculated on the basis of the latest available forecasts when the board meets to approve the limitation.

Using for illustration the average ratio from the two procedures and the base of appropriations for the 1980-81 biennium, the limitation on the amount of state tax revenues not dedicated by the constitution which may be appropriated for the 1982-83 biennium within the limit established by the estimated rate of growth of the state's economy would be:

1980-81 base appropriations	\$11,420,195,473
growth rate of Texas' economy	1.2813
	<hr/>
1982-83 limit, Art. 8, Sec. 22, as implemented by House Bill 1060	<hr/> \$14,632,696,460

Use of the lowest growth rate (1.2487) would produce a limitation for 1982-83 of \$14,260,398,087. Use of the highest growth rate (1.3387) would produce a limitation for 1982-83 of \$15,288,215,680. Attention is directed to this range based on valid statistical procedures as a reminder that there is no arithmetic that can foretell the future. The final single-point estimate must be the result of the judgment of well-informed individuals.

Public notice has been posted for a public hearing to be held by the Legislative Budget Board on November 14, 1980, beginning at or soon after 9 a.m. in Room 301 of the State Capitol for the purpose of receiving testimony with regard to the proposed items of information and the methodology utilized in the calculations. Notice has also been posted for including approval of the limitation under Article 8, Section 22, of the Texas Constitution, on the agenda of the meeting of the Legislative Budget Board on November 21, 1980, in Room 301 of the State Capitol. That meeting also is scheduled to begin at or soon after 9 a.m.

Testimony is hereby solicited with regard to the proposed items of information and the methodology utilized in the calculations. Testimony may be delivered in writing to the Legislative Budget Office, Box 12666, Capitol Station, Austin, Texas 78711 (Room 207a of the State Capitol), or orally and in writing at the public hearing on November 14. It would be helpful in scheduling the public hearing if anyone wishing to appear would inform the Legislative Budget Office (512) 475-3426, Jim Oliver or Homer Scace as early prior to the hearing as may be.

Issued in Austin, Texas, on October 21, 1980.
 Doc. No. 808010 Jim Oliver
 Assistant Director
 Legislative Budget Board

Filed: October 21, 1980, 10:06 a.m.
 For further information, please call (512) 475-3426.

Railroad Commission of Texas Transportation Division Amended Public Hearing Notice

The location of a public hearing concerning the Staggers Rail Act originally scheduled to be held in Room 100E of the John H. Reagan Building on October 29, 1980, has been changed to Room 107 of the Railroad Commission Building, 1124 South III 35, Austin.

Issued in Austin, Texas, on October 22, 1980.
 Doc. No. 808043 Owen T. Kinney, Director
 Transportation Division
 Railroad Commission of Texas

Filed: October 22, 1980, 9:54 a.m.
 For further information, please call (512) 445-1330.

Sam Houston State University Consultant Proposal Request

Description. The Criminal Justice Center at Sam Houston State University is requesting proposals from individuals knowledgeable in development of criminal justice research.

training, and technical assistance project designs. Abilities must include but not necessarily be limited to formulation of project concepts, review of relevant literature, development of technical approach, design of management plan—including PERT, GANTT, and staff loading tables. Knowledge of common criminal justice funding agency requirements is essential.

Procedure for Selecting Consultant. The respondent deemed to have the experiential background and qualifications consistent with service objectives will be selected for contract negotiations. Both qualitative and quantitative factors (depth and breadth) will be considered.

Closing Date. Closing date for receipt of offers of consulting services is November 11, 1980.

Continuation of a Service Previously Performed. The consulting service desired is a continuation of a service previously performed by Phillip J. Silvers of Tucson, Arizona. The agency intends to award a continuing contract to Phillip J. Silvers unless a better offer is submitted.

Contact. Information on the nature of the services required may be obtained by writing or calling Larry T. Hoover, assistant director of research and development, Criminal Justice Center, Sam Houston State University, Huntsville, Texas 77341, (713) 294-1637.

Issued in Huntsville, Texas, on October 20, 1980.

Doc. No. 808030 Larry T. Hoover, Assistant Director
for Research and Development
Criminal Justice Center
Sam Houston State University

Filed: October 21, 1980, 4:29 p.m.

For further information, please call (713) 294-1637.

