

Texas Register

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Highlights

- ★ The Texas Education Agency proposes repeals of and amendments to existing sections and new sections concerning the State Textbook Program pursuant to Senate Bill 27 enacted by the 68th Legislature, proposed date of adoption - July 9 page 1374
- ★ The Coordinating Board, Texas College and University System adopts amendments to a section which provides a basic plan of group insurance benefits equal to those provided to state employees, effective date - September 1 page 1406
- ★ The Texas Department of Health adopts new rules concerning the Hearing Aid Loan Program, effective date - May 1 page 1407

How To Use the Texas Register

Texas Register

The *Texas Register* (ISSN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1983 with the exception of January 25, March 8, April 26, and November 29, by the Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711-3824. (512) 475-7886.

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POSTMASTER: Please send Form 3579 changes to the *Texas Register*, P.O. Box 13824, Austin, Texas 78711-3824.

Information Available: The nine sections of the *Register* represent various facets of state government. Documents contained within them include:

- Governor: appointments, executive orders, and proclamations
- Secretary of State: summaries of opinions based on election laws
- Attorney General: summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules: rules adopted by state agencies on an emergency basis
- Proposed Rules: rules proposed for adoption
- Withdrawn Rules: rules withdrawn by state agencies for consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules: rules adopted following a 30 day public comment period
- Open Meetings: notices of open meetings
- In Addition: miscellaneous information required to be published by statute or provided as a public service

Specific explanations on the contents of each section can be found on the beginning page of the section. The division also publishes monthly, quarterly, and annual indexes to aid in researching material published.

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document

published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: page 2 in the lower left hand corner of this page is written "8 TexReg," issue date, while on the opposite page, in the lower right hand corner, page 3 is written "issue date," 8 TexReg 3.

How To Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code* (explained below), rule number, or TRD number.

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules currently being published by Shepard's McGraw-Hill, in cooperation with this office.

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

1 indicates the title under which the agency appears in the *Texas Administrative Code* (a listing of all the titles appears below).

TAC stands for the *Texas Administrative Code*;

§27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).

* Latest Texas Code Reporter
(Master Transmittal Sheet) No. 10, December 1982

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John W. Fainter, Jr.
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As required by Texas Civil Statutes, Article (252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments made and proclamations issued by the governor are also published. Appointments are published in chronological order.

Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

The Governor

Appointment Made April 12

Texas Aeronautics Commission

For a term to expire December 31, 1988:

Melvin E. Phillips, Jr.
3214 Parker
Amarillo, Texas 79107

Mr. Phillips is replacing Larry E. Ferguson of Dallas, whose appointment was returned to this governor.

Issued in Austin, Texas on April 12, 1983

TRD 832871 Mark White
Governor of Texas



The Secretary of State

Under provisions of the Texas Election Code (Article 1.03), the secretary of state, as chief elections officer, is responsible for maintaining uniformity in the application, operation, and interpretation of the election laws, and for advising the state's election officers in this regard. In carrying out this responsibility, the secretary of state is authorized to issue opinions based on the election laws.

These opinions are summarized for publication in the *Register*.

Questions on particular submissions should be addressed to the Office of the Secretary of State, Elections Division, P. O. Box 12887, Austin, Texas 78711, 1 (800) 252-9602 or (512) 475-3091.



Opinion Issued April 6

Election Law Opinion JWF-8. Request from Senator Lloyd Doggett regarding whether the Election Code, Article 14.03b, prohibits a state senator from accepting contributions for a campaign for election to the United States Senate during a legislative session.

Summary. A state senator is not prohibited by the Texas Election Code, Article 14.03b, from accepting contributions for

a campaign for the office of the United States senator during the legislative session when the contributions are not and will not be involved with any candidate or election for any office created by or under the authority of the laws of this state and are not and will not be knowingly accepted by the state senator for the purpose of assisting such person in the performance of duties or activities in connection with that state office which are nonreimbursable by the state.

TRD-832975

Under provisions set out in the Texas Constitution, Texas Civil Statutes (Article 4399), and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure.

Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Susan L. Garrison, Opinion Committee chairwoman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the file room, fourth floor, P.O. Box 12548, Austin, Texas 78711-2548, or by telephoning (512) 475-3744. A single opinion is free; additional opinions are \$1.00 a copy.

The Attorney General

Opinion

JM-23 (RQ-909). Request from Henry Wade, district attorney, Dallas, concerning the use of repurchase agreements for short term investment of county funds.

Summary of Opinion. Dallas County may not legally utilize repurchase agreements for short-term investments of idle county funds.
TRD-832848

Open Records Decisions

ORD-369 (RQ-44). Request from Henry Wade, district attorney, Dallas, concerning whether records on prior services of jurors in criminal cases maintained by the Dallas county attorney are available to the public under the Open Records Act.

Summary of Decision. Dallas County received a request under the Open Records Act for records concerning former jurors in criminal cases. The district attorney's office refused to release portions of these records consisting of prosecutors' notations regarding the relative desirability of having the affected juror on another case. These notations were exempted from disclosure by the Open Records Act, §3(a)(8).
TRD-832847

ORD-370 (RQ-8). Request from Analeslie Muncy, city attorney, City of Dallas, and Charles M. Hinton, Jr., city attorney, City of Garland, concerning

whether records concerning emergency transfers of patients are exempted from public disclosure by the Medical Practice Act, Texas Civil Statutes, Article 4495b, §5.08(b), and the Open Records Act, §3(a)(1).

Summary of Decision. The City of Dallas and the City of Garland received a request under the Open Records Act for the "patient form" and "emergency transfer form" prepared by the emergency medical services with respect to the emergency transfer of patients. None of the reports was exempted from public disclosure by the Medical Practices Act, Texas Civil Statutes, Article 4495b, §5.08(b). The fact that EMS personnel are often in contact with the physician does not convert these forms into records "created" by a physician, and therefore subject to the confidentiality provisions of the Medical Practices Act. Moreover, the "patient form" contained a disclaimer to the effect that the signature of a doctor does not approve or disapprove the information on the form. However, if particular forms indicate they were prepared by or under the supervision of a physician, they will be exempted from public disclosure by Texas Civil Statutes, Article 4495b, §5.08(b). Moreover, some of the information contained on the EMS records may be withheld under the Open Records Act, §3(a)(1), as information deemed confidential by judicial decisions recognizing common law or constitutional privacy.
TRD-832964

ORD-371 (RQ-38). Edward H. Perry, assistant city attorney, Dallas, concerning whether a report on a fire by the Arson and Fire Investigation Section of the Dallas Fire Department is exempted from public disclosure by the Open Records Act, §3(a)(8).

Summary of Decision. The City of Dallas received a request under the Open Records Act for materials prepared by the Dallas Fire Department during the investigation of a fire at a Dallas Housing Authority project. The casualty reports were not exempted from public disclosure by §3(a)(8), the law enforcement section of the Open Records Act. Information on the amount of carbon monoxide in the decedents' blood is confidential under §3(a)(8). Other investigative material or material identifying a witness and containing his statement is exempted by §3(a)(8). Basic factual information and a narrative report concerning rescue efforts made at the scene of the fire are not exempted from public disclosure.
TRD-832965

ORD-372 (RQ-803). Request from David F. Chappell, Hooper and Chappell, Attorneys at Law, Fort Worth, concerning the availability under the Open Records Act of a transcript of a telephone conversation between persons discussing alleged participants in a criminal enterprise.

Summary of Decision. The Fort Worth Independent School District received a request under the Open Records Act for a transcript of a telephone conversation be-

Texas Register

tween a former school district employee and a vendor with whom the school district had dealt. It was determined that the doctrine of "false light" privacy did not protect the transcript from disclosure. In order for material subject to the Open Records Act to be protected by the doctrine of false light privacy the evidence must show that the cus-

tomian in fact entertained serious doubts as to the truth of the material. Mere doubts about the truth of information will not justify its suppression. Based on the obvious public interest in the information in question in the absence of evidence indicating that release of the information would be in reckless disregard of the truth, the transcript

is not protected by "false light" privacy from disclosure by the school district. Nor is the information protected by §3(a)(8), the "law enforcement" exception, or by §3(a)(1), which excepts interagency and intra-agency memoranda or letters.

TRD-832966

An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing for no more than 120 days. The emergency action is renewable once for no more than 60 days.

An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The submission must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency adoption. Following each published emergency document is certification information containing the effective and expiration dates of the action and a telephone number from which further information may be obtained.

Symbology in amended rules. New language added to an existing rule is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a rule.

Emergency Rules

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division Subchapter M. Motor Bus Companies

16 TAC §5.236

The Railroad Commission of Texas is renewing the effectiveness of the emergency adoption of amended §5.236 for a 60-day period effective April 19, 1983. The text of the amendment was originally published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4514).

Issued in Austin, Texas, on April 15, 1983.

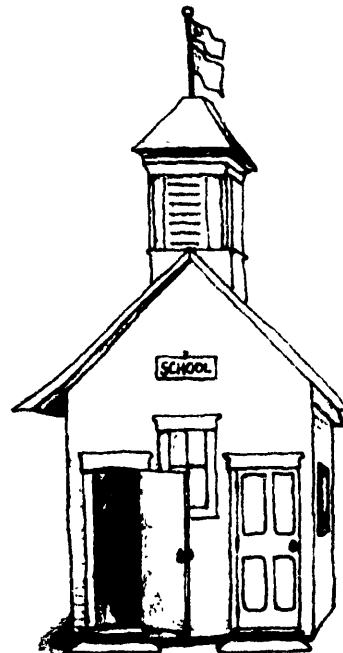
TRD-832866

Walter Earl Little
Special Counsel
Railroad Commission of Texas

Effective date: April 18, 1983

Expiration date: June 18, 1983

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



Proposed Rules

Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. A public hearing on the proposal may also be granted if such a procedure is requested by a governmental subdivision or agency, or by an association consisting of at least 25 members.

The proposal, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state or local government; a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule; a request for public comments; a statement of statutory authority under which the proposed rule is to be adopted (and the agency's interpretation of the statutory authority); the text of the proposed action; and a certification statement. The certification information, which includes legal authority, the proposed date of adoption or the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

Symbology in amended rules. New language added to an existing rule is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a rule.

TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 21. Seed Certification Standards General Requirements

4 TAC §21.11

The Texas Department of Agriculture proposes an amendment to §21.11, concerning labels. In accordance with the Texas Agriculture Code, Chapter 62 (1981), the Texas Department of Agriculture is the certifying agency in Texas for the certification of seed and plants.

A person who is licensed as a certified seed or plant producer is eligible to produce seed or plants of an eligible class and variety certified by the department on request. After inspection, if the department determines that the production of seed or plants has met the standards and rules prescribed by the State Seed and Plant Board, it shall issue labels to the producer identifying the seed or plant, the certified class, and other information required by statute or by rule of the State Seed and Plant Board. The proposed amendment to subsection (c) will obviate the need to print new seed labels at such time as the commissioner or the director of the seed division changes. The decision has been made to allow existing labels to remain valid.

Bill Neiser, chief fiscal officer, has determined that for the first five-year period the rule will be in effect there

will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Kenneth Boatwright, Seed Division director, has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be a reduction in the cost of printing new labels as a result of personnel changes within the department. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Kenneth Boatwright, Director, Seed Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, (512) 475-2038. In writing, comments must substantially comply with 4 TAC §1.4(b), relating to the submission of comments concerning a proposed rule of the department.

The amendment is proposed under the Texas Agriculture Code, Chapter 62 and §12.001 (1981), which provides the Texas Department of Agriculture with the authority to execute all applicable laws relating to agriculture. Under §62.008, the department is authorized as the certifying agency in Texas.

§21.11. Labels.

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

(c) All classes of certified seed, when offered for sale, shall have an official certification label affixed to each container clearly identifying the certifying agency, the reference number, the variety name (if certified as to variety), and the kind and class of seed. All classes of

certified seed offered for sale shall bear the proper certification label issued by the Seed Division, Texas Department of Agriculture. Such labels shall bear the state seal [and facsimile of the signature of the commissioner of agriculture and the director of the Seed Division, Texas Department of Agriculture]. Unless the specified standard provides for an additional label color, the labels shall be printed as follows:

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

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 19, 1983.

TRD-832902 Jim Hightower
 Commissioner
 Texas Department of Agriculture

Earliest possible date of adoption:
May 30, 1983

For further information, please call (512) 475-6346.



TITLE 7. BANKING AND SECURITIES

Part IV. Texas Savings and Loan Department

Chapter 53. Additional Offices

7 TAC §§53.2, 53.4, and 53.17

The Texas Savings and Loan Department proposes amendments to §53.2 and §53.4, and proposes new §53.17, concerning additional offices. These amendments and new rule will give the commissioner needed flexibility in areas dealing with requests to establish administrative offices and approved and unopened offices.

L. L. Bowman III, savings and loan commissioner, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Mr. Bowman has also determined that the rules as proposed will have little or no effect on the public and will eliminate the cost of record keeping on approved and unopened offices. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposed amendments and new rule may be submitted to L. L. Bowman, Texas Savings and Loan Department, P.O. Box 1089, Austin, Texas 78767, or hand delivered to 1004 Lavaca Street, Austin. Comments will be accepted for 30 days after publication in the *Texas Register*

The amendments and new rule are proposed pursuant to Texas Civil Statutes, Article 342-114, which provide the Texas Savings and Loan Department with the authority to promulgate general rules not inconsistent with the constitution and the statutes of this state and from time to time amend these rules.

§53.2. *Types of Additional Offices.* The commissioner may authorize by his approval the establishment and maintenance of the following types of additional offices by an association:

- (1)-(3) (No change.)
- (4) **Administrative offices at which the association, through its regularly employed personnel, may transact administrative functions of the association. Such office may be located separate and apart from the location of any other facility of the association. No savings deposits or loan applications may be accepted at an administrative office. All original records of the association shall be present and maintained at all times at the home office of the association.**

§53.4. *Findings Necessary for Approval of Branch Office.* The commissioner shall approve an application for a branch office if he shall have affirmatively found from the data furnished with the application, the evidence adduced at the hearing and his official records that:

- [(1)] the aggregate amount of the loss reserves, surplus, and permanent reserve fund stock, if any, of the applying association is equal to 3.0% of its savings liability;
- [(1)][(2)] The applying association has no [serious] supervisory problems which would affect its liability to properly operate such office;
- [(2)][(3)] The proposed operation will not unduly harm any other association operating in the vicinity of the proposed location;
- [(3)][(4)] A separate enclosed office area will be provided (such enclosure may be by counters or railings of less than ceiling height);
- [(4)][(5)] The proposed branch office will be supervised by qualified full-time management;
- [(5)][(6)] There is a public need for the proposed branch office and the volume of business in the community in which the proposed branch office will conduct its business is such as to indicate a profitable operation to the association within a reasonable period of time;
- [(6)][(7)] The facility will commence operation within a period of 12 [six] months after the date of approval unless an extension is granted, in writing, by the commissioner. **No more than one 12-month extension will be approved by the commissioner. At the end of the first extension, if the office has not been opened, the authority for such office shall be forfeited.**

§53.17. *Temporary Closing of Additional Offices.* In the event an association closes any additional office of any type on a temporary basis, said office must be re-

opened within 12 months or less. In the event such office is not reopened within the allotted 12-month period, such authorization for the office shall be forfeited.

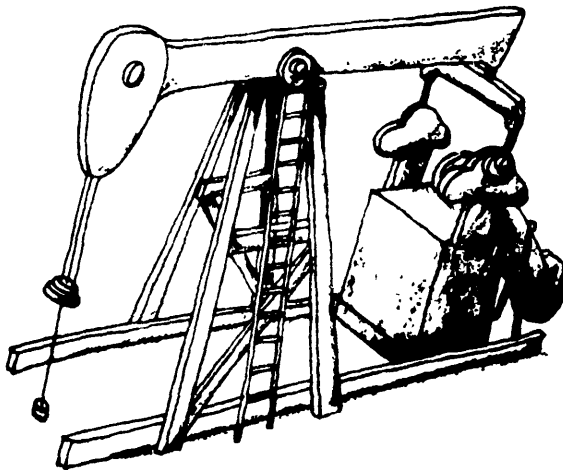
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on April 18, 1983

TRD-832865 L L Bowman
Commissioner
Texas Savings and Loan
Department

Earliest possible date of adoption
May 30, 1983

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



TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 9. Liquefied Petroleum Gas Division

Subchapter G. Division V

16 TAC §9.171

The Railroad Commission of Texas proposes an amendment to §9.171, concerning applicability of new Division V safety rules to motor fuel and mobile fuel installations.

Hugh F. Keepers, director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Keepers has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the correction of the effective date of applicability of the new Division V rules to prevent any confusion on the part of LP-gas dealers and consumers. There is no anticipated economic cost

to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Hugh F. Keepers, Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711

The amendment is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules for the LP-gas industry to protect the health, welfare, and safety of the public.

§9.171. Definitions and Applicability.

(a) (No change.)

(b) Provisions of Division V apply only to motor fuel and mobile fuel installations made after **March 21, 1983** [January 1, 1983].

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 18, 1983.

TRD 832961 Walter Earl Lile
Special Counsel
Railroad Commission of Texas

Earliest possible date of adoption
May 30, 1983

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

TITLE 19. EDUCATION

Part II. Texas Education Agency Chapter 81. Instructional Resources Subchapter D. State Textbook Program General Provisions

19 TAC §§81.61-81.76

The Texas Education Agency proposes new and amended rules §§81.61-81.76. Because of the passage of Senate Bill 27 by the 68th Legislature, the Texas Education Agency is proposing several amendments to the rules concerning the state textbook program. Major changes made by Senate Bill 27 which will be addressed in the agency's proposed rules include provision for public comment both for and against textbooks proposed for adoption and an increase in the membership of the State Textbook Committee from 15 to 27 members, one from each congressional district in each state.

Sections 81.61-81.76 are grouped under the heading General Provisions. Section 81.61 is amended to delete a portion of the rule which repeated statutory language and to include a specific reference to the section of the Texas Education Code which concerns the textbook program.

Section 81.62 is amended to set out more clearly the types of materials included in the textbook adoption

process, that is, textbooks, learning systems, supplementary instructional materials, and materials in any medium which a publisher intends to make available without cost for use with textbooks. Brief explanatory descriptions of learning systems and supplementary instructional materials, which were previously included in the textbook proclamation, are included in the proposed amendment.

A proposed amendment to §81.63 concerns content requirements and limitations for textbooks. In the past, the textbook proclamation which is adopted by the State Board of Education has included both specific content requirements for books being called for adoption in particular subject areas and general content requirements, applicable to all textbooks. The general content requirements carried in recent textbook proclamations have been based upon §81.63 but with more detail added. The proposed amendment to §81.63 incorporates the more detailed statements concerning general content requirements for textbooks which have been included in past textbook proclamations. In subsection (a)(1), a reference to the statutory requirement concerning textbook content in the Texas Education Code, §12.14(c), is added. Subsection (a)(2), which required that all textbooks on physiology and hygiene contain at least one chapter on the effects of alcohol and narcotics, is deleted since this was a statutory requirement repealed by Senate Bill 27.

Section 81.64 is a proposed new rule which requires evidence concerning field tests for books, if any were made, to be presented to the State Textbook Committee.

The proposed amendments to §81.65 renumber what was previously §81.64, concerning mandatory use of adopted textbooks, and add the words "or course" in paragraph (1).

Section 81.66 is a new rule. Although old §81.66, which is proposed for repeal, also concerned manufacturing standards and specifications for textbooks, that rule only provided that such standards would be set by the State Board of Education. Proposed new §81.66 incorporates the actual standards, which have previously been carried in the textbook proclamation. These include the requirement that all books comply with the Manufacturing Standards and Specifications for Textbooks approved by the National Advisory Commission on Textbook Standards. They also set out additional standards not included in that document.

Sections 81.67 and 81.68 contain no proposed changes, but they have been included for printing in the *Texas Register* because public comment is invited on these sections as well.

Section 81.69 is a proposed new rule concerning consumable textbooks, learning systems, and supplementary instructional materials. Although the title is almost the same as that carried by old §81.69, which is proposed for repeal, the new rule includes specifications for bids on these items which were previously carried in the textbook proclamation.

Section 81.70 is an amendment which renumbers what was previously §81.74. The amendment adds a limitation on materials made available without cost for use with textbooks, stating that the materials shall not introduce new subject matter not presented in the textbook.

Section 81.71 is a new rule concerning revised, identical, or special editions. Again, this rule contains material which in the past was included in the textbook proclamation.

Section 81.72 is a new rule which sets out requirements for indicating the grade level for elementary textbooks on the book cover.

Sections 81.73-81.76 are all amendments which renumber §§81.70-81.73 with no change in the text. Again, the text of these rules is being printed because public comment is invited on these sections.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be that requirements concerning the textbook adoption process which were previously to be found only in the textbook proclamation will now be included in the rules of the State Board of Education. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. The State Board of Education will hold a public hearing on proposed amendments to rules in Chapter 81, Subchapter D, concerning the State Textbook Program. These amendments are being proposed as a result of the passage of Senate Bill 27, 68th Legislature, which the governor has signed. The hearing will be held on Thursday, May 12, 1983, at 9 a.m., in the Joe Kelly Butler Board Room, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. Individuals who wish to speak must register by 5 p.m., on Friday, May 6, 1983, with Cis Myers, deputy commissioner for interagency coordination and policy development, by telephone at (512) 475-4536, or by mail addressed to Ms. Myers at 201 East 11th Street, Austin, Texas 78701. Written testimony may be submitted, and all persons testifying are encouraged to bring a written copy of their testimony for use by members of the State Board of Education. The State Board of Education reserves the right to limit the time for oral testimony so that all persons wishing to testify may be provided an opportunity to speak.

These amendments are proposed under the authority of the Texas Education Code, §11.24(b), which gives the State Board of Education the authority to make

rules for carrying out the duties placed on it or on the Central Education Agency by the legislature; the Texas Education Code, §12.01(a), which directs that textbooks adopted by the State Board of Education shall be furnished for use in the public schools of Texas; the Texas Education Code, §12.24(a), which directs the State Board of Education to adopt rules to provide for a full and complete investigation of all books and accompanying bids, and the Texas Education Code, §12.24(b), which directs the board to consider quality, mechanical construction, paper, print, price, authorship, literary merit, and other relevant matters in making the selection of textbooks to adopt.