Office of the Secretary of State Texas Register Division

Notice of Schedule Variations and Publication of Index

The October 31, 1980, issue of the *Texas Register* will be the third quarterly index for 1980. No other documents will be included in that issue. Publication of rules and meeting notices will resume with the *Register* dated November 4, 1980. The deadlines for submission of documents for the November 4 issue (Volume 5, Number 82) will be 10 a.m. Wednesday, October 29 (all copy except notices of open meetings), and 10 a.m. Thursday, October 30 (open meeting notices).

In view of the observance of Election Day on Tuesday, November 4, deadlines for submission of documents for publication in the issue of the *Register* dated November 7, 1980, have been changed. As previously scheduled, deadlines for submission of documents for publication in the November 7 issue are 10 a.m. Friday, October 31 (all copy except notices of open meetings), and 10 a.m. Monday, November 3 (open meeting notices).

In view of the observance of Veteran's Day on Tuesday, November 11, 1980, deadlines for submission of documents for publication in the issue of the *Register* dated November 14, 1980, have been changed. As previously scheduled, deadlines for submission of documents for publication in the November 14 issue are 10 a.m. Friday, November 7 (all copy except notices of open meetings), and 10 a.m. Monday, November 10 (open meeting notices).

Revised Publication Schedule for the *Texas Register*

As a result of §91.113 (004.65.08.003) amended by the Texas Register Division of the Secretary of State's Office to be effective August 26, 1980 (5 TexReg 3124), the following publication schedule for the months of November and December 1980 supersedes any previous schedules published for this period. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. Please note that the noon deadlines have been changed to 10 a.m. An asterisk beside a publication date indicates that the deadlines have been moved. The *Texas Register* will not be published on December 2 and December 30.

FOR ISSUE PUBLISHED ON:	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M. ON:	ALL NOTICES OF OPEN MEETINGS BY 10 A.M. ON:
Tuesday, November 4	Wednesday, October 29	Thursday, October 30
*Friday, November 7	Friday, October 31	Monday, November 3
Tuesday, November 11	Wednesday, November 5	Thursday, November 6
*Friday, November 14	Friday, November 7	Monday, November 10
Tuesday, November 18	Wednesday, November 12	Thursday, November 13
Friday, November 21	Monday, November 17	Tuesday, November 18
Tuesday, November 25	Wednesday, November 19	Thursday, November 20
Friday, November 28	Monday, November 24	Tuesday, November 25

Tuesday, December 2	NO ISSUE PUBLISHED	Tuesday, December 2
Friday, December 5	Monday, December 1	Thursday, December 4
Tuesday, December 9	Wednesday, December 3	Tuesday, December 9
Friday, December 12	Monday, December 8	Thursday, December 11
Tuesday, December 16	Wednesday, December 10	Tuesday, December 16
Friday, December 19	Monday, December 15	Thursday, December 18
Tuesday, December 23	Wednesday, December 17	Tuesday, December 23
Friday, December 26	Monday, December 22	
Tuesday, December 30	NO ISSUE PUBLISHED	

The following state holidays fall within the period of this publication schedule:

- Tuesday, November 4 Election Day
- Tuesday, November 11 Veteran's Day
- Thursday & Friday, November 27 & 28 Thanksgiving
- Wednesday-Friday, December 24-26 Christmas

The Texas Register Division will, as all other state agencies, observe these holidays and will not process or file notices of meetings or other documents.

Southwest Texas State University Consultant Proposal Request

Notice of Invitation. Southwest Texas State University intends to contract with a private consultant to assist in the direction and implementation of a capital campaign. Offers of consulting services are invited.

Contact. Offers may be submitted to Harold G. Oldham, director, of the Fiscal Office, Southwest Texas State University, San Marcos, Texas 78666.

Closing Date. Closing date for receipt of offers is 5 p.m. November 30, 1980.