§81.61. Free Textbooks To Be Adopted. Textbooks shall be adopted by the State Board of Education for use in the public schools of Texas in accordance with the Texas Education Code, Chapter 12, and the requirements in this subchapter [shall be furnished without cost to the pupils].

§81.62. Scope of Rules [Definition of "Textbook"]. These rules shall apply to adoption of the following types of materials:

(1) **Textbooks,** ["Textbook" means a] bound books [book in the usual sense,] which may be in two or more volumes, and which may be [of a] consumable [for example, workbooks] [workbook type (Special definitions: textbooks for blind and visually handicapped pupils, §81.171 (226.33.38.010) of this title (relating to Special Definition); kindergarten textbooks, §81.191 (226.33.39.010) of this title (relating to Special Definition); textbooks for pupils in bilingual classes, §81.201 (226.33.40.010) of this title (relating to Special Definition)). It also means a]

(2) **Learning systems** [system] which are [is a] coordinated systems [system] of instructional materials in one or several [more] media designed to enable students to achieve desired outcomes for a specific subject or course. Items included must be related by design and must be integral and essential components of the system. [that conveys to the pupil information on a subject comparable to that contained in the approved textbook. It also means combinations of books and supplementary instructional materials, in any medium, that are used as an adjunct to a specific adopted textbook. (Reference Attorney General Opinions V-528, March 27, 1948; V-407, October 6, 1947; and V-465, December 23, 1947.)]

(3) **Supplementary instructional materials, in any medium, which are deemed adjunctive but not essential to supplying information which will help students learn the content, concepts, and skills contained in the adopted textbooks.**

(4) **Materials in any medium which a publisher intends to make available without cost for use with textbooks bid for adoption.**

§81.63. General Content Requirements and Limitations.

(a) All adopted textbooks shall [must] meet the following content requirements and limitations:

(1) **In accordance with the Texas Education Code, §12.14(c),** textbooks shall contain no material of a partisan or sectarian character.

(2) **All textbooks offered for adoption shall present up-to-date factual information accurately and objectively without opinionated statements or biased editorial judgments by the authors.** [Textbooks in physiology and hygiene must contain at least one chapter on the effect of alcohol and narcotics.]

(3) Textbook content shall promote [the school's legal responsibility to teach] citizenship and understanding of the free enterprise system, [to] emphasize patriotism and respect for recognized authority, and [to] promote respect for human rights. Textbooks adopted shall be objective in content, impartial in interpretation [interpretations], and shall not include selections or [of] works which encourage or condone [contribute to] civil disorder, social strife, or disregard of the law

(A) **Textbooks shall present positive aspects of the United States and its heritage.**

(B) **Textbooks shall not contain material which serves to undermine authority.**

(C) **When significant political and social movements in history generate contrasting points of view, textbooks shall present balanced and factual treatment of such positions.**

(D) **Free enterprise means an economic system characterized by private or corporate ownership of capital goods, by investments that are determined by private decisions rather than by state control, and by price, production, and the distribution of goods that are determined in a free manner.**

(E) **Violence, if it appears, shall be treated in the context of its cause and consequence. It shall not appear for reasons of unwholesome excitement, or sensationalism [or as an excuse for relevance]**

(4) (No change)

(5) **Textbooks that treat the theory of evolution shall [should] identify it as only one of several explanations of the origins of humankind and avoid limiting young people in their search for meanings of their human existence.**

(A)-(B) (No change)

(6) **Textbooks shall, whenever possible, present varying life styles, [shall] treat divergent groups fairly without inaccurate stereotyping, and [shall] reflect the positive contribution of all individuals and groups to the American way of life. Illustrations and written materials shall [will] avoid bias toward any particular life style, group, or individual and should present a wide range of goal choices and life styles. Particular care should be taken in the treatment of ethnic groups, roles of men and women, the dignity of workers, and respect for all productive work.**

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

(D) **Traditional roles of men and women, boys and girls shall be included as well as those changing roles in our society.**

(E) **Textbook content shall not encourage life styles deviating from generally accepted standards of society.**

(7) **Author: of all textbooks offered for adoption shall have expertise and experience which provide authoritative credibility to their work. No author shall be an employee of the Texas Education Agency. [Special content requirements and limitations may be specified in**

the annual proclamation for adoption of new textbooks, §81.105 (226.33.34.020) of this title (relating to Proclamation for New Textbooks)]

(8) All textbooks shall, when appropriate, include illustrations that are informative, closely related to the content, and placed where they can be easily used in conjunction with the written text.

(9) Textbook content shall be organized to facilitate both teaching and learning.

(b) Textbook content and suggested readings which are in violation of the content requirements and limitations set forth in this section shall be deleted from any adopted textbook and teacher guide [guides], edition, or manual prior to purchase of the textbook by the state

§81.64. *Field Testing.* If textbooks or systems have been field tested, written evidence from the testing, showing how the results of the field tests were used in completing the book, shall be provided to the State Textbook Committee

§81.65[§81.64]. *Mandatory Use of Adopted Textbooks.* The public schools of Texas must use the free textbooks adopted by the State Board of Education as required of district board by law and §61.164 (226.23.06.040) of this title (relating to Textbooks) and §61.165 (226.23.06.050) of this title (relating to Violations of Statutes). A school district, however, may procure and use unadopted books and other materials under the conditions listed in this section. School district boards of trustees shall establish board policies for selection procedures for unadopted books or other materials. School district boards of trustees have the responsibility for determining when one or more of the following conditions exist:

- (1) there is no adopted textbook in an approved subject or course; or
- (2)-(4) (No change.)

§81.66. *Manufacturing Standards and Specifications.*

(a) All books adopted, including books in systems, shall comply with the standards in the Manufacturing Standards and Specifications for Textbooks, in the latest edition, approved by the National Advisory Commission on Textbook Standards.

(b) All Smythe-sewn books shall be bound tight back. Adhesive bound books shall not be bid.

(c) State funds shall not be expended for the purchase of regular paperback books. Soft back books will only be purchased when they have been specifically called for in the textbook proclamation. Soft back books must use 17 point acrylic or its equivalent; however, consumable books need not be submitted in acrylic binding.

(d) A textbook in two or more bindings, soft or hard back, shall be packaged in a sealed plastic wrapper or envelope (shrink wrap) for initial handling and shipping. Each binding must carry the uniform ownership label and a list of all the bindings included in the package.

(e) Publishers shall file for each book submitted a statement on a form provided by the Texas Education Agency, signed by an official of the company, certifying that the book meets minimum manufacturing standards and that required tests have been performed. Publishers may file one statement for a series of books if all books

of a series have been manufactured under identical specifications.

(f) If, during the first two years of use of any textbooks, supplementary materials, or nonconsumable components of learning systems, the Texas Education Agency determines that the items have faulty manufacturing characteristics or are made of inferior materials, the items shall be replaced by the publisher at no cost to the state

§81.67. *Rebinding of Textbooks.* The commissioner of education shall determine which textbooks are to be rebound

§81.68. *Retention of Expired Textbooks.* School districts may be permitted to retain out-of-adoption textbooks in amounts of at least 25% or as may justifiably be needed so long as they are used by the school for reference teaching aids, or library use.

§81.69. *Consumable Textbooks, Learning Systems, and Supplementary Instructional Materials Offered for Purchase by the State*

(a) If only learning systems are called for in any subject or course, limitations on total price and percent of consumables shall be specified in the proclamation.

(b) The bids for each learning system and all supplementary materials shall show a total wholesale price and the quantity and pricing for each component of the system. All systems will be contracted for without exchange

(c) Consumable components must be clearly marked as consumable.

(d) Learning systems shall be bid on the basis of one system for 25 students and one teacher. If a district has fewer than 25 students in a class, the district shall nevertheless be eligible for one learning system. If consumables are included, pricing shall include consumables for the term of the contract.

(e) Learning systems submitted for adoption shall be self-sufficient for the period of adoption. Non-consumable components shall be replaced by the publisher during the warranty period.

§81.70[§81.74]. *Materials Available for Use with Textbooks.*

(a) Materials in any medium which a publisher intends to make available without cost for use with textbooks bid for adoption are considered to be part of the textbook [as defined in §81.62 (226.33.31.020) of this title (relating to Definition of "Textbook")]. All such material shall be submitted with the textbooks and must be adopted in accordance with the rules in this subchapter [chapter]. Such materials may provide additional information on subject matter presented in the textbook but shall not introduce new subject matter not presented in the textbook. Schools may procure and use unadopted materials only in accordance with §81.65 [§81.64 (226.33.31.040)] of this title (relating to Mandatory Use of Adopted Textbooks).

(b) Materials in any medium which a publisher intends to make available for sale to schools, whether or not designed for use with an adopted textbook, are not

considered to be part of the textbook and need not be submitted or adopted in accordance with the rules in this subchapter [chapter]. Such materials shall not contain any textual material or other subject matter previously deleted, rejected, or disapproved by the State Textbook Committee, the commissioner, or the State Board of Education.

§81.71 Revised, Identical, or Special Editions

(a) Publishers who offer books for adoption that are revisions of textbooks currently under contract shall file a complete list of deletions, additions, and changes in printing, illustrations, organization of materials, and format which have been made in the revised version.

(b) Textbooks which are identical in content or substantially similar in content to books already adopted shall be purchased only in such quantities as are necessary to replace worn-out copies and for increased enrollment.

(c) The State Board of Education will give serious consideration to special editions of texts offered at lower prices than regular editions if the content is the same.

§81.72 Grade Designation. All elementary texts for grades one through six offered for adoption singly or in series shall show the grade or level placement, using numbers or symbols, on the outside of the book cover. When possible, the symbols shall be placed on the spine of the box.

§81.73[§81.70]. Exchange Allowances Collection. In December of each year, the commissioner of education shall bill the textbook publishers for exchange allowances and other charges properly allocable to the publishers.

§81.74[§81.71]. Textbooks for Special Education Classes. Textbooks shall be supplied to pupils in special education classes with regard to level of the pupil's ability and without regard to the grade for which a book is adopted or the grade in which the pupil is enrolled.

§81.75[§81.72]. School District Textbook Handling Expenses. School districts shall not be reimbursed from state funds for expenses incurred in local handling of textbooks (§61.164 (226.23.06.040) of this title (relating to Textbooks)).

§81.76[§81.73]. Disposition of Textbooks in Unusable Condition. Those worn textbooks on the current adoption lists no longer in usable condition for instructional purposes remain the property of the state. They shall be destroyed in such a manner that the resultant material shall be sold in Austin, Texas, to the highest bidder for the purpose of recycling. Bids shall be taken for each year for a period beginning September 1 and ending August 31.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 20, 1983.

TRD-832939 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption:
July 9, 1983

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

19 TAC §§81.65, 81.66, 81.69

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

The Texas Education Agency proposes the repeal of §§81.65, 81.66, and 81.69 (226.33.31.050, 226.33.31.060, and 226.33.31.090), concerning the State Textbook Program. Senate Bill 27, passed by the 68th Legislature, and signed by the governor, made several changes in the Texas Education Code, Chapter 12, concerning the adoption and purchase of textbooks by the state. A detailed discussion of changes in the statutes and resulting proposed changes in Texas Education Agency rules is contained in the preamble to §§81.61-81.76, published elsewhere in this Register.

Section 81.65, concerning changes in textbooks, is included in the proposed amendments to §81.101, concerning balanced adoption cycle.

Section 81.66, concerning manufacturing standards and specifications of textbooks, simply referred to standards approved by the State Board of Education. Proposed new §81.66 sets out the manufacturing standards and specifications in more detail.

Section §81.69, concerning consumable textbooks, learning systems, and supplementary instructional materials is proposed for repeal because it contained material which either repeated statutes or referred to internal agency procedures. Proposed new §81.69 contains special provisions which apply to these types of instructional materials.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the repeals will be in effect there will be no fiscal implications to state or local government as a result of the repeals.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of the repeals will be deletion of statutory material from agency rules and a more detailed statement of manufacturing standards and specifications for textbooks purchased by the state. There is no anticipated economic cost to individuals as a result of the repeals.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. A public hearing on all proposed changes in the textbook rules, including these repeals, will be held on Thursday, May 12, 1983. Information concerning the hearing is contained in the preamble to proposed new and amended §§81.61-81.76, published elsewhere in this Register.

These repeals are proposed under the authority of the Texas Education Code, §12.34(k), which directs the State Board of Education to establish a balanced adop-

tion cycle for textbook adoptions; the Texas Education Code, §12.24(a) and (b), which authorizes the board to adopt rules to provide for a full, complete investigation of all books and accompanying bids and to consider quality, mechanical construction, paper, and print in making its determination of which books to adopt, and the Texas Education Code, §12.01(c), which includes books, systems, and supplementary instructional materials as among those items which are to be adopted by the board

- §81.65 (226 33.31 050) *Changes in Textbooks*
- §81.66 (226 33 31 060) *Manufacturing Standards and Specifications of Textbooks*
- §81.69 (226 33 31 090) *Consumable Textbooks, Learning Systems, and Supplementary Instructional Materials*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on April 20 1983

TRD-832938 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption
July 9, 1983

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

Funding

19 TAC §81.81

The Texas Education Agency proposes an amendment to §81.81, concerning funding for textbooks. Section 81.81 provides for the State Board of Education to set aside funds for textbooks from the available school fund. The proposed amendment deletes material which repeated the Texas Education Code, §12.02, and includes instead a reference to that section of the Education Code.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Beverly J. Bardsley, policy development director, and Mr. Bennett, have also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the deletion of statutory material from the Texas Education Agency rules. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. A public hearing on all proposed changes in the textbook rules will be held on Thursday, May 12, 1983. Information concerning the hearing is con-

tained in the preamble to proposed new and amended rules in 19 TAC §581.61-81.76

The amendment to §81.81 is proposed under the authority of the Texas Education Code, §11.24, which authorizes the State Board of Education to make rules for carrying out the duties placed on it or on the Central Education Agency by the legislature, and the Texas Education Code, §12.02, which authorizes the State Board of Education to set aside funds for the state textbook fund from the state available school fund

§81.81 *Textbook Fund.* [Policy] [In July of each year] The State Board of Education [textbook fund] shall [be] set aside funds for textbooks from the available school fund in accordance with the Texas Education Code, §12.02. [and approved, in an amount needed for the purchase and distribution of textbooks and for other necessary expenses. An additional amount not in excess of 25% of the amount arrived at also shall be set aside to meet emergencies or unusual and unforeseen expenses and school condition.]

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on April 20 1983

TRD 832940 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption
July 9, 1983

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

Subjects in Which Textbooks are Adopted and Provided

19 TAC §81.91

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

The Texas Education Agency proposes the repeal of §81.91 (226 33 33 010), concerning lists of subjects in which books were to be adopted. This rule was based upon the Texas Education Code, §12.14 and §12.15, both of which listed subjects for textbook adoption. Section 12.15 has been repealed by the 68th Legislature, and §12.14 has been amended to delete the list of subjects and refer instead to subjects and courses designated by the State Board of Education to implement the Texas Education Code, §27.101, concerning required curriculum. Therefore, §81.91 is proposed for repeal.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the repeal.

Beverly J Bardsley, policy development director, and Mr. Bennett have also determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the deletion of obsolete statutory language. There is no anticipated economic cost to individuals who are required to comply with the repeal.

Comments on the proposal may be submitted to Dr. Beverly J Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. A public hearing on all proposed changes in the textbook rules, including this repeal, will be held on Thursday, May 12, 1983. Information concerning the hearing is contained in the preamble to proposed new and amended rules 19 TAC §§81.61-81.76.

This repeal is proposed under the authority of the Texas Education Code, §12.14, as amended by Senate Bill 27, 68th Legislature, which directs the State Board of Education to select and adopt a multiple list of textbooks, consisting of not less than two nor more than five textbooks for each subject matter or course designated by the board to implement the Texas Education Code, §21.101.

§81.91 (226.33.33.010) - Lists of Subjects

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 20, 1983.

TRD 832941 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption
July 9, 1983

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

Process for State Adoption of Textbooks

19 TAC §§81.101, 81.106, 81.107, 81.115, 81.117

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

The Texas Education Agency proposes the repeal of §§81.101, 81.106, 81.107, 81.115, and 81.117 (226.33.34.010, .030, .040, .066, and .080), concerning the process for state adoption of textbooks.

Senate Bill 27, 68th Legislature, made several changes in the Texas Education Code, Chapter 12, concerning the adoption and purchase of textbooks by the state. A detailed discussion of changes in the statutes and resulting proposed changes in Texas Education Agency rules is contained in the preambles to the proposed new and amended rules concerning the textbook adoption process.

Section 81.101, concerning the balanced adoption cycle, is being repealed because all but the last sentence repeated statutory language. Proposed new §81.101 sets out rules for the balanced adoption cycle which implement statutory requirements.

Section 81.106 concerns responsibilities of the state textbook committee. These responsibilities are addressed in proposed new rule §81.134, concerning duties.

Section 81.107, regarding the schedule of state textbook adoption procedures, concerns the schedule for the textbook adoption process. Provision for the development of such a schedule is included in the proposed amendments to §81.105, concerning the textbook proclamation.

Section 81.115 concerns procedures governing hearings and appeals on textbook protests and complaints. These procedures have been extensively revised as a result of action by the 68th Legislature. Procedures for such hearings are set out in the proposed amendments to §81.111 and §81.115.

Section 81.117 concerns adoption of textbooks by the State Board of Education. This area is addressed in the proposed amendment to §81.114 (new number §81.115), concerning consideration and adoption of textbooks by the State Board of Education.

Richard Bennett, associate commissioner of finance, has determined that for the first five year period the repeal will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the repeal.

Beverly J Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be that the allowance of the new rules on public comment on textbooks for greater range in the types of comments permitted, giving members of the public an opportunity to comment in regard to textbook content or in support of or against any textbook presented. Obsolete statutory material will be deleted from the agency's rules. There is no anticipated economic cost to individuals who are required to comply with the repeal.

Comments on the proposal may be submitted to Dr. Beverly J Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. A public hearing on all proposed changes in the textbook rules, including these repeals, will be held on Thursday, May 12, 1983. Information concerning the hearing is contained in the preamble to proposed new and amended rules 19 TAC §§81.61-81.76.

These repeals are proposed under the authority of the Texas Education Code, §12.34(k), which directs the State Board of Education to establish a balanced adoption cycle for textbook adoptions; Texas Education Code, §12.24(a), as amended by Senate Bill 27, 68th Legislature, which directs the State Board of Educa-

tion to adopt rules to provide for a full and complete investigation of all books and accompanying bids and for an opportunity for members of the public to comment in regard to textbook content or in support of or against any textbook presented; and Texas Education Code, §12.01, which directs the State Board of Education to adopt textbooks for use in the public schools of Texas.

- §81.101 (226.33.34.010). *Balanced Adoption Cycle.*
 §81.106 (226.33.34.030). *Responsibility of the State Textbook Committee in the Adoption Process.*
 §81.107 (226.33.34.040). *Schedule of State Textbook Adoption Procedures.*
 §81.115 (226.33.34.066). *Procedures Governing Hearings and Appeals on Textbook Protests and Complaints.*
 §81.117 (226.33.34.080). *Adoption of Textbooks by the State Board of Education.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 20, 1983

TRD-832942 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption
 July 9, 1983

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

19 TAC §§81.101-81.115

The Texas Education Agency proposes new rules and amendments to §§81.101-81.115 (226.33.34.011-.065) Senate Bill 27, 68th Legislature, made several changes in the Texas Education Code, Chapter 12, concerning the state textbook program. Among the most important was the amendment to the Texas Education Code, §12.24(a), which directed the State Board of Education to "adopt rules to provide for a full and complete investigation of all books and accompanying bids and for an opportunity for members of the public to comment in regard to textbook content or in support of or against any textbook presented. In all substantive and procedural matters relating to the textbook adoption process, all persons submitting written and/or oral commentary shall receive equal treatment."

Senate Bill 27 repealed the Texas Education Code, §12.23(d), which prohibited anyone other than the author, publisher, or publisher's representative from appearing before the State Board of Education on behalf of any book submitted to the board.

The proposed amendments to §§81.101, 81.104-81.115 implement this revised statutory requirement. In addition, the proposed amendments incorporate into agency rules material concerning the textbook adop-

tion process that was previously contained in the textbook proclamation.

Section 81.101 is a proposed new rule concerning the balanced adoption cycle which the board is required to adopt the the Texas Education Code, §12.31(k). Although the title is the same as old §81.101, the old section merely repeated statutory language while the proposed new rule refers to the statute and includes provisions for its implementation. Proposed new subsection (c) requires that a course or subject have a statewide enrollment of at least 5,000 before textbooks may be adopted for that course or subject, unless a special exception is made by the board. Subsection (d) provides for revisions in the balanced adoption cycle upon recommendation of the commissioner of education. Section 81.102 and §81.103 have no proposed changes, however, they will be printed here because public comment is invited on these sections as well.

The proposed amendment to §81.104 makes explicit a requirement only implicit in the existing rule, that publishers must be prepared to make adopted editions available for one or more extended contract periods of not more than six years each.

Section 81.105 is an amendment concerning the textbook proclamation. The rule is amended to clarify that the proclamation will contain the elements of the public notice required by the Texas Education Code, §12.17, a schedule for the adoption process, and detailed specifications for the content of those textbooks for which bids are being invited. Proposed new subsection (c) provides that the State Board of Education will hold a hearing on the textbook proclamation prior to its adoption. General content requirements, applicable to all textbooks, will be found in §81.63, concerning general content requirements and limitations, and not in the proclamation.

Section 81.106 is a new rule which requires publishers to submit a statement of intent to offer textbooks for adoption. This step in the adoption process was previously referred to in the textbook proclamation.

Section 81.107 is a new rule concerning samples, which synthesizes previous requirements concerning samples contained in old §81.108 and additional requirements concerning samples which were contained in the textbook proclamation. Subsection (e) includes a provision for unbound samples, with specifications concerning the nature of such samples. Subsection (i) provides that the State Board of Education may remove from consideration any books for which samples have not been properly provided.

Section 81.108 is an amendment which renumbers the section previously numbered §81.109. This section concerns special provisions for samples of learning systems and supplementary instructional materials. In general, one sample copy of each learning system and all instructional materials must be filed with the agency and with each of the 20 regional education service centers. However, subsection (a) of the rule allows the commissioner of education to

authorize the submission of fewer than 21 copies of learning systems if the commissioner has determined that submission of the full 21 copies would cause undue hardship to the publisher. Subsection (b) describes the method for providing samples to the State Textbook Committee members and their advisors and subsection (d) addresses samples to be sent to schools.

Section 81.109 is an amendment which renumbers the section previously numbered §81.108. Provisions concerning the number of samples are deleted from the rule, since these requirements have already been addressed in §81.107. Minor editorial changes are proposed in subsection (a). A new subsection (b) is added which provides for public access in regional education service centers to textbook samples and to copies of public comment on textbooks. Subsection (b)(2) requires service centers to ensure reasonable public access to these materials, including access outside of normal working hours.

Section 81.110 is an amendment to the rule on public comment on textbooks. Since Senate Bill 27 has broadened the range of public comment permitted, the rule title is changed from "Textbook Protests" to "Public Comment on Textbooks." The rule includes a provision for any resident of Texas to submit comments for, against, about, or upon textbooks, learning systems, or supplementary materials offered for adoption by filing a bill of particulars. Subsection (b) includes specifications for filing bills of particulars. Subsection (c) provides for publishers' responses to bills of particulars. Subsection (d) addresses public responses to other bills of particulars or to publishers' responses, and provides that any person who has filed a bill of particulars in a subject matter area may respond in writing to any publisher's response or to any other bill of particulars in the same subject matter area. The subsection includes specifications for filing public responses. Subsection (e) provides for rebuttals which may be submitted by the original filer of a bill or particulars. All of the comments submitted under this section will be furnished to the State Textbook Committee, the State Board of Education, and to each regional education service center where they will be available for public review.

Section 81.111 is an amendment which renumbers the section previously numbered §81.112. This section concerns joint hearings before the commissioner of education and the State Textbook Committee. Again, as a result of Senate Bill 27, the scope of the rule has been broadened from "textbook protests" to public comments for, against, about, or upon textbooks. The purpose of the hearing is to provide a public forum for discussion of textbooks offered for adoption and to assist in developing a full record for use by the State Textbook Committee, the commissioner of education, and the State Board of Education.

Under the proposed rule, the hearings will be organized so that oral comments will be heard on textbooks for one category or subject matter at a time. Any person who filed a bill of particulars shall be entitled to allot-

ted time at the hearing and may comment on anything in the written record in the subject matter area in which the individual filed a bill of particulars.

Section §81.112 is an amendment which renumbers the section previously numbered §81.113, concerning consideration of public comments by the State Textbook Committee. The proposed amendment reflects the broader range of comments now permitted under law.

Section 81.113 is an amendment which renumbers the rule previously numbered §81.111. The amendment to subsection (b) specifies that, in cases where textbook samples were not properly on file, the publisher shall have an opportunity for a hearing before the commissioner of education. The amendment to subsection (c) provides for a hearing before the commissioner of education in other cases of alleged misconduct or procedural irregularities.

Section 81.114 is an amendment which renumbers the rule previously numbered §81.116. The section concerns textbook recommendations by the commissioner of education. The change in subsection (a) adds a reference to all types of public comment now permitted as well as to suggestions made by the State Textbook Committee. In subsection (b), the commissioner must submit the reasons for his deletion of items recommended by the State Textbook Committee when he makes his report to the board. A new subsection (g) provides for a delayed adoption in cases where substantial modification in books have been recommended by the State Textbook Committee and the commissioner of education. This proposal replaces an earlier, similar proposal, filed in November 1982, which has been withdrawn so that all proposed rules in this subchapter can move through the rulemaking process at the same time.

Section 81.115 is an amendment which renumbers the rule previously numbered §81.114 and concerns consideration and adoption of textbooks by the State Board of Education. It includes material previously contained in §81.117, concerning adoption of textbooks by the State Board of Education. The rule provides for a hearing before the board, at which any person may appear who appeared at the joint hearing before the commissioner of education and the State Textbook Committee. The rule then provides for adoption of textbooks by the State Board of Education.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The effect on state government will be an estimated additional cost of \$5,000 each year from 1984-1988, due to costs of materials, printing, recording and transcription, and postage for hearings and distribution of public comment. There is no anticipated fiscal implication for local government.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have also determined that for each year of the first five years the rules as proposed

are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be that the public will be able to comment for, against, about, or upon textbooks offered for adoption, rather than being limited to textbook protests only. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. A public hearing on all proposed changes in the textbook rules, including these amendments, will be held on Thursday, May 12, 1983. Information concerning the hearing is contained in the preamble to proposed new and amended §§81.61-81.76 published elsewhere in this issue.

These new rules and amendments are proposed under the authority of the Texas Education Code, §12.24(a), as amended by Senate Bill 27, 68th Legislature, which directs the State Board of Education to adopt rules to provide for a full and complete investigation of all books and accompanying bids and for an opportunity for members of the public to comment in regard to textbook content or in support of or against any textbook presented; the Texas Education Code §12.31(k), which directs the board to adopt a balanced adoption cycle; the Texas Education Code, §12.17, which requires public notice of adoptions to be made to be given by the board; the Texas Education Code, §12.11 and §12.12, which provides for recommendations on textbooks by the State Textbook Committee and the commissioner of education, and the Texas Education Code, §12.01 and §12.13, which provides for adoption of textbooks by the board.

§81.101. *Balanced Adoption Cycle.*

(a) The State Board of Education shall approve a balanced adoption cycle in accordance with the Texas Education Code, §12.31(k).

(b) The State Board of Education shall designate, in the balanced adoption cycle, the subjects and grade levels for which textbooks shall be adopted. In accordance with the Texas Education Code, §12.34(b), adoptions shall be scheduled so that contracts for not more than one-sixth of the total number of basal subjects expire in any one year.

(c) Courses or subjects shall have a statewide enrollment of at least 5,000 in the most recent school year for which data are available before textbooks may be adopted for those courses or subjects. The board may waive this rule on recommendation of the commissioner.

(d) If the commissioner determines that because of changing enrollment patterns, revisions in the approved list of courses, available funding levels, or for other reasons a change is needed in the balanced adoption cycle, the commissioner shall recommend the change to the State Board of Education. All changes in the cycle shall be made in accordance with the Texas Education Code, §12.34(k).

§81.102. *Review of Contracts.* The State Board of Education shall review the textbook contracts which ex-

pire on August 31 in the year following the then current year and determine which contracts are to be renewed for terms not to exceed six years and which contracts are not to be renewed. This review shall be made at a time specified by the State Board of Education.

§81.103. *Contract Renewal.*

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

- (1) budgetary control;
- (2) gradual introduction plans;
- (3) advice and counsel of professional specialists in the subject fields involved;
- (4) the willingness of textbook publishers to offer their books for re-adoption and a renewal of their contract; and
- (5) report of the commissioner of education.

(b) Each year the commissioner of education shall secure a statement from school district officials of the number of usable books on hand in subjects wherein contracts will expire on August 31 of the year following the then current year. After considering the recommendations of the Texas Education Agency staff, the fiscal aspects, gradual introduction plans, the availability of books offered for re-adoption, and the new books available as well as any other information available to him, the commissioner of education shall make recommendations to the State Board of Education of those contracts which should be renewed.

§81.104. *Refusal To Rebid.*

(a) **Publishers to whom contracts are awarded shall be prepared to make the adopted editions available for one or more extended contract periods of not more than six years each.**

(b) The fact that a publisher, after receiving written notice to do so, refuses to re-bid [his] textbooks [as is provided in policies of the State Board of Education] shall be just cause to refuse to award future contracts to that publisher.

§81.105. *Proclamation for New Textbooks.*

(a) **In accordance with the Texas Education Code, §12.17, [Policy. At a meeting specified by] the State Board of Education [the board] shall issue a proclamation for new textbooks in those subjects in which contracts are not renewed. [and] The proclamation shall serve as public notice to all Texas registered textbook publishers and to the public that bids to furnish textbooks to the state are being invited. [The proclamation is printed in the public press and is sent to the public schools and all persons, firms, and corporations requesting notice. The proclamation shall minimally contain:**

- (1) the time and place of the State Board of Education meeting at which adoptions shall be made;
- (2) the subjects in which new textbooks are to be adopted;
- (3) the last date on which sample copies of books offered for adoption may be submitted;
- (4) the amount of each deposit required of the publisher;
- (5) a statement that formal proposals will be

received in a specified meeting of the State Board of Education; and

(6) the time allowed for signing contract and filing bond after the award is made.

(b) Administrative procedure. The commissioner of education prepares and submits to the State Board of Education a proclamation. Accompanying, and considered a part of the proclamation, are special provisions and description of content of textbooks applicable to the new books to be considered for adoption.]

(b) **In addition to the contents for the public notice specified in the Texas Education Code, §12.17, the proclamation shall contain the following:**

(1) **a schedule for the adoption process; and**

(2) **detailed specifications for the content of those textbooks for which bids are being invited. These specifications shall be consistent with any rules which may be promulgated by the State Board of Education for the implementation of the Texas Education Code, §21.101, concerning required curriculum.**

(c) **The proclamation shall be considered by the board at three meetings of the board and shall not be adopted before the third meeting. A public hearing shall be held by the board on the proclamation prior to its adoption.**

§81.106. Statement of Intent To Offer Textbooks for Adoption.

(a) All publishers who intend to offer textbooks for adoption shall submit to the commissioner of education a statement of intent to offer textbooks on or before the date specified in the schedule for the adoption process. The statement of intent shall be accompanied by a publisher's data form submitted in a form approved by the Texas Education Agency.

(b) Publishers who wish to withdraw a textbook after having filed a statement of intent to bid shall notify the commissioner of education in writing on or before the date specified in the schedule for the textbook adoption process.

§81.107. Samples.

(a) Two copies of each textbook and one sample of each learning system shall be filed with the commissioner of education and each of the 20 regional education service centers on or before the date specified in the schedule for the textbook adoption process. These samples shall be available for public review.

(b) Six official sample copies of each textbook and one sample of each learning system shall be filed with the commissioner of education on or before the date specified in the schedule for the textbook adoption process. The information required by the Texas Education Code, §12.18, shall be included in each sample. One of the six copies shall be wrapped separately and clearly marked "official sample."

(c) For all submissions required by this section, samples of teacher's editions, teacher's manuals, guides, and supplementary material to be furnished without cost shall be filed at the same time and in the same manner as the textbooks which they accompany.

(d) One copy of each textbook being submitted for adoption shall be provided to each member of the State Textbook Committee and each of their advisors in the

subject area covered by the textbook on or before the date specified in the schedule for the adoption process.

(e) Publishers who are unable to complete and bind books and teacher's editions or manuals in time for bound samples to be provided to the State Textbook Committee and their advisors and to regional education service centers may provide complete but unbound copies in page proof or Xerox form. All copies filed with the regional education service centers must be in the same form as those supplied to the State Textbook Committee members. Copies filed in page proof must include end-of-chapter activities if they are to be included in the finished book. Page proof copies must include captions or narrative to accompany illustrations and a description of all pictures which will be included in the final copy.

(f) The commissioner of education, after hearing and for cause, may extend the deadlines for filing of samples in regional education service centers as required by this section for one or more publishers. If such an extension is granted, the commissioner shall be authorized to adjust other deadlines in the schedule for the adoption process to ensure adequate time for public review of the books in question. The commissioner shall notify the State Board of Education of all such adjustments at the next meeting of the board.

(g) After textbooks have been adopted and all negotiated changes and corrections have been made, two corrected copies of all student textbooks, teacher's editions or manuals, learning systems, supplementary instructional materials, and supplementary materials to be furnished without cost shall be submitted to the commissioner of education for final approval prior to purchase. Such copies shall be in all respects like the texts which will be provided to local school districts after purchase.

(h) Special provisions concerning samples of learning systems and supplementary materials are found in §81.108 of this title (relating to Special Provisions Concerning Samples of Learning Systems and Supplementary Instructional Materials).

(i) The State Board of Education may remove from consideration by the State Textbook Committee any textbooks or other materials for which samples have not been provided in accordance with this section and with the schedule for the textbook adoption process.

§81.108. [§81.109] Special Provisions Concerning Samples of [Display of] Learning Systems and Supplementary Instructional Materials.

(a) All publishers who filed a statement of intent to offer learning systems [and/] or supplementary instructional materials or both for adoption shall be required to have one copy of each system and each of the supplementary materials being offered for adoption on display at the Texas Education Agency and one sample of each system and each of the supplementary materials in each of the regional education service centers. The commissioner of education may authorize the submission of fewer copies of learning systems if the commissioner has determined that submission of 21 copies would cause undue hardship for the publisher. If fewer than 21 systems are supplied, they shall be distributed among the 20 regional education service centers as directed by the commissioner of education. [provide samples as required in the Texas Education Code, §12.18(b). Such samples of-

ferred for adoption shall be deposited in designated locations and are to be left for a period of time determined by the commissioner of education and as appearing in the proclamation. These materials must be in the same format as exhibited in the State Textbook Committee members and advisors.]

(b) **Instead of sampling a complete learning system or complete copies of supplementary materials to the State Textbook Committee, each publisher shall make available to each committee member and their advisors a prospectus for the system and a detailed description and explanation of the supplementary materials. The prospectus for each learning system shall include:**

- (1) **information about authors of the materials;**
- (2) **a rationale for the system related to a specific body of research;**
- (3) **the educational purposes for which the system is intended;**
- (4) **a guide for the teacher's use of the material consistent with the rationale and stated purposes;**
- (5) **evidence of field testing among various student populations and statistical treatment to support the results;**
- (6) **evaluation criteria and procedures built into the system; and**
- (7) **detailed content of each component including pictorial or graphic examples.**

[(b) One copy of each learning system and/or one copy of each of the supplementary instructional materials offered for adoption shall be placed on display at a central point in Austin, Texas.]

(c) **Publishers may lend a system to a state textbook committee member for no more than two weeks upon the request of the committee member.**

(d) **Publishers shall not be required to mail samples of learning systems and supplementary materials to schools. A list of systems with prices and a detailed description of the component parts shall be distributed to schools by the Texas Education Agency. Descriptions of supplementary materials and a prospectus for each learning system which meet the requirements of subsection (b) of this section shall be distributed by the publisher. Publishers shall provide a complete and detailed description of the component parts of each learning system at the time the official sample of the system is filed with the Texas Education Agency.**

§81.109. [§81.108 Deposit of Textbook Samples with the] Regional Education Service Centers: Procedures for Handling Samples; Public Access to Samples.

(a) **Handling Procedures.** [Policy. All textbook publishers who filed a statement of intent to offer textbooks for adoption shall deposit with each of the 20 regional education service centers one copy of each textbook being offered. Deposits shall be made on a date designated in the adopted schedule (§81.107 (226.33.34.040) of this title (relating to Schedule of State Textbook Adoption Procedures)) or any extended filing date approved by the commissioner of education. The books deposited with the centers shall be in the same format supplied to the State Textbook Committee members and advisors. The procedures by which the centers working with the Textbook Division of the Texas Education

Agency shall receive and handle the textbooks shall be established and administered by the commissioner of education. (Section 53.36 (226.21.02.070) of this title (relating to Policies for Administration and Operation of a Center) requires each education service center to adopt policy and procedure to meet its responsibility in the textbook adoption process.)

[(b) Administrative procedure. The procedures by which the regional education service centers, working with the Textbook Division of the Texas Education Agency, receive and handle textbooks which are being considered for adoption and which are deposited by publishers are as follows:]

(1) Each **regional education service center director** shall designate one person to supervise all textbook shipments and shall notify the **Texas Education Agency** [Textbook Division] of the name of the person designated and the address at which sample books will be received.

(2) The **Texas Education Agency** [Textbook Division] shall furnish to each publisher directions for mailing textbooks to each center.

(3) The publisher shall mail to each center's representative three copies of a packing list covering each shipment to the center.

(4) The center's representative shall indicate on the packing list only those items not received by placing the letters N.R. (not received) **next to the appropriate** [at the end of such] listings.

(5) The center's representative shall date and sign each copy of the packing list, mail one copy to the publisher, one copy to the **Texas Education Agency** [Textbook Division], and keep the third copy.

(6) The **commissioner of education** [textbook director] shall notify [officially] all publishers of the shortages indicated on their packing lists.

[(7) The textbook director shall furnish the commissioner of education a list of all shortages by publishers and titles as of a certain date specified on the schedule of procedures (§81.107 (226.33.34.040) of this title (relating to Schedule of State Textbook Adoption Procedures)).

[(8) Centers shall make books available for use in the center by interested citizens.

[(9) Centers shall allow interested citizens to check out, without recheck privileges, not more than five titles at one time, nor any book for more than five days.]

(b) **Public access to samples and to copies of public comment on textbooks.**

(1) **Of the two sample copies of each textbook received by each center, one shall be retained in the center for review by interested persons there, and one shall be made available to be checked out. Centers shall allow persons to check out and review, without recheck privileges, not more than five titles at one time, for a maximum of five days.**

(2) **Samples of learning systems shall not be removed from the regional education service centers.**

(3) **Two copies of all bills of particulars, responses to bills of particulars, and rebuttals to responses filed with the commissioner of education shall be forwarded to each service center and shall be made available in the center for public review. Copies shall be**

furnished to the public in accordance with the policies in effect in each center.

(4) Regional education service centers shall ensure reasonable public access to textbook samples and to copies of public comment on textbooks, including access outside of normal working hours. Each center shall submit a schedule for public review of materials to be approved by the Texas Education Agency.

(5) Each service center shall issue a news release publicizing the availability of textbooks for review at the center.

§81.110. Public Comment on Textbooks [Textbook Protests].

(a) **General provisions.** [Policy] Any resident [citizen] of Texas may submit comments for, against, about, or upon a book or books, learning system, or supplementary materials submitted for [protest, as a petitioner, a book or books offered for textbook] adoption by filing a bill of particulars and by following the procedures in this subchapter. A person who files a bill of particulars shall be called a petitioner. [found in §81.115 (226 33 34 064) of this title (relating to Procedures Governing Hearings and Appeals in Textbook Protest and Complaints).]

(b) **Bills of particulars.** [Administrative procedure. The procedures whereby citizens may protest books offered for adoption include the following.

(1) Any citizen, referred to herein as "petitioner," desiring to enter a protest (bill of particulars) against books which are offered for use in Texas public schools declares by the specified date, in writing, his intentions to do so to the commissioner of education

(2) Upon receipt of a protest (bill of particulars), the commissioner of education notifies the State Textbook Committee and the publisher(s) involved]

(1)(3) On or before the date specified in the schedule for the textbook adoption process, [date,] the petitioner shall file [files] three [typewritten and] signed copies [on one side of 8½ inch by 11 inch white paper with margins at least two inches on the left and one inch on the right, top, and bottom of each page] of the bill of particulars [his protest] with the commissioner.

(2) The [This] bill of particulars shall set [sets] forth clearly and specifically by direct references to page and paragraph [designations] the books, chapters, statements, illustrations, or selection to which the comments are addressed [which he is protesting,] together with a concise statement as to the [his] reasons for such comments. The bills shall not contain generalized charges. [so protesting. The bills of particulars must not compare, rate, or endorse textbooks. If a hearing before the commissioner of education and the State Textbook Committee is desired, a request for such a hearing should be included. Upon receipt of the above copies of the protest, the commissioner of education causes the protest to be reproduced and sends copies to each member of the State Textbook Committee and to the publisher(s) involved.]

(3)(4) Any [All] information to be furnished in support of any comments [his protests] by a petitioner shall be included in the bill of particulars.

(4)(5) A separate bill of particulars shall be filed for each book. [publisher and all protested books of that

publisher shall be covered therein.]

(5) The bill of particulars must be typewritten on 8½ inch by 11 inch white paper, with margins at least 1½ inch on the left and right and one inch on the top and bottom of each page.

(6) The petitioner shall file with the bill of particulars a form provided by the commissioner on which the petitioner discloses any relationship or contact between the person filing the bill of particulars and any publisher, organization, or other petitioner concerning the selection of books upon which to file comments or the content of such comments.

(7) All bills of particulars shall be opened at the same time, on a date specified in the schedule for the textbook adoption process. Copies of the bills of particulars shall be sent to the publishers of the books addressed by the bills, the State Textbook Committee, the State Board of Education, and to each regional education service center, where the bills shall be available for public review.

(c) **Publisher's responses to bills of particulars.**

(1)(6) Publishers [The publisher(s)] may respond [answer] the bills of particulars [protests] by filing three [typewritten] signed copies, [on one side of 8½ inch by 11 inch white paper with margins at least two inches on the left and one inch on the right, top, and bottom of each page,] of the response [his statement] with the commissioner of education on or before the date specified in the schedule for the textbook adoption process [date].

(2) The publisher's response shall address specific comments [answers must be addressed to specific charges] of the petitioners and must not be in generalized terms. [This statement is reproduced by the commissioner of education and copies transmitted to each member of the State Textbook Committee and to the petitioner. If a hearing before the commissioner of education and State Textbook Committee is desired, a request for such a hearing should be included.]

(3)(7) Any [All] information to be furnished by the publisher in response to bills of particulars [protests] shall be included in the response. [his answer to the petitioner's bill of particulars.]

(4) A separate response shall be filed for each bill of particulars.

(5) The response must be typewritten and must meet the same format requirements as those specified for bills of particulars in paragraph (a)(5) of this section.

(6) Copies of publishers' responses shall be furnished to the petitions to whom the responses are addressed, the State Textbook Committee, the State Board of Education, and to each regional education service center where they shall be available for public review.

(d) **Public responses to bills of particulars and publishers' responses.**

(1) Any person who has filed a bill of particulars in a subject matter area may respond in writing to any publisher's response or to any other bill of particulars within the same subject matter area by filing three signed copies of the response with the commissioner of education on or before the date specified in the schedule for the textbook adoption process.

(2) The response shall address specific comments in the bill of particulars or publishers' response and must not be in generalized terms.

(3) Any information to be furnished in support of the response shall be included in the response.

(4) A separate response shall be filed for each bill of particulars or publishers' response addressed.

(5) The response must be typewritten and must meet the same format requirements as those specified for bills of particulars in paragraph (a)(5) of this section.

(6) Copies of the responses shall be furnished to the petitioner or publisher involved, the State Textbook Committee, the State Board of Education, and to each education service center where they shall be available for public review.