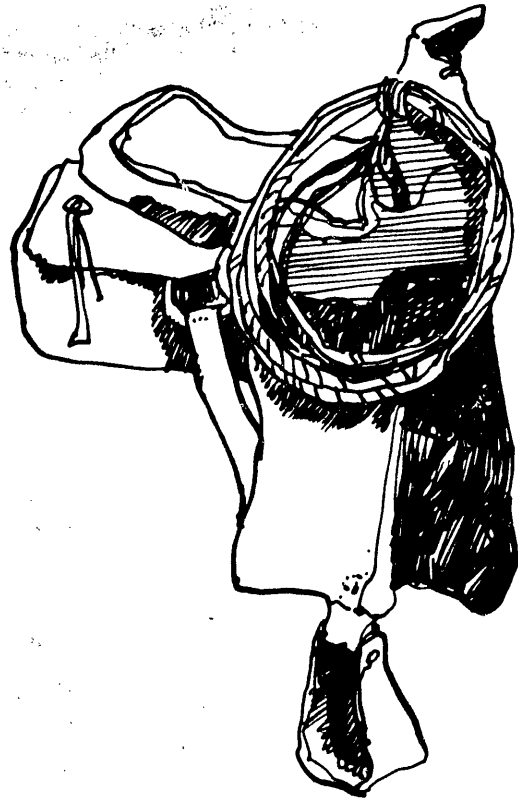
Procedure for Selection. The contract for this consulting service will be awarded on the basis of proven knowledge and abilities in the areas of development work and capital campaigns, and a demonstrated background of familiarity and understanding of capital campaigns by institutions of higher learning in Texas. Other relevant criteria include experience and qualifications of the firms and personnel to be involved in the consulting services and the consultant's understanding of an approach to the project. Recommendations for award of contract will be made by the vice president for institutional advancement to the president of the university.

Issued in San Marcos, Texas, on October 20, 1980.

Doc. No. 808029 Harold G. Oldham, Director
Fiscal Office
Southwest Texas State University

Filed: October 21, 1980, 4:29 p.m.

For further information, please call (512) 245-2358.



TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

TITLE 13. CULTURAL RESOURCES

Part IV. Texas Antiquities Committee

- 13 TAC §§43.21-43.23, 43.25, 43.27, 43.29, 43.31, 43.33, 43.35, 43.37, 43.39, 43.41, 43.43, 43.45, 43.47, 43.49, 43.51, 43.53, 43.55, 43.57, 43.59, 43.61, 43.63, 43.65, 43.67, 43.69, 43.71, 43.73, 43.75, 43.77, 43.79, 43.81, 43.83, 43.85, 43.87, 43.89, 43.91, 43.93, 43.95, 43.97, 43.99, 43.101, 43.103, 43.105, 43.107, 43.109, 43.111, 43.113, 43.115, 43.117, 43.119, 43.121, 43.123, 43.125, 43.127, 43.129, 43.131, 43.133
 355.10.30.001, .002, .021, .023, .025, .027, .029, .031, .033, .035, .037, .039, .041, .043, .045, .047, .049, .051, .053, .055, .057, .059, .061, .063, .065, .067, .069, .071, .073, .075, .077, .079, .081, .083, .085, .087, .089, .091, .093, .095, .097, .099, .101, .103, .105, .107, .109, .111, .113, .115, .117, .119, .121, .123, .125, .127, .129, .131) 4257
- 13 TAC §§43.151, 43.152
 355.10.50.001, .002) 4264

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

- 16 TAC §5.294 (051.03.16.004) 4253

TITLE 22. EXAMINING BOARDS

Part XIX. Polygraph Examiners Board

- 22 TAC §395.10 (397.03.00.010) 4253
- 22 TAC §395.17 (397.03.00.017) 4264

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Department of Water Resources

- 31 TAC §§371.1, 371.2 (157.31.12.001, .002) 4254

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

- 34 TAC §3.69 (026.02.06.015) 4255
- 34 TAC §3.92 (026.02.06.045) 4255

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation

- 43 TAC §25.1 (101.18.01.001) 4264

Table of TAC Titles

- TITLE 1. ADMINISTRATION
- TITLE 4. AGRICULTURE
- TITLE 7. BANKING AND SECURITIES
- TITLE 10. COMMUNITY DEVELOPMENT
- TITLE 13. CULTURAL RESOURCES
- TITLE 16. ECONOMIC REGULATION
- TITLE 19. EDUCATION
- TITLE 22. EXAMINING BOARDS
- TITLE 25. HEALTH SERVICES
- TITLE 28. INSURANCE
- TITLE 31. NATURAL RESOURCES AND CONSERVATION
- TITLE 34. PUBLIC FINANCE
- TITLE 37. PUBLIC SAFETY AND CORRECTIONS
- TITLE 40. SOCIAL SERVICES AND ASSISTANCE
- TITLE 43. TRANSPORTATION