(e) **Rebuttals.**

(1) The original filer of a bill of particulars may rebut in writing any comments or responses on his or her own bill of particulars.

(2) Rebuttals shall be filed with the commissioner of education on or before the date specified in the schedule for the textbook adoption process and shall meet the format requirements specified for bills or particulars in paragraph (a)(5) of this section.

(3) Any information to be furnished in support of the rebuttal shall be submitted with the rebuttal.

(4) Copies of the rebuttals shall be furnished to the State Textbook Committee, the State Board of Education, and to each regional education service center where they shall be available for public review.

[(8) Hearings on textbook protest are held in accordance with the provisions of:

[(A) §81.112 (226.33.34.063) of this title (relating to Hearings Before the Commissioner of Education and the State Textbook Committee in Textbook Protests); and

[(B) §81.114 (226.33.34.065) of this title (relating to Hearings by the State Board of Education on Textbook Protests and Complaints).]

§81.111. [§81.112] Hearings before the Commissioner of Education and the State Textbook Committee [in Textbook Protests].

(a) **On [At] a date specified in the schedule for the textbook adoption process, [after the final date for publishers to file answers to petitioners' bills of particulars and before the selection meeting of the State Textbook Committee,] the commissioner of education and the State Textbook Committee shall hold joint hearings. [on petitioners' bills of particulars and publishers' answers. The date for the hearing shall be set each year by the State Board of Education at a specified meeting.] The commissioner of education or the commissioner's designee [his designated hearing officers] shall chair the joint hearing. To ensure impartiality, the commissioner of education shall not designate as chairman for the joint hearings any person who has other significant responsibilities in the textbook adoption process.**

(b) **Purposes of the hearings are:**

(1) **to provide a public forum for discussion of textbooks offered for adoption [the commissioner of education, his staff, and the State Textbook Committee with full information about the bills of particulars and answers]; and**

(2) **to assist in developing [develop] a full record for use by members of the State Textbook Committee,**

the commissioner of education, and the State Board of Education.

(c) **The hearing shall be organized so that oral comments will be heard on textbooks for one category or subject matter area at a time.**

(d) **Any person who filed a bill of particulars in accordance with §81.110 of this title (relating to Public Comment on Textbooks) shall be entitled to allotted time at the hearing, and in that time may comment on anything in the written record within that subject matter area in which the individual filed a bill of particulars. Publishers who intend to appear at the hearing must have filed written responses to those bills of particulars which contain objections to their books. Publishers may comment on anything in the written record and any oral testimony within the subject matter area in which the publisher's response was filed, except that publishers shall not comment about the books of any other publisher.**

(e)[(c)] **In order to contain the hearings within the designated dates, the commissioner of education may limit the time of each petitioner and each publisher, and [/or] may designate two or more hearing officers who will conduct hearings concurrently during the designated dates. The commissioner of education shall establish procedures concerning [publish rules regarding the organization of] the hearings at least two weeks in advance of the hearings. Such procedures may include limitations on the number of persons who may speak on behalf of any organization.**

(f)[(d)] **At the hearing, oral presentations of petitioners and [which expand their bills and oral presentations of] publishers [which expand their answers] shall be considered [in detail] in accordance with the following provisions:**

(1) **(No change.)**

(2) **Parties may offer documentary evidence and exhibits which shall be accepted by the commissioner when the information presented is clearly connected to information presented in petitioner's bill of particulars or publisher's answer. Documentary evidence or exhibits must be read or described into the record in a brief and concise form.**

(3) **Testimony presented at the hearing shall pertain to the written record in the subject matter area in question and shall not be in the form of generalized charges. Testimony shall not be abusive or in the nature of a personal attack. Publishers or petitioners who violate these provisions shall forfeit the balance of their allotted time to be heard at the discretion of the hearing officer. [The commissioner shall conduct the hearing in accordance with the rules of the State Board of Education governing textbook adoption. The hearing shall not be adversary in nature and only the commissioner or his designated hearing officer may examine the parties or the witnesses. State Textbook Committee members shall submit questions in writing to the hearing officer.]**

(4) **(No change.)**

(5) **Within 10 days after the hearing is held, the commissioner shall send copies of the record [, including official exhibits,] to members of the State Textbook Committee, the petitioners, the publishers, regional education service centers, and members of the State Board of Education. [The commissioner shall retain a copy for his of-**

ficial use. Copies of bills and answers shall be provided to the State Textbook Committee, to the commissioner's staff, and to each regional education service center.]

§81.112. [§81.113] Considerations [of Protests] by the State Textbook Committee of Comments on Textbooks.

(a) **The State Textbook Committee shall consider written comments, responses, and rebuttals, and testimony of petitioners and publishers in making its recommendations to the commissioner of education.** [Responsibility of the textbook committee for considering protests of petitioners shall be limited to protests against books and their content.]

(b) (No change.)

(c) **Complaints of misconduct or or procedural irregularities shall be filed in accordance with §81.113 of this title (relating to Complaints of Misconduct or of Procedural Irregularities).** No petitioner, publisher, or any other person shall refer information or complaints about misconduct or procedural irregularities to the committee. Any person attempting to do so may be subject, after hearing before the State Board of Education to being disqualified by the State Board of Education from further participation in the adoption.

(d) On the date of the regular meeting of the State Textbook Committee, the committee shall consider petitioners' protests and publishers' answers in accordance with the following provisions

(1) The committee shall limit its consideration to information contained in the bills of particulars, the publishers' answers, and the record (including official exhibits) of the joint hearing before the commissioner and the State Textbook Committee

(2) The committee chairperson shall present individually each petitioner's bill and publisher's answer for consideration of the committee and shall provide opportunity for whatever discussion of each bill and answer the committee finds necessary

(3) The committee shall take no formal action on the protests and answers, but each committee member shall give full consideration to the protests and answers before he votes on textbooks to be recommended by the committee.]

§81.113. [§81.111] Complaints of Misconduct or of Procedural Irregularities.

(a) All information about misconduct or procedural irregularities shall be filed with the **chairman of the State Board of Education** [commissioner of education in accordance with adoption policies]. In no instance shall this information be furnished to the State Textbook Committee prior to official recommendations by the committee. **It is the exclusive responsibility of the board to make decisions regarding complaints of misconduct or procedural irregularities.**

(b) **After notice to the publisher,** the commissioner of education shall notify the State Board of Education [, at a meeting specified by the board] of all textbooks being considered by the textbook committee which were not on deposit in the regional education service centers as required in this subchapter. [in §81.108 (226.33.34.051) of this title (relating to Deposit of Textbook Samples with the Regional Education Service Centers). At this meeting

the board may, after hearing, at its discretion, remove from adoption consideration of any book or series of books not properly on deposit in a center.]

(c) **The State Board of Education shall hold a hearing concerning complaints of misconduct and procedural irregularities at a time specified in the schedule for the textbook adoption process. After hearing, the board shall take such action as it deems appropriate concerning misconduct or procedural irregularities. At its discretion the board may remove from consideration any textbook or other materials proposed for adoption which were not properly on deposit in the regional education service centers.** [The commissioner of education, in accordance with adoption policies, shall report all information of complaints of misconduct or of procedural irregularities not previously reported at a specified meeting, along with his findings of fact, to the State Board of Education at a specified meeting. It is the exclusive responsibility of the board to make decisions regarding complaints of misconduct or procedural irregularities.]

§81.114. [§81.116] Recommendations [Recommendation] of Textbooks for State Adoption by the Commissioner of Education.

(a) Policy.]

(a)(1) The commissioner of education, in considering the textbooks, learning systems, and supplementary materials [(as defined in §§81.61-81.73 (226.33.31 .010-.130) of this title (relating to General Provisions))] listed by the State Textbook Committee **upon which comments have been received** [protested], shall give full consideration to the petitioners' bill of particulars, the publishers' responses [answers], **public responses, rebuttals,** the record of the hearing before the commissioner and [the record of the special meeting of] the State Textbook Committee, **and suggested changes, corrections, and deletions submitted by the State Textbook Committee and their advisors.**

(b)(2) The commissioner of education shall submit to the State Board of Education the lists of textbooks, learning systems, and supplementary materials received from the State Textbook Committee together with a report of those textbooks, learning systems, and supplementary materials which the commissioner has deleted **with the reasons for the deletion.** The commissioner shall not place on the lists any textbooks, learning systems, or supplementary materials not recommended by the committee, nor reduce to a single adoption any list for a specific grade or subject in which multiple adoption is recommended by the committee. [The commissioner shall also inform the board of changes, corrections, deletions, substitutions, and additions to the textbooks, learning systems, or supplementary materials which publishers will be asked to make before purchase by the state.] **A copy of the commissioner's report to the State Board of Education shall be sent to petitioners and to publishers.**

(c)(3) The commissioner of education may remove any textbook, learning system, or supplementary material from the committee's lists for any of the following reasons:

(1)(A) per pupil prices are much higher than average in the subject;

(2)[(B)] manufacturing quality is below specifications;

(3)[(C)] content material is unsatisfactory;

(4)[(D)] textbooks, learning systems, or supplementary materials are from a publisher who refuses to rebid textbooks, learning systems, or supplementary materials;

(5)[(E)] textbooks, learning systems, and supplementary materials are from a publisher unwilling or unable to make the changes recommended by the commissioner; or

(6)[(F)] in the commissioner's judgment, textbooks, learning systems, or supplementary materials are unsuitable for adoption.

[(4) In calculating the per pupil price, the commissioner shall use the total cost of the designed usage of a unit of the books, system, or materials, including consumables and replacement items or books, over the expected period of adoption, adjusted for the number of students that the unit is designed to serve, as specified in the proclamation issued by the State Board of Education. As soon as it is available, a copy of the official report of the commissioner of education on textbooks shall be sent to the State Board of Education, the petitioners, and publishers.

[(b) Administrative procedure.]

(d)[(2)] In the event that a book from the list of five books in each adoption category recommended by the committee is removed by action of the commissioner or the State Board of Education, the book ranked next in order of preference by the committee on the alternate list shall be placed on the recommended list of five books in that adoption category.

(e)[(1)] The commissioner of education, upon finding a book subject to removal from the committee's recommended list, shall confer [confers] with the publisher to determine if adjustment or changes can be made to avoid its removal.

(f) The commissioner shall inform the board of all changes, corrections, deletions, substitutions, and additions to the recommended textbooks, learning systems, or supplementary materials which publishers have agreed to make before their books are purchased by the state. The list of changes shall also be sent to the publisher making the changes, the regional education service centers, and other persons, such as braillists, needing immediate access to such information.

[(3) The commissioner prepares a list of changes which the publisher is asked to make in a book. This list is transmitted to the State Board of Education, the publisher making the changes, the regional education service centers, and other persons, such as braillists, needing immediate access to such information.]

(g) If the State Textbook Committee recommends and the commissioner determines that substantial modifications should be made in books, learning systems, or supplementary materials which the commissioner would like to recommend in a specific subject area, the commissioner may recommend that the board delay adoption of textbooks or materials in that subject area pending the completion of the required modifications by the textbook publishers. The commissioner's recommendation shall include a proposed schedule, to be approved

by the board, for the following:

(1) Deadline for publishers to submit required substantive changes to the agency and regional education service centers. The number of copies to be submitted shall be specified by the commissioner of education.

(2) Period when revisions will be available for public review at the agency and in regional education service centers.

(3) Deadline for submission of written public comment on revised material.

(4) Dates for review of material and recommendation by State Textbook Committee, which dates may be before or after the deadline set under paragraph (3) of this subsection.

(5) Date for submission of commissioner's recommendation, Textbook Committee report, and written public comment to the State Board of Education and for consideration for adoption by the board.

(6) Date for submission of alternate bids by publishers if a price change is deemed appropriate through a show cause hearing with the commissioner of education.

(h) Upon the commissioner's recommendation as specified in subsection (g) of this section, the board may, in lieu of adopting or refusing to adopt textbooks, learning systems, or supplementary materials in a subject area, adopt the commissioner's recommendation for a delayed adoption. The board may modify the schedule proposed by the commissioner.

§81.115. [§81.114] Consideration and Adoption of Textbooks [Hearings] by the State Board of Education [on Textbook Protests and Complaints.]

(a) On a date specified in the schedule for the textbook adoption process the State Board of Education shall hold a hearing which may, at the pleasure of the chairman of the board, be designated as an official meeting of the State Board of Education. Any person who appeared at the joint hearing before the commissioner of education and the State Textbook Committee may appear. Testimony shall be limited to the written record in the subject matter area in which the original petition or response was filed, including the record of the joint hearing before the commissioner of education and the State Textbook Committee.

(b)[(a)] At a [Preceding a specified] meeting specified in the schedule for the textbook adoption process, [date] the State Board of Education shall consider: [hold a special meeting to hear:]

(1) complaints of misconduct and procedures irregularities [which have been filed in accordance with §81.111 (226.33.34.062) of this title (relating to Complaints of Misconduct or of Procedural Irregularities)];

(2) Bills of particulars, responses, rebuttals, and the record of hearing before the Committee of Education and the State Textbook Committee; and [protests of textbooks; and]

(3) the textbook report of the commissioner of education. [(§81.116 (226.33.34.070) of this title (relating to Recommendations of Textbooks for State Adoption by the Commissioner of Education)).]

(c) A board committee designated by the chairman of the board shall consider the commissioner's recommendations concerning textbooks for state adoption prior

to adoption by the board. The commissioner of education or the commissioner's representative, representatives of the State Textbook Committee, and staff shall be available to respond to inquiries from the committee. The committee shall review the commissioner's recommendations and report to the board.

(d) In accordance with Texas Education §§12.13, 12.14, 12.16, and 12.24, the State Board of Education shall adopt a list of approved textbooks.

(b) The first session of the special meeting shall be designated solely for hearing complaints of misconduct and procedural irregularities. Each complainant and each person complained against shall have a maximum time of 15 minutes for his presentation. Additional time may be taken by the State Board of Education for discussion and questioning.

(c) The second session of the special meeting shall be designated solely for hearing protests of textbooks. To be eligible to appear, the petitioner shall have filed, directed to the commissioner of education and no later than five days before a specified meeting of the board, an appeal from the decision of the commissioner of education to the State Board of Education and the State Textbook Committee.

(d) Each petitioner shall have a maximum time of 45 minutes. The publisher shall have the same time given the petitioner. Additional time may be taken by the board for discussion and questioning. Both the petitioner and the publisher shall restrict their presentations to:

(1) information previously filed by them in the bill of particulars and the answer; and

(2) the record of the joint hearing before the commissioner of education and the State Textbook Committee.

(e) The third session of the meeting shall be designated solely for the textbook report by the commissioner of education (§81.116 (226.33.34.070) of this title (relating to Recommendations of Textbooks for State Adoption by the Commissioner of Education)) and a discussion thereof by members of the board.

(f) No decision shall be made by the board on complaints, protests, or the report by the commissioner of education until a specified meeting.]

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 20, 1983.

TRD-832943 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption:
July 9, 1983

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

State Textbook Committee

19 TAC §§81.131, 81.133, 81.134, 81.137

(Editor's note: The text of the following rules being proposed for repeal will not be published. The rules may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the

Texas Register office, 503E Sam Houston Building, Austin.)

The Texas Education Agency proposes the repeal of §§81.131, 81.133, 81.134, and 81.137 (226.33.35.001, .020, .030, and .060), concerning the State Textbook Committee.

Section 81.131 is a general requirement that the State Textbook Committee be appointed and function in accordance with law. The appointment procedure for the committee is set out in proposed new §81.131. The committee's functions are set out in §81.134, concerning duties.

Section 81.133 concerns the term of office for the State Textbook Committee. By law, committee members serve for a one-year term. No rule addressing terms for the committee is required.

Section 81.134 concerns qualifications of textbook committee members. Basic qualifications for State Textbook Committee members are set by statute. The rule proposed for repeal simply repeats these statutory requirements. Rules to implement and interpret relevant statutes are included in the proposed amendment to §81.132 (new §81.131), concerning appointment and qualifications of the State Textbook Committee.

Section §81.137 concerns expenses for State Textbook Committee members. The laws concerning this reimbursement has been revised to provide for a compensatory per diem as well as expenses for committee members. Rules implementing the revised statute are included in the proposed amendments to §81.136 (new §81.135), concerning meetings, compensatory per diem, and expenses.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the repeals will be in effect there will be no fiscal implications to state or local government as a result of the repeals.

Beverly J. Bardsley, policy development director, and Mr. Bennett have also determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated as a result of the repeals as proposed will be the reflection of changes in statute as a result of Senate Bill 27, 68th Legislature; also, obsolete statutory material will be deleted. There is no anticipated economic cost to individuals as a result of the repeals.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. A public hearing on all proposed changes in the textbook rules, including these repeals, will be held on Thursday, May 12, 1983. Information concerning the hearing is contained in the preamble to proposed new and amended §§81.61-81.76 published elsewhere in this issue of the Register.

These repeals are proposed under the authority of the Texas Education Code, §12.11, as amended by Senate Bill 27, 68th Legislature, which establishes the State Textbook Committee, establishes qualifications

for committee members, and directs the State Board of Education to make rules concerning compensatory per diem and expenses for committee members, and by the Texas Education Code, §12.24(a), also as amended by Senate Bill 27, which directs the State Board of Education to adopt rules to provide for a full and complete investigation of all books and accompanying bids, since the work of the State Textbook Committee forms an important part of this full and complete investigation.

§81.131 (226.33.35.001). *Policy.*

§81.133 (226.33.35.020). *Term of Office.*

§81.134 (226.33.35.030). *Qualifications.*

§81.137 (226.33.35.060). *Expenses.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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Commissioner of Education

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

19 TAC §§81.131-81.139

The Texas Education Agency proposes new §§81.132, 81.133, 81.136, and 81.137 and proposes amendments to §§81.131, 81.134, 81.135, 81.138, and 81.139, concerning the State Textbook Committee. Senate Bill 27, 68th Legislature, which has been signed by the governor, increased the number of State Textbook Committee members from 15 to one member from each congressional district in the state. Senate Bill 27 also provided for a compensatory per diem to be paid to committee members, in addition to reimbursement for their expenses.

The proposed amendments to these sections reflect and implement the relevant provisions of Senate Bill 27. In addition, the proposed changes incorporate into agency rules material concerning advisors to State Textbook Committee members, orientation, and relationships between committee members and publishers which was previously contained in a handbook for committee members or in the textbook proclamation.

The existing §81.131 is proposed for repeal in a separate submission. Section 81.132, concerning appointment and qualifications of the State Textbook Committee, is amended by renumbering the section to make it §81.131. References to the 15-member committee are deleted, since the number of members has been increased. The proposed amendment provides for the commissioner of education to accept recommendations for possible nominees from any persons or organization in the state and deletes a provision for the commissioner to request such nominations specifically from agency staff. Proposed subsections (d) and (e) require the commissioner to secure from a nominee's school district an assurance that the school will provide suitable assistance to the committee member. Subsection (f) addresses continued eli-

gibility of committee members who change positions during their term.

New §81.132 directs the commissioner of education to provide for orientation for State Textbook Committee members and specifies items to be covered in the orientation.

New §81.133 concerns advisors for textbook committee members. Each committee member is to select a maximum of six official advisors for each subject area in which books are being considered. One advisor is to be a member of the public who is not a professional educator. The remaining five are to be professional educators with unusual backgrounds and recognized teaching ability in the subject field for which they are advisors. Provisions for selection of advisors and duties of advisors are set out. Advisors are not paid expenses and receive no compensation for their services.

Existing §81.133 and §81.134 are proposed for repeal in a separate submission. The current §81.135 is amended and renumbered to be §81.134. It specifies the duties of the State Textbook Committee. The proposed amendments add subsection (a)(2), concerning the responsibility of the textbook committee to ensure that all books recommended meet the requirements for content specified in the textbook proclamation and in State Board of Education rules. New subsection (b) specifies that any book which is to be recommended by the committee must receive a supporting vote from at least two-thirds of the committee. New subsection (c) provides for selection of committee members to represent the committee at State Board of Education hearings or meetings concerning textbooks.

The current §81.136 is amended and renumbered to be §81.135. Editorial changes and the deletion of an obsolete cross-reference are proposed in subsection (a). New subsections (b) and (c) address the compensatory per diem authorized by Senate Bill 27 and payment of expenses to committee members. The proposed rule authorizes the commissioner of education to establish a per diem rate each year based upon the scheduled number of committee meetings, with the total amount of compensatory per diem paid to a committee member not to exceed \$1,500. Textbook committee members would receive reimbursement for expenses under the same guidelines applicable to reimbursement for State Board of Education members. Subsection (c)(3) includes provisions for an advance for expenses. Unearned advances which are not repaid will be deducted from the committee member's compensatory per diem. Subsection (d) provides for payment for substitute teachers if they are needed to replace committee members.

New §81.136 provides for publishers to make presentations to committee members.

New §81.137 incorporates material concerning the no-contact period between publishers and committee members. Material in both these rules was previously contained in the textbook proclamation.

Amendments to §81.138, concerning committee member conduct, delete from subsection (a) statement concerning responsibilities of the committee which was so broad as to be uninformative. Subsection (b) is deleted since information on statutes applicable to committee members will be included in the orientation materials for the committee.

Amendments to §81.139, concerning the rule for registers, is amended to reflect the fact that registers have in the past been kept not only by committee members but by their advisors and by the commissioner of education as well. New subsection (b) requires that publishers also file a register with the commissioner of education indicating all contacts with committee members and their advisors.

Richard Bennett, associate commissioner for finance, has determined that for the first five year period the new rules and amendments will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The effect on state government will be an estimated additional cost of \$54,900 each year from 1984-1988. The compensatory per diem for all State Textbook Committee members will be \$40,500 (\$1,500 times 27 members). Reimbursable expenses for new State Textbook Committee members will be \$14,400 (\$100 per day for 12 days for 12 members). There is no anticipated effect on local government.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have also determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules will be increased expenses in the process of nominating persons for State Textbook Committee membership, inclusion of lay as well as professional advisors for textbook committee members, and greater clarity about procedures for reimbursement for committee members. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. A public hearing on all proposed changes in the textbook rules will be held on Thursday, May 12, 1983. Information concerning the hearing is contained in the preamble to proposed new and amended §§81.61-81.76, published elsewhere in this Register.

These new and amended rules are proposed under the authority of the Texas Education Code, §11.24(b), which authorizes the State Board of Education to make rules to carry out responsibilities placed on it or on the Central Education Agency by the legislature; the Texas Education Code, §12.11, which authorizes the appointment of the State Textbook Committee and directs the State Board of Education to make rules concerning the payment of expenses and a compensatory per diem for committee members; and the Texas Education Code, §12.24(a), as amended by Senate Bill 27, which directs the State Board of Educa-

tion to adopt rules to provide for a full and complete investigation of all books and accompanying bids, in which they are assisted by the State Textbook Committee.

§81.131[§81.132] Appointment and Qualifications.

(a) All appointments to [On or before the second Saturday in May, the State Board of Education shall appoint] the State Textbook Committee **shall be made in accordance with the Texas Education Code, §12.11** [The 15 committee members shall be recommended by the commissioner of education for a one-year term.]

(b) The commissioner of education each year shall request Texas Education Agency staff to submit nominations and qualifications of appropriate numbers of educators who meet the criteria for membership on the State Textbook Committee.]

(b)(c) The commissioner of education shall ensure, [after assuring himself] that **all persons recommended by the commissioner for appointment to the committee meet the statutory requirements concerning qualifications for membership.** [each person has all the qualifications required by law and State Board of Education policy, recommends 15 people for appointment to the committee.] In making these recommendations, the commissioner shall be exempt from the requirements of §161.3 (226.73.01.030) of this title (relating to Appointment of Members) concerning consultation with members of the State Board of Education. The commissioner shall notify each board member [members] of **the name of the person** [all persons] being recommended from **that member's** [their] congressional district [districts] prior to the meeting at which the recommendations are presented to the board. [Should the State Board of Education refuse to appoint any of them, the commissioner of education recommends eligible alternates.]

(c) **The commissioner of education shall accept recommendations for possible nominees from any person or organization in the state.**

(d) **Before recommending any person for appointment to the State Textbook Committee, the commissioner of education shall secure from the superintendent of the school district in which the individual is employed an assurance that:**

(1) **the school district is willing for the individual to serve on the committee; and**

(2) **the school will provide book storage space, assistance in securing advisors, space for meetings with advisors and publishers, secretarial support, and other reasonable assistance as needed by the committee member.**

(e) **Where the proposed committee member is the superintendent of a district, the assurances required in subsection (d) of this section shall be secured from the local board of trustees.**

(f) **If a member of the State Textbook Committee changes positions after appointment by the State Board of Education, he or she may continue as a member of the committee for the appointed term if the member's new position is within public education in Texas.**

§81.132. Orientation for Committee Members. The commissioner of education shall ensure that members of the State Textbook Committee are given an orientation

which includes, but need not be limited to, the following

(1) the responsibilities of a State Textbook Committee member, including but not limited to the responsibility to ensure that all books recommended meet the standards for content specified in the proclamation and in board rules,

(2) the textbook adoption process,

(3) the specific content requirements in the textbook proclamation, and

(4) statutory and regulatory requirements which affect the committee, including but not limited to Texas Civil Statutes, Article 6252-9b, "Standards of Conduct for State Officers and Employees," and the Texas Penal Code, §36.02, "Bribery."

§81.133. Advisors

(a) Each textbook committee member shall select a maximum of six official advisors for each subject area in which books have been offered for adoption to assist in the textbook review process. One of the advisors shall be a member of the public who is not a professional educator. The remaining advisors shall be professional educators with unusual backgrounds of training and recognized ability as teachers in the subject field for which they are advisors.

(b) Official advisors must abide by the requirements concerning conduct which are applicable to State Textbook Committee members. Official advisors shall maintain a register in accordance with §81.139 of this title (relating to Requirements for Registers). Official advisors shall observe the no-contact periods specified in the schedule for the textbook adoption process.

(c) Nothing in this section is intended to limit the right of textbook committee members to seek advice from as many sources as they wish; however, textbook samples shall be provided only to official advisors.

(d) Each textbook committee member shall seek the advice of school superintendents, principals, curriculum directors, and teachers in the member's geographical area before naming official advisors.

(e) Each textbook committee member's list of official advisors shall be submitted to the Texas Education Agency on or before the date specified in the schedule for the textbook adoption process.

(f) The commissioner of education shall provide textbook committee members with sufficient copies of the textbook proclamation and other orientation materials for members to use with their advisors.

(g) Official advisors shall receive no honorarium or other compensation, nor shall they be reimbursed by the agency for any expenses incurred while acting as official advisors.

§81.134[§81.135]. Duties.

(a) The duties of the committee shall be to:

(1) examine carefully all books submitted for adoption, using advisors in each subject field called for in the adoption;

(2) ensure that all books recommended meet the requirements for content specified in the textbook proclamation and in board rules;

(3)(2) select [and certify] advisors in accordance with §81.133 of this title (relating to Advisors) [who meet qualifications in §81.133(a)(2) and (3) (226.33.35.030, a(2)

and (3)) of this title (relating to Qualifications)],

[(3) comply fully with the procedures governing appeals as promulgated by the State Board of Education in its proclamation,]

(4) prepare and publish a list of textbooks recommended to the commissioner of education for adoption by the State Board of Education, and

(5) advise the commissioner of education of any alternate books and any changes, corrections, deletions, additions, and substitutions which they recommend to be made in the books on the list.

[(6) consider the subjects in which contracts will expire August 31 of the second year following the then current year and transmit among its recommendations to the commissioner of education those subjects in which new books should be provided, and

[(7) determine and report to the commissioner of education the suitability and usability of the braille and large type versions of all recommended textbooks.]

(b) To be included on the list of recommendations, a book must receive a supporting vote from at least two-thirds of the textbook committee members.

(c) The State Textbook Committee shall select at least one but not more than three of its members to be present for the textbook hearing held by the State Board of Education and for the State Board of Education meeting at which textbooks are adopted.

(d)(b) The commissioner of education shall provide [provides] the consultative and clerical staff services required by the committee to fulfill its duties.

§81.135[§81.136]. Meetings. Compensatory Per Diem, and Expenses

(a) Meetings.

(1) A schedule for meetings of the State Textbook Committee shall be included in the schedule for the textbook adoption process which is approved [determined] by the State Board of Education [including both the time and place of meeting, and shall be included in the schedule of textbook adoption procedure §81.107 (226.33.34.040) of this title (relating to Schedule of State Textbook Adoption Procedures).]

(2)(b) The commissioner of education shall arrange [arranges] for the meeting room, equipment, and facilities for committee meetings.

(b) Compensatory per diem.

(1) Committee members who fulfill the duties and responsibilities of a State Textbook Committee member in accordance with law and the rules in this subchapter shall receive a compensatory per diem for each day on which the member attends an official meeting or hearing held by the State Textbook Committee and for each day a committee member represents the committee before the State Board of Education or before a committee of the board.

(2) The total amount of compensatory per diem received by a committee member shall not exceed \$1,500. The commissioner of education shall establish a per diem rate each year based upon the scheduled meetings of the State Textbook Committee for that year.

(c) Expenses.

(1) Committee members shall be reimbursed for expenses incurred in attending official meetings of the State Textbook Committee, including hearings held by

the committee, in accordance with the same guidelines applicable to reimbursement for State Board of Education members.

(2) Expenses shall be paid for those committee members selected by the committee to represent the committee at the textbooks hearings before the State Board of Education and at State Board of Education board meetings or board committee meetings at which textbooks are considered.

(3) The commissioner of education may issue an advance for expenses to textbook committee members in accordance with the procedures and guidelines concerning advances for agency employees. Any sum issued as an advance which is found to be in excess of the amount actually due to the committee member for expenses incurred shall be repaid promptly. The commissioner of education shall deduct from a committee member's compensatory per diem an amount equal to any advance, above the entitlement for expenses, which has not been repaid.

(d) Substitutes. If a committee member is required to attend a meeting of the State Textbook Committee on a day when school is in session and a substitute teacher must be used by the local school district to assume the committee member's teaching responsibilities, the district shall be reimbursed for the cost of the substitute at the standard state rate. The cost of the substitute shall not be paid by the textbook committee member.

§81.136. *Presentations by Publishers.* Each member of the committee and his or her advisors shall schedule a presentation on each subject for any publisher who requests one. The dates between which such hearings may be held shall be specified in the schedule for the textbook adoption process.

§81.137. *No Contact Periods.* Committee members and their advisors shall observe no-contact periods between the dates specified in the schedule for the textbook adoption process. During these periods, committee members and their advisors shall have no contact either directly or indirectly with any textbook publisher or publishing company, depository, or petitioner. This restriction is not intended to prohibit the State Textbook Committee, while in session, from calling before it a petitioner or a representative of a textbook publishing company.

§81.138. *Committee Member Conduct*

[(a) Committee members, as state officials, shall be bound by all state laws.] The special attention of the committee shall be called, at its first meeting, to Texas Civil Statutes, Article 6252-9b, titled "Standards of Conduct for State Officers and Employees" and the Texas Penal Code, §36.02, titled "Bribery." Copies of the statutes mentioned in this section [subsection] shall be supplied to each committee member.

[(b) The commissioner of education provides copies of statutes and other documents as required to the members of the committee.]

§81.139. *Requirements for Registers [Requirement of Register].*

(a) A register [, as required by Texas Civil Statutes, Article 6252-23,] shall be kept by all members [each member] of the committee and their official advisors, and

by the commissioner of education, to [(for keeping a) record [of] all personal visits or calls by publishers, their representatives, agents, authors, consultants, editors, or other persons soliciting support for the book or books of a publishing company or of a textbook depository.

(b) Publishers shall file with the commissioner of education, on or before a date specified in the schedule for the textbook adoption process, a register indicating all contacts with committee members and their advisors, including the time, location, reason for contact, and all expenditures over \$50.

(c) The registers submitted in accordance with subsections (a) and (b) of this section shall be filed by the commissioner of education with the Office of the Secretary of State.

[(b) The commissioner of education provides each committee member with a register, receives them back after use, and files them with the secretary of state.]

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 20, 1983.

TRD 832945 Raymon L. Bynum
Commissioner of Education

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

State Textbook Contracts

19 TAC §81.151, §81.153

The Texas Education Agency proposes amendments to §81.151 and §81.153, concerning state textbook contracts.

In §81.151, the word "contract" is added to the title for clarification. No change in the text is proposed. In §81.153, concerning bonds, a specific reference to the relevant section of the Texas Education Code is added, language which repeats statutory provisions is deleted, and the designations "policy" and "administrative procedure" are deleted.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Beverly J. Bardsley, director for policy development, and Mr. Bennett, have determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be greater clarity in the title of §81.151 and deletion of statutory language from §81.153. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. A public hearing on all proposed changes

in the textbook rules, including these amendments, will be held on Thursday, May 12, 1983. Information concerning the hearing is contained in the preamble to proposed new and amended rules in 19 TAC §§ 81.61-81.76.

These amendments are proposed under the authority of the Texas Education Code, § 11.26(a)(6), which authorizes the State Board of Education to execute contracts for the purchase of instructional aids, including textbooks, within the limits of authority granted by the legislature.

§81.151 Preparation and Completion of Contract Form. The state textbook contract forms prepared by the attorney general of Texas shall not be changed or modified in any way. The complete contract of every publisher shall be reproduced in full in the official minutes of the State Board of Education.

§81.153 Bond

(a) Policy.] The bidder to whom a contract is issued must execute a [good and sufficient] bond, **as required by the Texas Education Code, §12.26 and §12.27,** [with the following characteristics:

(1) The bond is in the amount of \$2,500 for each textbook adopted. (In setting the amount of bond, a series of pamphlets for writing, drawing, band, orchestra, or chorus is considered one textbook.)

(2) The bond is to assure that the publisher faithfully performs all conditions of the contract.

(3) The bond is not exhausted by one recovery but may be sued on until the full amount of liability is recovered.

(b) Administrative procedure.] The bond **shall be [is]** filed by the publisher in triplicate. The original **shall be [is]** filed with the contract in the office of the secretary of state and a receipt **shall be [is]** taken by the commissioner of education. The duplicate **shall be [is]** filed **with the commissioner of education, [in the Textbook Division;]** **and the third copy shall be [triplicate is]** returned to the publisher.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 20, 1983

TRD-832946 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption:
July 9, 1983

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

Bid Requirements

19 TAC §§ 81.161, §81:162

The Texas Education Agency proposes amendments to § 81.161 and § 81.162 (226.33.37.010, .030), concerning requirements for textbook bids. The proposed amendment to § 81.161 adds a reference to the specific section of the Texas Education Code which the rule implements. Section 81.162 is an amended

section, renumbering the section previously numbered § 81.163. The words "policy" and "administrative procedure" are deleted, as is a superfluous reference to §§ 81.151-81.153 of this subchapter. No substantive changes in these sections are proposed.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be increased clarity of references and deletion of confusing cross-references. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. A public hearing on all proposed changes in the textbook rule, including these amendments, will be held on Thursday, May 12, 1983. Information concerning the hearing is contained in the preamble to proposed new and amended §§ 81.61-81.76, published elsewhere in this Register.

These amendments are proposed under the authority of the Texas Education Code, § 11.24(b), which authorizes the State Board of Education to make rules to carry out duties placed on it or on the Central Education Agency by the legislature, and under the Texas Education Code, § 12.18, which provides for the filing of bids and sample copies of books offered for adoption, and under the Texas Education Code, § 12.19, which requires a deposit of earnest money from publishers in a sum set by the State Board of Education within statutory guidelines.

§81.161 (226.33.37.010). Bid Prices. In accordance with the Texas Education Code, § 12.18(d), bids must be submitted to the State Board of Education at prices with an allowance for exchange of books presently in use and prices without an allowance for exchange. Prices for supplying books with special covers or other manufacturing specifications also may be requested.

§81.162 [§81.163]. Deposits with the State Treasurer.

(a) [Policy.] A publisher submitting a bid or bids on a book or books must deposit \$2,500 in cash, certified check, or cashier's check with the state treasurer as earnest money to produce a valid contract [(§§ 81.151-81.153 (226.33.36.010-226.33.36.030) of this title (relating to State Textbook Contracts))] provided the publisher's [his] book or books are adopted.

(b) [Administrative procedure.] A receipt for this deposit **shall be [is]** filed by the publisher with the commissioner of education as part of the bid. The deposit of a publisher whose books were not recommended will

be [is] refunded in September. Other deposits are refunded when a valid contract is signed.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 20, 1983.

TRD 832948 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption:
July 9, 1983

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

Education Code, § 12.18(a) and (b), which requires the filing of sample copies of textbooks bid for adoption.

§81.162 (226.33.37.020). *Sample Copies.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 20, 1983.

TRD-832947 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption:
July 9, 1983

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

19 TAC §81.162

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

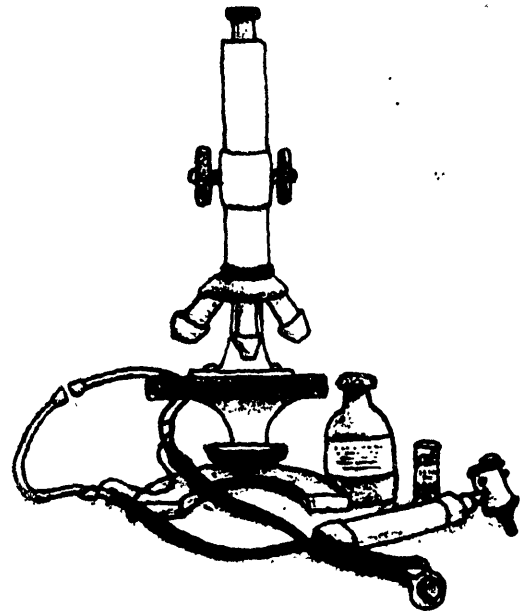
The Texas Education Agency proposes to repeal §81.162 (226.33.37.020), concerning sample copies of books bid for adoption. A more complete statement of requirements for sample copies, some of which were previously included in the textbook proclamation rather than in the board rule, is found in proposed new §81.107. To avoid having two sections which address the same issue, this section is proposed for repeal.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the repeal.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett, have also determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be that all requirements concerning submission of textbook samples will be included in the same section of the Texas Administrative Code. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. A public hearing on all proposed changes in the textbook rules, including this repeal, will be held on Thursday, May 12, 1983. Information concerning the hearing is contained in the preamble to proposed new and amended §§81.61-81.76 published elsewhere in this Register.

This repeal is proposed under the authority of the Texas Education Code, 812.24(a), as amended by Senate Bill 27, 68th Legislature, which directs the State Board of Education to adopt rules to provide for a complete investigation of all books and accompanying bids; and under the authority of the Texas



Special Textbooks (for Blind and Visually Handicapped Pupils and Personnel)

19 TAC §§81.171, 81.174-81.179

The Texas Education Agency proposes amendments to §§81.171, and 81.174-81.179 (226.33.38.010, .060, .070, .080, and 226.33.40.020). The current undesignated head for §§81.171-81.178 is "Textbooks for Blind and Visually Handicapped Pupils and Personnel." The heading for §§81.201-81.202 is "Textbooks for Children Enrolled in Bilingual Education Classes." In Senate Bill 27, the 68th Legislature amended the Texas Education Code, § 12.03, to combine provisions for the acquisition of both types of textbooks and other materials in one section. The amended section of the Texas Education Code is called "Special Textbooks." As a result of this change in the law, an analogous change in the rules is proposed. The proposed amendment uses the same term "Special Textbooks" for the undesignated head covering textbooks for the blind and visually handicapped and for bilingual education students. Sections 81.171-81.178 concern materials for the blind and visually handicapped. Section 81.179 is an amendment to the rule which was previously numbered

§81.202, and concerning bilingual education materials. In §81.171, provisions concerning braille and large-type textbooks which were previously included in the textbook proclamation are proposed for inclusion in the rule.

In §81.174 and §81.175, no changes are proposed. They are printed because public comment is invited on these sections as well.

In §81.176, the terms "policy" and "administrative procedure" are deleted. No other change is proposed.

In §81.177, specific references to appropriate sections of the Texas Education Code, as amended by Senate Bill 27, are included. In §81.178, the only proposed change is in subsection (b), where "Textbook Division" is changed to "commissioner of education."

In §81.179, the section is renumbered as previously indicated, and the terms "policies" and "administrative procedures" are replaced with the term "rules."

Richard Bennett, associate commissioner for finance, has determined that for the first five year period the rules will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be that organization and content of rules concerning special textbooks will be consistent with recent statutory amendments. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. A public hearing on all proposed changes in the textbook rules will be held on Thursday, May 12, 1983. Information concerning the hearing is contained in the preamble to proposed new and amended §§81.61-81.76, published elsewhere in this *Register*.

These amendments are proposed under the authority of the Texas Education Code, §11.24(b), which authorizes the State Board of Education to make rules to carry out responsibilities placed on it or on the Central Education Agency by the legislature; and under the Texas Education Code, §12.03, as amended by Senate Bill 27, 68th Legislature, which directs the State Board of Education to acquire, purchase, and contract for free textbooks for the education of blind and visually handicapped public school students and for students in bilingual education classes and which authorizes the board to make rules to carry out this responsibility.

§81.171. Textbooks To Be Made Available [Special Definition].

(a) All books adopted shall be made available by the state in large type. Specifications for large type textbooks shall be developed by the commissioner of educa-

tion. Publishers may supply the large type editions themselves or contracts for the production of large type editions may be entered into by the Texas Education Agency.

(b) Publishers shall grant permission to the state to have textbooks transcribed into braille without penalty or royalty.

(c) The term "textbooks" for blind and visually handicapped pupils shall include books in braille, large type, or any other medium or any apparatus which conveys information to the pupil or otherwise contributes to the learning process.

§81.174 (226.33.38.040). Agreements. Agreements may be entered into which provide for the acceptance, requisition, and distribution of books and instructional aids for legally blind pupils which are available from the American Printing House for the Blind of Louisville, Kentucky, pursuant to Public Law 922, 84th Congress (20 United States Code §101 and §102), as amended.

§81.175 (226.33.38.050). Authorization of State Funds.

(a) Monies from the state textbook fund may be used in the purchase of braille and large type textbooks from the following sources:

(1) any textbook in the "General Catalogue of Braille and Large Type Publications" issued by the American Printing House for the Blind;

(2) any textbook in any medium in the central catalogue published by the Instructional Materials Reference Center of the American Printing House for the Blind; and

(3) supplements and revisions of the above catalogues.

(b) Contracts or agreements are awarded to any agency, company, group, individual, association, or organization for the preparation and delivery of braille masters, copies from braille masters, and for the preparation and delivery of large type textbooks. The braille and large type versions of state-adopted textbooks are acquired at the lowest price possible for high quality materials.

§81.176. Gifts of Textbooks.

(a) [Policy.] Gifts of textbooks and instructional materials for the education of the blind tendered by individuals, groups, or school district officials may be accepted by the State Board of Education and shall become state property and subject to the same regulations as like items purchased with state funds.

(b) [Administrative procedure.] Gift books may be shipped freight collect to the state depository.

§81.177. Distribution and Control. All laws and rules, [policies, administrative procedures, and regulations] which apply to textbooks provided to sighted pupils and which are not in conflict with the Texas Education Code, §12.03, or §12.35(b), or with rules [other regulations] in these sections ([§§81.171-81.178 (226.33.38.010-226.33.38.080) of this title (relating to Textbooks for Blind and Visually Handicapped Pupils and Personnel)]) shall apply to the distribution and control of braille and large type textbooks and other instructional materials.

§81.178 (226.33.38.080). Textbooks for Blind and Visually Handicapped Teachers.

(a) (No change.)

(b) Textbooks in the medium needed by a blind or visually handicapped teacher may be requisitioned by a textbook custodian after the superintendent of schools has certified to the commissioner of education [Textbook Division]:

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

(c) (No change.)

§81.179[§81.202]. Bilingual Education Textbook Adoptions. Textbooks recommended as suitable for use in bilingual education programs shall be adopted in accordance with the rules in this subchapter for regular textbook adoption [policies and administrative procedures of this subchapter].

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 20, 1983.

TRD-832950 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption:
July 9, 1983

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

19 TAC §81.172, §81.173

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

The Texas Education Agency proposes to repeal §81.172 and §81.173 (226.33.38.020 and 226.33.38.030), concerning textbooks for blind and visually handicapped pupils.

Section 81.172 requires the State Textbook Committee to determine the suitability and usability of braille and large type versions of all textbooks as part of the committee's report. This was required by the Texas Education Code, §12.03(d), which has been amended to delete the requirement.

Section 81.173 repeats statutory language concerning the acquisition of textbooks for blind and visually handicapped pupils. Rules implementing revised statutes concerning these textbooks and materials are in the proposed amendment to 19 TAC §81.171, published elsewhere in this Register.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the repeals will be in effect there will be no fiscal implications to state or local government as a result of the repeals.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have also determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of the repeals will be deletion of obsolete statutory material. There is no

anticipated economic cost to individuals as a result of the repeals

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. A public hearing on all proposed changes in the textbook rules, including these repeals, will be held on Thursday, May 12, 1983. Information concerning the hearing is contained in the preamble to proposed new and amended §81.61-81.76, published elsewhere in this Register.

These repeals are proposed under the authority of the Texas Education Code, §12.03(a), as amended by Senate Bill 27, 68th Legislature, which authorizes the State Board of Education to acquire, purchase, and contract for free textbooks for blind and visually handicapped public school students in accordance with the Texas Education Code, Chapter 12, Subchapter B, and rules promulgated by the State Board of Education.

§81.172 (226.33.38.020). *Suitability and Usability of Textbooks.*

§81.173 (226.33.38.030). *Acquisitions.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 20, 1983.

TRD 832949 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption:
July 9, 1983

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

Textbooks for Children Enrolled in Kindergarten Classes

19 TAC §81.191-81.195

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

The Texas Education Agency proposes the repeal of §81.191-81.195 (226.33.39.010-.050), concerning textbooks for children enrolled in kindergarten classes. These sections implement the Texas Education Code, §12.04 (as added by Chapter 377, Acts of the 62nd Legislature, 1971), which was repealed by the 68th Legislature. Textbooks for children in kindergarten will be purchased in accordance with the same rules governing other textbook purchases by the state.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the repeals will be in effect there will be no fiscal implica-

tions to state or local government as a result of the repeals.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have also determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of the repeals will be the deletion of rules which no longer reflect current statutes concerning textbooks for kindergarten students. There is no anticipated economic cost to individuals as a result of the repeals.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. A public hearing on all proposed changes in the textbook rules, including these repeals, will be held on Thursday, May 12, 1983. Information concerning the hearing is contained in the preamble to proposed new and amended §§81.61.81.76, published elsewhere in this Register.

These repeals are proposed under the authority of the Texas Education Code, §12.14(a), as amended by Senate Bill 27, 68th Legislature, which directs the State Board of Education to select and adopt a multiple list of textbooks for use in the elementary grades, including kindergarten, and the secondary grades of the public schools of Texas, and Senate Bill 27, 68th Legislature, §15(1), which repealed the Texas Education Code, §12.04 (as added by Chapter 377, Acts of the 62nd Legislature, 1971).

- §81.191 (226.33.39.010). *Special Definition*
- §81.192 (226.33.39.020). *Acquisitions.*
- §81.193 (226.33.39.030). *Authorization of State Funds.*
- §81.194 (226.33.39.040). *Distribution and Control.*
- §81.195 (226.33.39.050). *Fund Allotment in Lieu of Textbooks for New Classroom Units.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 20, 1983.
 TRD-832951 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption:
 July 9, 1983

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

Textbooks for Children Enrolled in Bilingual Education Classes

19 TAC §81.201

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

The Texas Education Agency proposes the repeal of §81.201 (226.33.40.010), concerning special defini-

tions. This section repeats a definition of textbooks for children in bilingual education classes which was taken from the Texas Education Code, §12.04 (as added by Chapter 392, Acts of the 63rd Legislature, 1973). This section of the Code has been repealed. Therefore, the rule implementing this section of the Code is also proposed for repeal. Textbooks for bilingual education programs will be adopted in accordance with the rules governing other textbook purchases by the state.

Richard Bennett, associate commissioner for finance, has determined that for the first five year period the repeal will be in effect there will be no fiscal implications to state or local government as a result of the repeal.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal as proposed will be the deletion of obsolete statutory material. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. A public hearing on all proposed changes in the textbook rules, including these repeals, will be held on Thursday, May 12, 1983. Information concerning the hearing is contained in the preamble to proposed new and amended §§81.61.81.76, published elsewhere in this Register.

This repeal is proposed under the authority of the Texas Education Code, §12.03(d), as amended by the 68th Legislature, Senate Bill 27, which authorizes the State Board of Education to solicit bids for and purchase or otherwise acquire textbooks and supporting media for students in bilingual education classes in public schools in accordance with the Texas Education Code, Chapter 12, Subchapter B, and any applicable rule adopted by the State Board of Education.

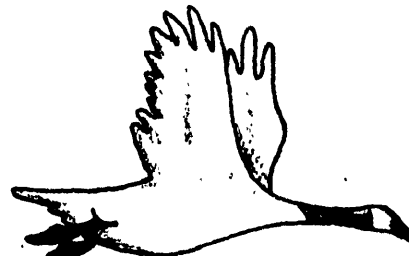
§81.201 (226.33.40.010). *Special Definition.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 20, 1983.
 TRD-832952 Raymon L. Bynum
 Commissioner of Education

Proposed date of adoption:
 July 9, 1983

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



TITLE 25. HEALTH SERVICES
Part I. Texas Department of Health
Chapter 289. Occupational Health
and Radiation Control
Control of Radiation

25 TAC §289.1

The Texas Department of Health proposes amendments to §289.1, concerning the control of radiation. The amendments will reflect changes made in the Texas Regulations for the Control of Radiation, Parts 36, 43, 44, and the addition of a new Part 13. These parts are adopted by reference in §289.1. A more detailed description follows.

Part 36, titled "Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies," will be amended by changing §36.108, regarding design and performance criteria for sealed radioactive sources used in downhole operations. The amendment changes the pressure testing requirement to meet current federal guidelines and sets specifications on persons who may certify source criteria. The amendment will require all sealed radioactive sources used in downhole operations to meet the current federal guidelines by 1984.

Part 13 titled, "Hearing and Enforcement Procedures," is proposed as an addition to the rules. This part will govern the conduct of administrative proceedings for granting, denying, renewing, transferring, amending, suspending, revoking, or annulling any license, and for determining compliance with or granting of exemptions from agency rules or orders. Part 13 also consolidates current agency rules which address hearing procedures. Therefore, Parts 43 and 44 are proposed to be amended to delete §43.100, 43.105, 44.100, 44.102, and 44.103 from the current Texas Regulations for Control of Radiation because they are now contained in Part 13.

Stephen Seale, chief accountant III, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule as proposed.

The effect on state government will be an estimated additional cost of \$71,554 for each year from 1984-1988. There is no anticipated effect on local government.

Mr. Seale has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing or administering Part 13 as proposed will be the rule consolidation of agency procedures for hearing requests and operations. It also sets forth clearly the agency's policy for enforcing rules pertaining to the control of radiation. The public benefit anticipated as a result of enforcing the amendments to Part 36 will be the allowance of a slight difference from the original rule in pressure testing criteria. It will also help ensure that testing of the radioactive sources is performed only by persons qualified to do so.

The anticipated economic cost to individuals who are required to comply with Part 13 will be dependent on the extent of preparation and whether the party requesting a hearing avails themselves of an attorney. This cost could range from \$0 to \$500. The anticipated economic cost to individuals who are required to comply with Part 36 will depend on the size of the corporation and the number of sources which will require testing and certification. At \$50 per source, the cost could range from \$50 to \$10,000.

Comments on the proposal may be submitted to Ruth E. McBurney, Bureau of Radiation Control, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 835-7000. Public comments will be received for 30 days following publication of these amendments in the *Texas Register*. In addition, public hearings will be held to consider these amendments on Tuesday, May 10, 1983, in the conference room of the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas. The hearing for Part 36 will begin at 8:30 a.m., and the hearing for Part 13 will begin at 10 a.m.

The amendments are proposed under Texas Civil Statutes, Article 4590f, §4(d)(3), which provides the Texas Department of Health with the authority to adopt rules relating to control and transport of sources of radiation in the State of Texas.

§289.1. Control of Radiation Generally.

(a) The Texas Department of Health adopts by reference the rules contained in the department's document titled "Texas Regulations for the Control of Radiation," which consists of the following parts and the dates they have been amended:

(1) (No change.)

(2) **Part 13, "Hearing and Enforcement Procedures," added in July 1983.**

(3)(2) Part 21, "Standards for Protection Against Radiation," as amended in October 1981.

(4)(3) Part 22, "Notices, Instructions, and Reports to Workers; Inspections," as amended in May 1977.

(5)(4) Part 31, "Radiation Safety Requirements for Industrial Radiographic Operations," as amended in May 1977.

(6)(5) Part 32, "Use of X-Rays in the Healing Arts and Veterinary Medicine," added in May 1977.

(7)(6) Part 33, "Use of Sealed Radioactive Sources in the Healing Arts," as amended in May 1977.

(8)(7) Part 34, "Radiation Safety Requirements for Analytical X-Ray Equipment," as amended in May 1977.

(9)(8) Part 35, "Radiation Safety Requirements for Particle Accelerators," as amended in May 1977.

(10)(9) Part 36, "Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies," as amended in July 1983 (added in May 1982).

(11)(10) Part 41, "Licensing of Radioactive Material," as amended in January 1983.

(12)(11) Part 42, "Registration of Radiation Machines and Services," added in May 1977.

(13)(12) Part 43, "Licensing of Uranium Recovery Facilities," as amended in July 1983 [February 1983].

(14)(13) Part 44, "Licensing of Radioactive Waste Processing and Storage Facilities," as amended in July 1983 [January 1983].

(b) The documents adopted by reference in this section are indexed and filed in the Bureau of Radiation Control, Texas Department of Health office, located at 1212 East Anderson Lane, Austin, Texas 78752, and are available for public inspection during regular working hours.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 19, 1983

TRD-832908 Robert A. MacLean, M D
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption:
June 18, 1983

For further information, please call (512) 835-7000.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 353. Underground Injection Control

General Provisions

31 TAC §353.2, §353.16

The Texas Department of Water Resources proposes to amend §353.2, concerning definitions, and §353.16, concerning inventory of wells authorized by rule. The Texas Water Code, §27.018(b), requires the Texas Department of Water Resources to define "affected person" by rule. This proposed definition is derived from the current definition of "affected person" found in 31 TAC §341.290(c), relating to consolidated permits, request for public hearing, and 31 TAC §267.1, relating to designation of parties. However, it is more easily located in the definitions section of the regulations. The definition for "artificial liner" is added to codify common usage in the industry of this term. The definition "permit" is adopted from 31 TAC §341.122, relating to consolidated permits. Section 353.16 clarifies the obligations of owners of new Class V wells. Section 353.16(a) and (b) are amended to require drillers of Class V wells to take inventory of those wells. This requirement is added to enable the department to comply with the inventory requirements of the U.S. Environmental Protection Agency.

Mike Hodges, fiscal services chief, has determined that for the first five-year period the rules will be in

effect there will be fiscal implications as a result of enforcing or administering the rules

The effect on state government will be an estimated additional cost of \$374 in 1984 and \$300 each year from 1985-1988. There is no anticipated effect on local government.

Mr. Hodges has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be the clarification of permittee's responsibilities under these regulations. The anticipated economic cost to individuals who are required to comply with the rules as proposed will be an estimated additional cost of \$1,100 each year from 1984-1988.

Comments on the proposal may be submitted to Savannah Robinson, Staff Attorney, Texas Department of Water Resources, P. O. Box 13087, Austin, Texas 78711.

The amendments are proposed under the Texas Water Code, Chapter 27, which provides the Texas Department of Water Resources with the authority to regulate underground injections, and the Texas Water Code, §5 131 and §5 132, which provides the department with the authority to promulgate rules.

§353.2 *Definitions*—The definitions contained in the Texas Water Code, §27.002, shall apply to this chapter. The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

Affected person—Any person whose legal rights, duties, or privileges may be adversely affected by the proposed injection operation for which a permit is sought.

Artificial liner—The impermeable lining of a pit lagoon, pond, or reservoir which is made of a synthetic material such as hypalon, polyvinyl chloride (pvc), or similar materials.

Date of approval—The effective date of Environmental Protection Agency approval of the Texas Department of Water Resources' underground injection control program. This date is January 6, 1982.

Permit—A written document issued by the Texas Water Commission, which by its conditions, may authorize the permittee to construct, install, modify, or operate, in accordance with stated limitations, a specified injection well facility.

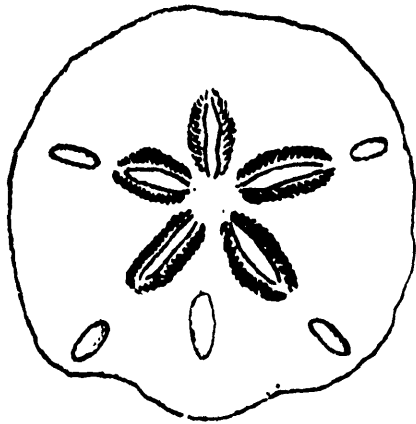
§353.16. *Inventory of Wells Authorized by Rule.*

(a) Within one year after the date of approval or prior to construction, the owner, [or] operator, and driller of an injection well facility shall submit to the executive director an inventory for each facility containing:

- (1) the name of the facility [and its location],
- (2) (No change.)
- (3) the ownership of the facility, [and]
- (4) the nature, type, and operating status of the injection well(s), and

(5) the location, depth, and construction of each well.

(b) Drillers of injection wells authorized by rule may inventory wells by submission of either a form to



be provided by the executive director or the form of the Water Well Drillers Board.

(c)(b) Failure to comply with [Subsection (a) of] this section shall constitute grounds for termination of authorization by rule

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 20, 1983.

TRD 832955

Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption
May 30, 1983

For further information, please call (512) 475-7845.

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is generally effective immediately upon filing with the *Register*.

If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register*. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice.

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal of an identical or similar rule following normal rulemaking procedures.

Withdrawn Rules

TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 81. Instructional Resources Subchapter D. State Textbook Program Process for State Adoption of Textbooks 19 TAC §81.116

The Texas Education Agency has withdrawn from consideration for permanent adoption amendments to §81.116 (226.33.34.070), concerning instructional resources. The text of the amended section as proposed appeared in the November 23, 1982, issue of the *Texas Register* (7 TexReg 4074).

Issued in Austin, Texas, on April 19, 1983.

TRD-832953 Beverly J. Bardsley
Director for Policy Development
Texas Education Agency

Filed: April 20, 1983
For further information, please call (512) 475-7077.

TITLE 22. EXAMINING BOARDS Part XVI. Texas State Board of Physical Therapy Examiners Chapter 321. Definitions

22 TAC §321.1

The Texas State Board of Physical Therapy Examiners has withdrawn from consideration for permanent adoption proposed amendments to §321.1, concerning definitions. The text of the amended section as proposed appeared in the March 4, 1983, issue of the *Texas Register* (7 TexReg 757)

Issued in Austin, Texas, on April 19, 1983

TRD-832910 Lois M. Smith
Executive Director
Texas State Board of Physical
Therapy Examiners

Filed: April 20, 1983
For further information, please call (512) 836-1846.

State Textbook Contracts 19 TAC §81.151, §81.153

The Texas Education Agency has withdrawn from consideration for permanent adoption amendments to §81.151 and §81.153, concerning instructional resources. The text of the amended sections as proposed appeared in the November 23, 1982, issue of the *Texas Register* (7 TexReg 4075).

Issued in Austin, Texas, on April 19, 1983.

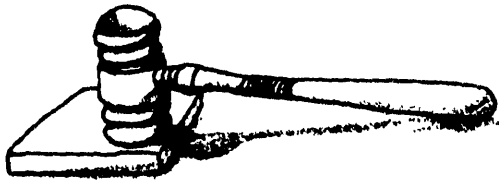
TRD-832954 Beverly J. Bardsley
Director for Policy Development
Texas Education Agency

Filed: April 20, 1983
For further information, please call (512) 475-7077.

TITLE 31. NATURAL RESOURCES AND CONSERVATION Part X. Texas Water Development Board Chapter 353. Underground Injection Control General Provisions

31 TAC §353.2, §353.16

The Texas Water Development Board has withdrawn from consideration for permanent adoption proposed amendments to §353.2 and §353.16, concerning underground injection control. The text of the amended



sections as proposed appeared in the April 8, 1983, issue of the *Texas Register* (8 TexReg 1152).

Issued in Austin, Texas, on April 20, 1983

TRD-832956 Susan Plettman
 General Counsel
 Texas Water Development Board

Filed: April 20, 1983
For further information, please call (512) 475-7845.

An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

The document, as published in the *Register*, must indicate whether the rule is adopted with or without changes to the proposal. The notice must also include paragraphs which: explain the legal justification for the rule; how the rule will function; contain comments received on the proposal; list parties submitting comments for and against the rule; explain why the agency disagreed with suggested changes; and contain the agency's interpretation of the statute under which the rule was adopted.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.

Adopted Rules

TITLE 7. BANKING AND SECURITIES Part IV. Texas Savings and Loan Department Chapter 73. Subsidiary Corporations 7 TAC §73.5

The Texas Savings and Loan Department adopts amendments to §73.5, without changes to the proposed text published in the February 18, 1983, issue of the *Texas Register* (8 TexReg 547).

This amendment clarifies a misconception about the inclusion of secured borrowings when calculating amounts invested in subsidiaries by Texas state-chartered savings and loan associations. The department received comments from Andrews Savings & Loan Association, Andrews; Capital City Savings Association, Austin; Gill Savings Association, Hondo; First Modern Savings Association of Greenville; East Texas Savings and Loan Association, Tyler; Southwestern Savings Association, El Paso; Atascosa Savings Association, Jourdanton; Mercury Savings Association, Wichita Falls; and Murray Savings Association, Dallas.

All of the comments were in support of the proposed amendment, with a comment from Gill Savings Association, Hondo, suggesting additional clarification of the definition of "total assets." The department does not disagree with the need for additional clarification and is taking this matter under further advisement for possible action at a later date.

This amendment is adopted pursuant to Texas Civil Statutes, Article 342-114, which provides the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules not inconsistent with the constitution and the statutes of this state, and from time to time amend these rules.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on April 18, 1983

TRD 832864

L. L. Bowman III
Commissioner
Savings and Loan Department of
Texas

Effective date May 9, 1983

Proposal publication date February 18, 1983

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



TITLE 19. EDUCATION
Part I. Coordinating Board, Texas College and University System
Chapter 25. Administrative Council
Subchapter B Administration of the Texas State College and University Employees Uniform Insurance Benefits Program

19 TAC §25.33

The Coordinating Board, Texas College and University System adopts amendments to §25.33, with changes to the proposed text published in the March 11, 1983, issue of the *Texas Register* (8 TexReg 818)

This rule has been amended to provide a basic plan of group insurance benefits equal to those provided to state employees through their uniform group insurance program. The rule was adopted with the following changes from the proposed text. Additional language was added to the definition of "hospital" to clarify the eligibility requirements for an alcohol or drug dependency treatment center, and the word "outpatient" was deleted from paragraph (5) because the provision describes both inpatient and outpatient care for alcoholism and drug abuse.

The amended rule will require each public institution of higher education in Texas to provide a plan of group insurance for its employees and retirees which includes these minimum coverage standards.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Insurance Code, Article 3.50.3, which provides the board with the authority to adopt rules consistent with the provisions of the Texas State College and University Employees Uniform Insurance Benefits Act to carry out its statutory responsibilities.

§25.33 (251.20.02.003) Basic Coverage Standards

(a) Each institution shall provide in its program of group insurance a basic plan for active employees and retired employees that includes at least the following minimum coverage standards:

(1) Hospital care expense. The plan shall cover the reasonable charges for the following hospital services:

(A) room allowance of semiprivate rate for 365 days per year, except for the treatment of mental illness, which may be limited to 90 days per calendar year, and the treatment of alcoholism and drug addiction, which may be limited to 30 days per calendar year, and

(B) (No change.)

(2) Other medical expense. The plan shall cover the reasonable charges for the following items of service or supplies furnished by or at the direction of prescription of a physician. If any of the following services or supplies are used while the participant is confined as a hospital bedpatient, other than professional services of a physician, psychologist, or certified registered nurse-anesthetist, the charges will be considered as hospital care expenses rather than other medical expenses.

(A)-(P) (No change.)

(Q) services of a psychologist or a doctor of psychiatry during the first 90 days of hospital confinement for mental illness and during the first 30 days of hospital confinement for alcoholism or drug abuse.

(3) Accidental bodily injury. The plan shall provide accidental bodily injury coverage where benefits will be provided for hospital care expense or other medical expense or both incurred within 90 days after such accidental bodily injury for eligible expenses not otherwise paid under the plan. The plan may require that treatment of such injury be sought within 72 hours of the accident. The benefit available shall be at least \$300 per participant, per accident.

(4) Outpatient expenses of psychiatrist or psychologist. The plan shall provide for the services of a psychologist or services of a doctor of psychiatry for the treatment of mental illness while the participants are not hospital confined. Benefits shall be provided for a minimum of 25 visits per calendar year at 80% coinsurance with a minimum eligible expense of \$60 per visit. The plan may require that the deductible be satisfied prior to availability of benefits.

(5) Alcoholism and drug abuse treatment. The plan shall provide for 30 days of inpatient care for alcoholism and drug abuse in a hospital-based or free-standing alcohol and drug dependency treatment center. Benefits shall cover services for physical and mental complications of alcoholism and other drug dependency and shall be provided at an 80% coinsurance rate of usual, customary, and reasonable charges. Benefits shall also be provided on an outpatient basis and may be limited to 80% reimbursement of \$1,500 of usual, customary, and reasonable charges per benefit year. The plan may require that the deductible be satisfied prior to the availability of benefits.

(6) Life insurance for active employees. Each participating active employee shall be enrolled for basic group life insurance with accidental death and dismemberment and loss of sight (AD&D) benefits. Amounts of group term life and AD&D shall be at least as follows:

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

(7) Life insurance for retired employees. Retired employees shall be allowed, at their option, to retain \$2,500 of the group term life insurance in effect under their plan at the time of retirement. AD&D does not have to be provided.

(8) Deductible. A yearly deductible may be included in the plan, but shall be no more than \$200 per person, \$600 per family for other medical expenses before benefits become available, and shall be waived on hospital care expense. In addition, the plan may include a \$50 deductible per hospital admission, with the provision that this hospital deductible be waived on outpatient surgery.

(9) Benefit percentage and security provision. After the deductible has been satisfied, the plan shall pay at least 80% of the covered charges for hospital care expense and other medical expense, and after the hospital care expense and other medical expense for a benefit year has reached no more than \$4,000, then the hospital percentage shall increase to 100% for all additional hospital care expense and other medical expense incurred in the remainder of that benefit year. Under this pro-

vision, a participant shall pay no more than \$800 in out-of-pocket costs for a benefit year, after satisfaction of the deductible

(10) Lifetime maximum. The plan shall provide that the total amount of benefits available to any one participant for medical care shall be at least \$1 million.

(11) Limitations and exclusions. The plan to exclude benefits for sterilization reversals and keratotomy.

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

(A) (No change.)

(B) Hospital - A legally constituted institution for the care and treatment of sick and injured persons, with 24-hour nursing service and organized facilities for diagnosis and major surgery, except that the requirement for a major surgery facility will be waived in a hospital established for the treatment of mental illness or nervous disorders, and shall include obstetrical centers, surgery centers, and radiation therapy centers. The term shall also include Veterans Administration hospitals and public health hospitals, provided the patient is legally obligated to pay for the services received. It does not include one which is used principally as a facility for nursing, convalescence, the aged, or remedial education or training. Furthermore, this term shall include hospitals and hospital-based or free-standing alcohol and other drug dependency treatment centers, provided, however, the treatment centers meet the following criteria:

(i) affiliated with a hospital under a contractual agreement with an established system for patient referral; or

(ii) licensed, certified, or approved as an alcohol or other drug dependency treatment center by the appropriate governmental agency; or

(iii) accredited as such a facility by the joint commission on accreditation of hospitals (or making progress toward accreditation), as prescribed under the Texas Insurance Code, Article 3.519, Chapter 3, Subchapter E.

(C)-(E) (No change.)

(b) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 14, 1983.

TRD 832849 James McWhorter
Executive Secretary to the
Administrative Council
Coordinating Board, Texas
College and University System

Proposed date of adoption
September 1, 1983

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



TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 37. Maternal and Child Health Services

Hearing Aid Loan Program

25 TAC §§37.21-37.35

The Texas Department of Health adopts new §37.35, with changes to the proposed text published in the February 22, 1983, issue of the *Texas Register* (8 TexReg 590). Sections 37.21-37.24 and 37.26-37.35 are adopted without changes and will not be republished.

The new rules provide financial assistance and hearing aids to persons who have hearing loss, who have special needs which require continuing management and treatment involving the use of a hearing aid(s), and who are unable to pay the entire cost for these services and/or hearing aid(s). The increased receptive auditory abilities of hearing impaired children through the use of a hearing aid will permit them to develop and learn in ways more consistent with those of normal children, the cost effectiveness of special education services will be increased, the number of children requiring special education services throughout their school years will be reduced, and vocational success and average income of the beneficiaries will be better able to make contributions as citizens and taxpayers.

The program establishes procedures for identifying hearing impaired children to be served and guidelines for orderly methods of serving them.

Mary Wood, Ph.D., representing the Texas Speech Language Hearing Association, and Ross Roser, Ph.D., representing himself, commented on the rules. However, neither comment was clearly for or against the rules. Instead, they had recommendations for changes.

It was recommended that the word "hearing" be inserted between the words "All evaluations" in §37.25(a)(4) for clarification. The department has made this insertion.

It was also recommended that the definition of "audiologist" in §37.23 be restricted to only master and doctorate level audiologists. The department did not make this change.

The department rejected the recommendation that the definition of "audiologist" be restricted to only master and doctorate level audiologists because this restriction will not ease the administration of the hearing aid loan program.

The rules are adopted under Texas Civil Statutes, Article 4447g, §3, which authorizes the department to establish criteria and standards to implement a state program for the testing of persons with hearing defects.

§37.25 Department Approved Contractors

- (a) **Generally**
 - (1) Contractors approved to cooperate and participate in the program shall comply with Texas Civil Statutes, Article 4566, the state statute concerning hearing aids, and with other laws which apply to services provided in the program
 - (2) The contractor's testing equipment, including but not limited to audiometers, tympanometers, hearing aid analyzers, audiometer calibration equipment, and such other equipment that is used in the assessment of human hearing must be registered with the department
 - (3) The contractor's testing rooms must be sound-treated and shall meet ANSI Standards S3.1, 1977
 - (4) All hearing evaluations shall be conducted in the sound-treated facility to insure the accuracy of all non-medical evaluations including but not limited to pure-tone air and bone conduction testing, speech audiometry both under earphones and in sound field, unaided and aided
 - (5) All contractors shall be required to submit an annual inventory of state-owned equipment on loan to their facility from the department and of all hearing aid(s) on consignment to their facility which have not been transferred by receipt to an eligible applicant for services approved by the department
 - (6) The contractor must supply its federal vendor identification number to the department to ensure vendor payments from the state comptroller's office
 - (7) The contractor's equipment shall be calibrated annually by a calibration firm that is registered with the department
 - (8) The equipment and facility of all contractors shall be subject to monitoring visits by personnel from the department
- (b) **Method of obtaining approval as a contractor**
 - (1) The applicant must request a contract from the department
 - (2) The request for a contract must come from the chief administrating officer of the facility
 - (3) Applicants must provide assurances in writing that the applicant's facility and staff meet the standards established by the department to provide hearing aid services through the program
 - (4) The applicant must demonstrate that the staff and equipment available for testing are suitable and capable for evaluating the hearing loss of infants, children, and/or young adults
 - (5) The applicant must specify what services the facility shall provide if approved to become a contractor.
 - (A) The applicant may request to become a full provider under the program for all services to all ages, birth through 20 years of age, if the contractor's facility and personnel qualify under the standards set by the department.
 - (B) The applicant may request approval as a full provider under the program for all services to individuals from 10 years through 20 years of age, if the contractor's facility and personnel qualify under the standards set by the department
 - (C) The applicant may request approval as a limited provider of hearing aid repair and earmold services for all age individuals from birth through 20 years

of age even though the contractor does not qualify to provide evaluation services

(D) The contractor in subparagraph (A) of this paragraph shall have an audiologist with a master's degree in audiology from an accredited college or university on staff or on contract who is in compliance with Texas Civil Statutes, Article 4566, the state statute covering hearing aids

(E) Contractors in subparagraphs (A) and (B) of this paragraph shall have the audiological assessment and the hearing aid fitting approved by an otologist

(F) Facilities holding valid contracts as of January 1, 1983, may continue to function as a provider of services with the Texas Department of Health as contracted.

(6) Requests to become a contractor shall be reviewed by the Bureau of Maternal and Child Health and the Vision, Hearing, and Speech Services Program

(7) After the contractor has been approved by the department, the two parties shall enter into a contract which shall

(A) specify the services to be performed by the contractor,

(B) incorporate these rules and the various Texas state laws and regulations governing the department as a state agency, and

(C) be, for a period of one year, subject to annual renewal if the contractor meets the renewal criteria.

(8) In order to renew a contract, the contractor shall submit a letter to the department requesting continuation for a period of one year of the existing contract or the contract as amended

(9) The department will extend the contract if the department finds that the contractor has satisfactorily performed under the initial contract and has complied with these program rules

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority

Issued in Austin, Texas, on April 19, 1983

TRD-832962 Robert A MacLean, M D
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date May 11, 1983
Proposal publication date, February 22, 1983
For further information, please call (512) 458-7236.



TITLE 34. PUBLIC FINANCE
Part VII. State Property Tax Board
Chapter 161. Valuation Procedures

34 TAC §161.8

The State Property Tax Board adopts new § 161.8, concerning interstate allocation of personal property, with changes in the proposed text as published in the February 15, 1983, issue of the *Texas Register* (8 Tex Reg 517)

The rule concerns the identification of personal property which may qualify for an interstate allocation of total market value, to be allocated to the state for 1983 and future tax years. The rule replaces an earlier version that determined interstate allocation during, and expired at the conclusion of, the 1982 tax year.

This agency received written comments during the 30-day comment period and heard testimony during the public hearing on the rule from the following interested parties: Exxon Company, U.S.A., Mid Continent Oil and Gas, Fulbright and Jaworski, DSI Transports; Texas Motor Transportation Association, Ray, Wood, and Henderson, Denton County Appraisal District, Ryder Truck Rental, Inc., Lubbock County Appraisal District; Wichita Appraisal District, Potter-Randal Appraisal District, C&H Transportation Company, Inc., Vinson and Elkins, Baker and Botts, Harris County Appraisal District, and the City of Houston.

If an organization suggested any change in the proposed rule, it is listed as commenting against the proposal. The following is a list of specific comments about the proposed rule:

- (1) postpone adoption of the rule until after legislative session;
- (2) specifically define the property involved as instrumentalities of commerce and special purpose property;
- (3) provide that foreign use shall not be allocated to Texas;
- (4) delete the May 1 application deadline;
- (5) suggest that presence in this state for repair or inspection should not be allocated to Texas;
- (6) adopt the same rule that expired at the end of the 1982 tax year;
- (7) provide that the rule, if adopted, shall expire at the end of the 1983 tax year;
- (8) state that the rule should be amended to reflect any legislation passed which impacts the area;
- (9) change the provision stating the property owner "must" apply for allocation to "should" apply;
- (10) allow the use of a different "use" factor if collecting evidence would create extreme hardship or expense for a property owner;
- (11) change the provision that the chief appraiser "shall" use the listed indications of use to "may" use;
- (12) change "present market value" to "market value on January 1;"
- (13) suggest the rule as proposed fulfills the statutory requirements;

(14) suggest that indication of use for vehicles should be mileage under the International Registration Plan.

(15) suggest that indication of use for railcars and deep water vessels should be miles.

(16) suggest that indication of use for vessels in inland waterways should be time, and

(17) delete allocation based on use during preceding year.

The corresponding agency responses to the above concerns were as follows:

(1) the adoption of current rule with amendments; the Texas Property Tax Code, §21.03, states that the board "shall" adopt an interstate allocation rule,

(2) the discretionary nature of the rule strongly suggests a flexible classification identification statement rather than a rigid identification statement;

(3) the case law concerning allocation of foreign commerce is unsettled.

(4) the deletion of the May 1 application deadline;

(5) that presence in this state for repair or inspection should not be allocated to Texas is not clearly mandated by case law.

(6) the previous rule was adopted on a temporary basis so that further experience in this area would be developed.

(7) the board suggested that changes could be made to the adopted rule if so dictated by case law or statute;

(8) the board suggested in the adopting motion that changes could be made to the adopted rule if so dictated by case law or statute.

(9) the case law indicates that a property owner must affirmatively notify tax officials of a tax entitlement.

(10) the provision that a property owner may request deviation from uniform formula or indications of use if the provision of information creates extreme hardship or expense;

(11) the change of the chief appraiser's "shall" use specified indications of use to "may" use;

(12) the change of "present market value" to "market value on January 1;"

(13) the adoption of current rule with amendments; the Texas Property Tax Code, §21.03, states that the board "shall" adopt an interstate allocation rule;

(14) the rule provides for allocation for vehicles based on mileage;

(15) the indication of use under rule is a discretionary decision by the chief appraiser. If appropriate, miles may be used for railcars and vessels;

(16) the indication of use under rule is a discretionary decision by the chief appraiser. If appropriate, time may be used for inland water vessels; and

(17) the allocation based on use during preceding year is more administratively practical than on use during current year.

The new rule is adopted under the Texas Property Tax Code, §21.03(b), which provides the State Property Tax Board with the authority to identify the kinds of property subject to interstate allocation and to

establish formulas for calculating the proportion of total market value to be allocated to this state.

§161.8. Interstate Allocation of Personal Property.

(a) If tangible personal property, such as, but not limited to vehicles, vessels, aircraft, or equipment, is subject to the taxing jurisdiction of this state and has a taxable situs in a taxing unit in this state but such property is used continually outside this state on either a regular or irregular basis, the property owner may apply to the appropriate appraisal office for an allocation of value to reflect use in this state.

(b) A property owner must apply for an allocation of value. The application shall be on a form that substantially complies with the appropriate form prescribed or approved by the State Property Tax Board. A person filing an allocation application form shall include all information required by the form.

(c) If the chief appraiser determines that he needs information in addition to that furnished on the application, he may request additional information by written notice delivered to the property owner. A taxpayer shall furnish any additional information required within 15 days after the date the notice is mailed.

(d) The chief appraiser shall allocate the value of qualified personal property based on a formula which considers:

(1) the market value on January 1 of the tax year of the personal property which is determined to be subject to allocation;

(2) a determination of the amount of total use of the property within and without this state for the preceding tax year;

(3) a determination of the amount of use of the property within this state for the preceding tax year;

(4) the ratio of the amount of use within this state to use within and without this state;

(5) the value allocated as determined by the application of the ratio of use to the market value on January 1 of the tax year.

(e) The chief appraiser shall assign the allocated value to each taxing unit in which the property has situs.

(f) The chief appraiser may use the following indicators of use for purposes of the allocation formula:

(1) The chief appraiser may use mileage as an indication of the use of vehicles.

(2) The chief appraiser may use flight time and ground time as an indication of the use of aircraft.

(3) The chief appraiser may use time as an indication of the use of vessels.

(4) The chief appraiser may use time as an indication of the use of equipment.

(5) The chief appraiser may use an indicator that fairly reflects the use of the particular property for those properties not included in the above classifications.

(g) Each of the above indicators are merely presumptions concerning use. The appraisal office may use any reasonable method of determining amount of use. If the property owner disagrees with the presumption of use as applied by the chief appraiser, the property owner must demonstrate entitlement to another measure of allocation. A deviation from the uniform formula or uniform indications of use requires the property owner to demonstrate in writing that:

(1) the uniform formula or indication of use is arbitrary as applied to that particular property owner or creates extreme hardship or expense associated with the collection, maintenance, or provision of information, and

(2) the proposed formula or indication of use as fairly reflects use in this state as the uniform formula or uniform indications.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on April 18, 1983.

TRD-832862 Kenneth E. Graeber
Executive Director
State Property Tax Board

Effective date: May 9, 1983
Proposal publication date: February 15, 1983
For further information, please call (512) 837-8622.

34 TAC §161.11

The State Property Tax Board adopts new §161.11, with changes to the proposed text published in the February 15, 1983, issue of the *Texas Register* (8 Tex-Reg 518).

The rule adopts by reference the "Guidelines for the Valuation of Timberlands," a manual setting forth special productivity-based techniques for appraising the taxable value of qualified timberland. The manual contains the legal requirements established in the Texas Constitution and Texas Property Tax Code for special timberland appraisal, procedures for verifying that land qualifies for timber valuation, a discussion of the theory of timber valuation, and a use value assessment of timberlands.

The Property Tax Code, §23.72(b), states that this rule, before taking effect, must be approved by a majority vote of a committee comprised of the governor, the comptroller, the attorney general, the commissioner of agriculture, and the commissioner of the General Land Office (or their designees). This committee met on April 15, 1983, and approved the rule as adopted by the board.

This agency received written comments against the proposed rule from the following interested parties during the 30-day comment period: Walker County Appraisal District, Hardin County Appraisal District, Gregg County Appraisal District, the Texas Agricultural Experiment Station, and Temple-Eastex.

If an organization suggested any change in the proposed manual, it is listed as commenting against the proposal. The following is a list of specific comments and the agency's response to each one.

One comment suggested that small parcels of land, less than ten acres, should not qualify for special timberland productivity appraisal because ten acres is the minimum area that is economically feasible for growing timber for commercial production. The agency disagrees with placing this limitation on

timberland because it could establish an arbitrary classification scheme, and because it would place an additional restriction on timberland that does not appear in the constitutional or statutory provisions that permit productivity valuation.

One comment suggested that a section of the manual discussing the reasonable management costs attributable to the production of timber, which are to be subtracted from the value of the land's average annual timber growth to establish an annual net income for timberland, should be expressed in terms of gross income rather than dollars per timberland acre. The agency agreed with the suggested changes and revised the manual accordingly.

One comment suggested wording changes and grammatical clarifications in the manual. The agency agreed with these changes and revised the manual accordingly.

The remainder of comments received questioned a section in the manual regarding the application of a minimum taxable value for qualified timberland, as required by the Property Tax Code, §23.78. The comments all requested that the proper procedure for applying a minimum taxable value for timberland involve a substitution of the 1978 taxable value on the entire parcel, not on a per acre or per category basis. This agency disagreed in that such direction is inappropriate for the timberland manual. Section 23.78 places authority for the substitution of a minimum value with the assessor for a taxing unit. The State Property Tax Board cannot by rule confine the implementation of that authority. Accordingly, the language appearing in the manual suggests several procedures an assessor may reasonably take, rather than directs a single mandatory or preferred procedure.

No comments were received at the public hearing on the rule that adopts by reference the manual.

The rule is adopted under the provisions of Texas Property Tax Code, §23.73(b), which requires the board to promulgate rules setting forth the method of appraising qualified timberland pursuant to the Code, §23.71-23.79.

§161.11. Appraisal of Timberlands. The State Property Tax Board adopts by reference "Guidelines for the Valuation of Timberlands" to be effective May 10, 1983. This document is published by and available from the State Property Tax Board, 9501 IH 35 North, P.O. Box 15900, Austin, Texas 78761.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on April 18, 1983.

TRD-832863 Kenneth E. Graeber
Executive Director
State Property Tax Board

Effective date: May 9, 1983
Proposal publication date: February 15, 1983
For further information, please call (512) 837-8622.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 1. Organization and Administration

Emergency and Pursuit Operations without Use of Emergency Warning Devices

37 TAC §1.191

The Texas Department of Public Safety adopts new §1.191, without changes to the proposed text published in the March 15, 1983, issue of the *Texas Register* (8 TexReg 879).

This rule will give assurance to the public that department emergency vehicles used for law enforcement purposes are operated within statutory requirements when emergency warning devices are not used.

Notification of a designated office is required when the Texas Department of Public Safety vehicles are involved in emergency and pursuit operations without use of emergency warning devices on an authorized vehicle that is used for law enforcement purposes.

No comments were received regarding adoption of this new rule.

The new rule is adopted under Texas Civil Statutes, Article 6701d, §24, which authorizes the Texas Department of Public Safety to operate an emergency vehicle for law enforcement purposes without using emergency warning devices when the driver is responding to an emergency call or is in pursuit of a suspected violator.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on April 18, 1983.

TRD-832890 James B. Adams
Director
Texas Department of Public
Safety

Effective date: May 10, 1983
Proposal publication date: March 15, 1983
For further information, please call (512) 465-2000.



**Part XI. Texas National Guard
Armory Board
Chapter 375. Building Construction
Administration**

37 TAC §§375.1-375.11

The Texas National Guard Armory Board adopts new §§375.1-375.11, without changes to the proposed text published in the March 15, 1983, issue of the *Texas Register* (8 TexReg 880).

The rule incorporates the procedures followed by the agency in employing architect/engineers, in advertising for and awarding bids, in supervising the work of contractors, in placing responsibilities, and in cooperating with the Adjutant General's Department.

The rule will enable the general public as well as persons who are presently or may hereafter be working on construction projects authorized by the agency to understand the rights, privileges, and responsibilities of all persons and entities involved in the work.

No comments were received regarding adoption of the new rule.

The agency has rule making authority under Texas Civil Statutes, Article 5931-5(a)(5). The rules implement the authority to construct, repair, and maintain buildings for use of the Texas National Guard and other state and federal military purposes as specified in Texas Civil Statutes, Article 5931-5(a)(6)-(9).

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 8, 1983.

TRD-832888 T. W. Meek
Executive Director
Texas National Guard Armory
Board

Effective date: May 10, 1983
Proposal publication date: March 15, 1983
For further information, please call (512) 451-6143
or 451-6394.

**Chapter 377. Prevailing Wage Rate
Determination**

37 TAC §377.1-377.4

The Texas National Guard Armory Board adopts new §§377.1-377.4, without changes to the proposed text published in the March 15, 1983, issue of the *Texas Register* (8 TexReg 884).

The rules establish the agency's policy of utilizing prevailing wage rates. They also clarify the procedures by which wage rates are determined and by which determination may be changed.

No comments were received regarding adoption of the rules.

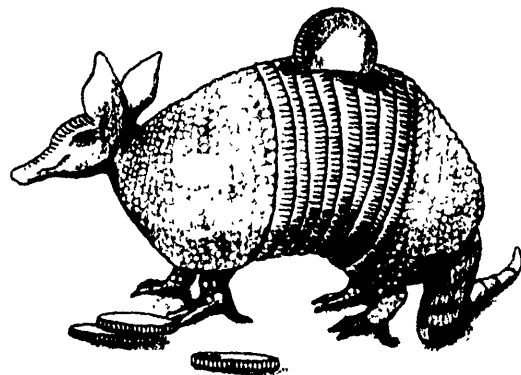
The agency has rulemaking authority under Texas Civil Statutes, Article 5931-5(a)(5). The rules implement the authority to construct, repair, and maintain buildings for use of the Texas National Guard and other state and federal military purposes as specified in Texas Civil Statutes, Article 5931-5(a)(6)-(9).

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 8, 1983.

TRD-832889 T. W. Meek
Executive Director
Texas National Guard Armory
Board

Effective date: May 10, 1983
Proposal publication date: March 15, 1983
For further information, please call (512) 451-6143
or 451-6394.



**TITLE 40. SOCIAL SERVICES AND
ASSISTANCE**

**Part I. Texas Department of
Human Resources
Chapter 85. General Licensing
Requirements
Subchapter JJJ. Social Work
Certification**

40 TAC §85.6018

The Texas Department of Human Resources adopts new §85.6018, without changes to the proposed text published in the January 28, 1983, issue of the *Texas Register* (8 TexReg 323).

The code of ethics for social workers is intended to provide guidelines for identifying unethical conduct. The code will serve as a basis for denying, revoking, or suspending a certificate if a social worker engages in unethical conduct. The code of ethics has been reviewed and approved by the Council of Social Work Certification.

No comments were received regarding adoption of the new rule.

The new rule is adopted under the Human Resources Code, Title 2, Chapter 50, which authorizes the

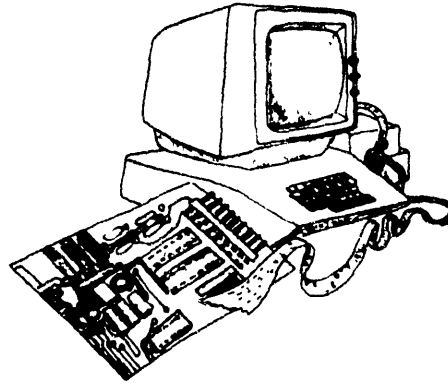
department to establish rules for social work certification.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on April 19, 1983.

TRD-832887 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: May 10, 1983
Proposal publication date: January 28, 1982
For further information, please call (512) 441-3355,
ext. 2037.



Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

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

Texas Commission on the Arts

Thursday, April 28, 1983, 9 a.m. The Texas Commission on the Arts met in Rehearsal Room 3.412, Performing Arts Center, University of Texas, Austin. Items on the agenda included resolutions; approval of minutes and expenditure report; reports of the committee, TREO, the status report of Spring ArtReach; a review of NEA grants; announcement of the next meeting; and performance and funds management report. The commission also met in executive session if necessary.

Contact: Margaret L. Dahl, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: April 20, 1983, 3:53 p.m.
TRD-832959

Texas Department of Corrections

Monday, April 25, 1983, 10:30 a.m. The Board of the Texas Department of Corrections made an emergency addition to the agenda of a meeting held in Room 513-F, Stephen F. Austin Building, Austin. The addition concerned amendments to the Lawrence D. White Associates, Inc., contract for Ellis Unit II. The emergency status was necessary because approval for payment of the architect's fees were tabled at a previous meeting pending receipt of the report from

the state auditor's office. The meeting was originally scheduled for Monday, April 25, 1983, at 9 a.m.

Contact: W. J. Estelle, Jr., P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

Filed: April 20, 1983, 12:15 p.m.
TRD-832922

Monday, May 9, 1983, 8 a.m. The Board of the Texas Department of Corrections will meet in Room 103, 815 11th Street, Huntsville. According to the agenda summary, the board will consider matters relating to inmate affairs, medical, personnel, business, agriculture, construction, industries, management services, miscellaneous items, and the Windham School System. The board will also meet in executive session.

Contact: W. J. Estelle, Jr., P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160

Filed: April 20, 1983, 12:15 p.m.
TRD-832933

Texas County and District Retirement System

Thursday, May 5, 1983, 10:30 a.m. The Board of Trustees of the Texas County and

District Retirement System will meet at the Sheraton Crest Hotel, First Street and Congress Avenue, Austin. According to the agenda, the architects will present the final construction documents for the Texas County and District Retirement System office building and will obtain approval of those documents by the Board of Trustees.

Contact: J. Robert Brown, 802 Perry Brooks Building, Austin, Texas 78701, (512) 476-6651.

Filed: April 22, 1983, 9:32 a.m.
TRD-832976

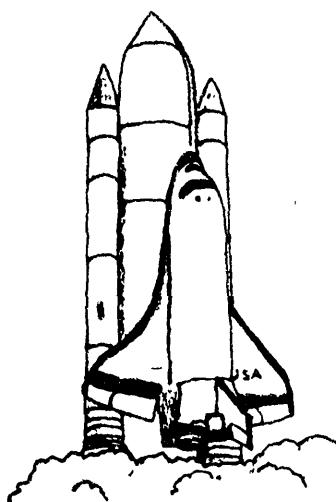
Texas State Board of Dental Examiners

Thursday-Saturday, May 5-7, 1983, 9 a.m. daily. The Texas State Board of Dental Examiners will meet in the rehearsal room, San Antonio Convention Center, San Antonio. Items on the agenda summary include disciplinary hearings; consideration of permanent adoption of rules on advertising; a report on the foreign graduate rule; a legislative update; presentation of certificates to the Hygiene Advisory Committee; discussion of board finances, the 1984-1985 budget, and pending litigation; a request for special licensure; a request to take the clinical exam; a request for approval of an oro-

facial pain control clinic; plans for the 1984 Southern Conference of Dental Deans and Examiners; a request for a pit and fissure sealant course; the continuing education programs in anesthesia; limitation of practice; a letter from the consumers union; upcoming examinations; fall examinations; miscellaneous business items; recognizing and listening to members of the public and the profession; cancellation of licenses; and approval of the honorary retired.

Contact: William S. Natl, P.O. Box 13165, Austin, Texas 78711, (512) 475-2443.

Filed: April 25, 1983, 1:33 p.m.
TRD-833020



East Texas State University

Thursday, May 5, 1983. Committees of the Board of Regents of East Texas State University will meet in the McDowell Administration Building, Commerce. Times, committees, rooms, and agendas follow.

2 p.m. The Finance and Investment Committee will meet in the board room to consider authorization to make additions and transactions to the 1982-1983 budgets in Commerce and the operating budget in Texarkana, to delete surplus equipment from the inventory records, for the Finance Committee to approve required transfers necessary to complete closing of operating accounts for fiscal year 1983, and ratification of the housing facilities fee schedule for fiscal year 1984.

3 p.m. The Academic Programs Committee will meet in the president's conference room to consider authorization to seek Coordinating Board approval to change the name of the Student Personnel and Guidance Department and to revise the statement on academic freedom, tenure, and responsibilities.

4 p.m. The Campus and Building Committee will meet in the board room to consider an update on construction projects, and to discuss the South Dorms project and repair and renovation projects.

5 p.m. The Executive Committee will meet in the president's conference room to consider the proposed policy on voluntary modification of employment for faculty and to revise the statement of academic freedom, tenure, and responsibilities and the policy on absence from duty; to authorize distinguished alumnus awards, to discuss athletic classification status; and to hear a resolution honoring Thomas B. Steely.

Contact: Joseph L. Womack, East Texas State University, Commerce, Texas 75428, (214) 886-5539.

Filed: April 25, 1983, 2:50 p.m.
TRD-833025-833028

Friday, May 6, 1983, 9:15 a.m. The Board of Regents of East Texas State University will meet in the board room, McDowell Administration Building, East Texas State University, Commerce. Items on the agenda include the president's report; authorization to make additions and transactions to the budgets and to delete surplus equipment from the inventory records; delegation of authority to a committee to approve a transfer to close the operating account for fiscal year 1983; ratification of the housing facilities fee schedule for fiscal year 1983; authorization to seek Coordinating Board approval to change the name of a department; approval of policies on voluntary modification of employment for faculty, academic freedom, tenure, and responsibilities, and absence from duty; authorization to make distinguished alumnus awards; discussion of athletic classification status; a resolution honoring a former regent; and election of officers and organization of the board. The board will also meet in executive session.

Contact: Joseph L. Womack, East Texas State University, Commerce, Texas 75428, (214) 886-5539.

Filed: April 25, 1983, 2:50 p.m.
TRD-833029

Texas Education Agency

Friday, April 29, 1983, 10 a.m. The State Board of Education Ad Hoc Committee to Review Select Committee on Public Education Recommendations of the Texas Education Agency will meet in the lounge, Texas Education Agency North Building, 1200

East Anderson Lane, Austin. According to the agenda, the committee will review the Select Committee on Public Education recommendations, discuss the agency's current programs relative to these recommendations as applicable, and provide staff direction to see that the work of the Select Committee is carried forward.

Contact: Cis Myers, 201 East 11th Street, Austin, Texas 78701, (512) 475-4536.

Filed: April 20, 1983, 4:23 p.m.
TRD-832960

Thursday, May 3, 1983, 1:30 p.m. The Interagency Planning Committee for the State Plan for Vocational Education of the Texas Education Agency will meet in Room 214, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will review the final draft of the annual program plan for vocational education for fiscal year 1984 and the accountability report for fiscal year 1982, and consider committee action and certification.

Contact: R. D. Bristow, 201 East 11th Street, Austin, Texas 78701, (512) 834-4165.

Filed: April 20, 1983, 2:13 p.m.
TRD-832928

Employees Retirement System of Texas

Monday, May 2, 1983, 9 a.m. The Board of Trustees of the Employees Retirement System of Texas will meet at the Employees Retirement System Building, 18th and Brazos Streets, Austin. According to the agenda, the board will review and approve the March 28, 1983, minutes; receive a report from the State Board of Insurance on the actuarial soundness of a proposal to insure the uniform group insurance program; consider and act on a Blue Cross/Blue Shield of Texas proposal to insure the uniform group insurance program for state employees and retirees beginning September 1, 1983; review rates to be charged by health maintenance organizations for the contract year beginning September 1, 1983; consider the appointment of an employee member to fill a vacancy on the board; hear the executive director's report; and set a date for the next meeting. The board will also meet in executive session to consider personnel matters.

Contact: Clayton T. Garrison, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431.

Filed: April 20, 1983, 9:46 a.m.
TRD-832911

Thursday, May 5, 1983, 9 a.m. The Group Insurance Advisory Committee of the Employees Retirement System of Texas will meet in the board room, fourth floor, 18th and Brazos Streets, Austin. According to the agenda, the committee will review the trustee's action on a bid received for the Uniform Group Insurance Program.

Contact: Clayton T. Garrison, Box 13207, Austin, Texas 78711, (512) 476-6431.

Filed: April 26, 1983, 9:56 a.m.
TRD-833038

Texas Employment Commission

Wednesday, April 27, 1983, 9 a.m. The Texas Employment Commission met in Room 644, Texas Employment Commission Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission considered prior meeting notes; reports of administrative staff on program operations, funding, and legislation; a review of laws and regulations on veterans' preference; an update on adding instructions in Spanish; the governor's task force recommendations; and the date and agenda items for the next meeting. The commission also met in executive session to consider premises leases and contracts, personnel matters, the status of litigation and attorney general opinion requests.

Contact: Pat Joiner, Texas Employment Commission Building, Room 656, Austin, Texas, (512) 397-4514.

Filed: April 19, 1983, 3:18 p.m.
TRD-832907

Tuesday, May 3, 1983, 9 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider and act on higher level appeals in unemployment compensation cases in Docket 19 and set the date of the next meeting.

Contact: Courtenay Browning, Room 608, TEC Building, Austin, Texas, (512) 397-4415.

Filed: April 25, 1983, 3:38 p.m.
TRD-833033

Office of the Governor

Saturday, April 30, 1983, 9 a.m. The Emergency Jobs and Unemployment Trust

Fund Task Force of the Office of the Governor will meet at the Joe C. Thompson Conference Center, 2405 East Campus Drive, Austin. According to the agenda, the task force will discuss and approve the final task force report to the governor.

Contact: Leslie Geballe, Sam Houston Building, Seventh Floor, Austin, Texas 78711-3824, (512) 475-8386.

Filed: April 21, 1983, 3:27 p.m.
TRD-832972

Texas Department of Health

Saturday, April 30, 1983, 10 a.m. The Dental Advisory Committee of the Texas Department of Health will meet in Room 139, University of Texas Dental Branch Health Science Center at Houston, 6515 John Freeman Avenue, Houston. Items on the agenda summary include the minutes of the last meeting; discussion of proposed and pending legislation concerning the committee's position on the Radiation Technologist Licensing Act, Senate Bill 203, relating to the practice and regulation of dentistry and dental hygiene, and House Bill 1238, relating to establishment of the Texas Health and Human Service Coordinating Council; budget needs of the Bureau of Dental Health and fluoridation grant termination in 1985; Sunset review and future of the Dental Advisory Committee; and election of officers for the next year. The committee will also meet in executive session.

Contact: Carlos Lozano, 1100 West 49th Street, Austin, Texas, (512) 458-7323.

Filed: April 19, 1983, 2:26 p.m.
TRD-832891



Texas Health Facilities Commission

Friday, April 29, 1983, 9:30 a.m. The Texas Health Facilities Commission made an emergency addition to the agenda of a meeting to be held in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. The addition concerned consideration of an application for amendment of certificate of need Order AO81-1028-016A(030483) by Chemical Dependency Treatment Center of South Texas, Corpus Christi. The emergency status is necessary so that issuance of bonds may occur as soon as possible, to avoid further delays in the project and considerable additional expenses.

Contact: John R. Neel, P.O. Box 50049, Austin, Texas 78763.

Filed: April 25, 1983, 9:24 a.m.
TRD-833006

Friday, May 6, 1983, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Notice of Intent to Acquire Major Medical Equipment

Central Texas Computerized
Tomography, Inc., Austin
AS83-0317-172

Notice of Intent to Acquire Existing Health Care Facilities

L. L. Wood, James M. Harned, and
Charles Baxter, a to-be-formed
partnership, Dallas
AN83-0317-170

William E. Colson and Larry L. Claunch,
doing business as Garrett Park Manor,
a Texas partnership, Salem, Oregon
AH83-0330-240

Michael J. Anderson, Dallas
AN83-0331-266

James E. Chisholm, Dallas
AN83-0331-268
AN83-0331-270

Beverly Enterprises-Texas, Inc.,
Fort Smith, Arkansas

AN83-0328-206

AN83-0328-208

AN83-0328-210

AN83-0328-212

AN83-0328-214

AN83-0328-216

AN83-0328-218

AN83-0329-228

AN83-0329-230

AN83-0329-232

AN83-0329-234

AN83-0330-244
AN83-0330-246
AN83-0330-248
AN83-0330-250
AN83-0330-252
AN83-0330-254
AN83-0330-256
AN83-0330-258
AN83-0331-272
AN83-0331-274
AN83-0331-276
AN83-0331-278
AN83-0331-280
AN83-0331-282
AN83-0331-284

Texas Omni-Physicians Limited
Partnership, Atlanta, Georgia
AH83-0225-134

Declaratory Ruling

Wilson N. Jones Memorial Hospital,
Sherman
AH82-1208-259

Certificate of Need

Leggett Memorial Hospital, Cleveland
AH82-0630-072

Lifemark Recovery Center and
Southwestern General Hospital,
El Paso
AO82-0706-056

Medical Plaza Hospital, Sherman
AH82-1012-095

TranShare Corporation, Dallas
AS82-0719-046

Wilson N. Jones Memorial Hospital,
Sherman
AH81-1230-021

Medical Plaza Hospital, Sherman
AH82-0326-003

Brady/Green Community Health Center,
San Antonio
AS82-1108-163

Promenade Surgical Center, Richardson
AS82-0701-082

Dallas Surgery Center, Inc., Dallas
AS82-0830-042

Contact: John R. Neel, P.O. Box 50049,
Austin, Texas 78763.

Filed: April 25, 1983, 9:25 a.m.
TRD-833007

**State Department of Highways
and Public Transportation**

**Thursday and Friday, April 28 and 29,
1983, 9 a.m. daily.** The State Highway and
Public Transportation Commission of the
State Department of Highways and Public
Transportation met in Rooms 101 and 207,
first and second floors, auditorium, Dewitt

C. Greer Highway Building, 11th and Bra-
zos Streets, Austin. According to the
agenda summary, the commission con-
ducted presentations by the public for
various highway, bridge, and farm road re-
quests of Fort Bend, Harris, and Nacog-
doches Counties. The docket is available in
the second floor commission office in the
Dewitt C. Greer Highway Building. The
commission also executed contract awards
and routine minute orders; considered deci-
sions on presentations from public hearing
dockets; and reviewed staff reports relative
to planning and construction programs and
projects. The agenda is available in the sec-
ond floor office of the minute clerk in the
Dewitt C. Greer Highway Building.

Contact: Lois Jean Turner, Dewitt C. Greer
Highway Building, Room 203, 11th and
Brazos Streets, Austin, (512) 475-3525.

Filed: April 20, 1983, 9:04 a.m.
TRD-832909

Texas Historical Commission

Wednesday, May 4, 1983, 10:30 a.m. The
State Marker Committee of the Texas His-
torical Commission will meet in the Tower
Club, Thanksgiving Tower, 1601 Elm,
Dallas. Items on the agenda include orien-
tation for new committee members, a
review of marker policies, and future direc-
tions for the Research Department.

Contact: Dan K. Utley, P.O. Box 12276,
Austin, Texas 78711, (512) 475-3092.

Filed: April 22, 1983, 3:56 p.m.
TRD-833002

Texas Industrial Commission

Friday, April 22, 1983, 1:15 p.m. The Sub-
committee on Eligible Blighted Areas of the
Texas Industrial Commission met in emer-
gency session in Room 221, 410 East Fifth
Street, Austin. According to the agenda, the
commission discussed a proposed amend-
ment to rules regarding eligible blighted
areas under Texas Civil Statutes, Article
5190.6, §2(10). The emergency status was
necessary to discuss regulations establishing
blighted areas to comply with Texas Civil
Statutes, Article 5190.6.

Contact: Alexa Richter, 410 East Fifth
Street, Room 408, Austin, Texas, (512)
472-5059.

Filed: April 22, 1983, 8:53 a.m.
TRD-832974

Friday, April 22, 1983, 2 p.m. The Board
of Commissioners of the Texas Industrial
Commission made an emergency addition
to the agenda of a meeting held in Room
221, 401 East Fifth Street, Austin. The ad-
dition concerned action on a rural loan fund
application for Llano Estacado Winery.
The emergency status was necessary due to
Texas Civil Statutes, Article 5190.2, §7, re-
quiring a 12-hour notice before a hearing
is scheduled to begin on a rural loan appli-
cation.

Contact: Alexa Richter, 410 East Fifth
Street, Room 408, Austin, Texas 78711,
(512) 472-5059.

Filed: April 20, 1983, 3:09 p.m.
TRD-832957

State Board of Insurance

Monday, April 25, 1983, 3 p.m. The State
Board of Insurance met in emergency ses-
sion in Room 414, 1110 San Jacinto Street,
Austin. According to the agenda, the board
considered legislation relating to title in-
surance. The emergency status was neces-
sary because of the need to consider pend-
ing legislation.

Contact: Pat Wagner, 1110 San Jacinto
Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 25, 1983, 9:32 a.m.
TRD-833011

The State Board of Insurance will meet in
Room 414, 1110 San Jacinto Street, Austin.
Days, times, and agendas follow.

Tuesday, May 3, 1983, 2 p.m. The board
will consider reports from the commissioner
and the fire marshal and will meet in ex-
ecutive session to consider personnel mat-
ters.

Contact: Pat Wagner, 1110 San Jacinto
Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 19, 1983; 2:29 p.m.
TRD-832892

Wednesday, May 4, 1983, 10 a.m. The
board will consider the request for excep-
tion to the sprinkler grading schedule for
One Safe Place, Clear Lake.

Contact: Pat Wagner, 1110 San Jacinto
Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 19, 1983, 2:29 p.m.
TRD-832893

Thursday, May 5, 1983, 9:30 a.m. The
Commissioner's Hearing Section of the

Texas Register

State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 7146—application of McIngvale Associates General Agency, Inc., for renewal of its managing general agent's license.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: April 25, 1983, 11:39 a.m.
TRD-833018

Friday, May 6, 1983, 9 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider the Information Services report respecting legislative action and inquiries.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 19, 1983, 2:29 p.m.
TRD-832894

Friday, May 6, 1983, 9:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 7143—whether the certificate of authority to do business in Texas held by Springfield Life Insurance Company, Inc., of Springfield, Massachusetts, should be canceled or revoked.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: April 25, 1983, 11:39 a.m.
TRD-833019

The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Days, times, and agendas follow.

Tuesday, May 10, 1983, 2 p.m. The board will consider reports from the commissioner and the fire marshal and will meet in executive session to consider personnel matters.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 19, 1983, 2:29 p.m.
TRD-832895

Friday, May 13, 1983, 9 a.m. The board will consider the Information Services report respecting legislative action and inquiries.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 19, 1983, 2:29 p.m.
TRD-832896

Tuesday, May 17, 1983, 2 p.m. The board will consider reports from the commissioner

and the fire marshal and will meet in executive session to consider personnel matters.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 19, 1983, 2:29 p.m.
TRD-832897

Friday, May 20, 1983, 9 a.m. The board will consider the Information Services report respecting legislative action and inquiries.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 19, 1983, 2:30 p.m.
TRD-832898

Tuesday, May 24, 1983, 2 p.m. The board will consider reports from the commissioner and the fire marshal and will meet in executive session to consider personnel matters.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 19, 1983, 2:30 p.m.
TRD-832899

Friday, May 27, 1983, 9 a.m. The board will consider the Information Services report respecting legislative action and inquiries.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 19, 1983, 2:30 p.m.
TRD-832900

Tuesday, May 31, 1983, 2 p.m. The board will consider reports from the commissioner and the fire marshal and will meet in executive session to consider personnel matters.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 19, 1983, 2:30 p.m.
TRD-832901

Lamar University

Wednesday, April 27, 1983, 9:30 a.m. The Lamar University Board of Regents met at Gates Memorial Library, Port Arthur Campus, Port Arthur. According to the agenda, the board considered the March 9, 1983, minutes; the president's reports; the financial report for March; a resolution authorizing the sale of university properties; a revision of university traffic regulations, fees, and fines; and approval of Personnel Committee recommendations on tenure, regents merit awards, and regents professor awards, revised personnel policies regarding

administrative appointments and evaluations, student activity fees, Building Committee recommendations on bids received; revised amount authorized for repair and construction expenditures; the Academic Committee report on admission policy for 1986; and the bookstore contract. The board also met in executive session.

Contact: Dr. Andrew J. Johnson, Box 10014, Beaumont, Texas 77710, (409) 838-8403.

Filed: April 20, 1983, 9:38 a.m.
TRD-832912

Wednesday, April 27, 1983, 9:30 a.m. The Lamar University Board of Regents revised the agenda of a meeting held at the Port Arthur Campus, Gates Memorial Library, Port Arthur. Items on the revised agenda included the March 9, 1983, minutes; the president's reports; approval of Personnel Committee recommendations on tenure, regents merit and professor awards; approval of revised personnel policies regarding administrative appointments and evaluations, student activity fees, the Building Committee recommendation on bids received, the revised amount authorized for repair and construction expenditures, the Academic Committee report on admission policy for 1986, and the bookstore contract; the financial report for March; a resolution authorizing the sale of university properties; the revision of university traffic regulations, fees, and fines; and the consideration of a new instructional program for Lamar University at Port Arthur. The board also met in executive session.

Contact: Dr. Andrew J. Johnson, Box 10014, Beaumont, Texas 77710, (409) 838-8403.

Filed: April 22, 1983, 1:07 p.m.
TRD-832980

Texas Commission on Law Enforcement Officer Standards and Education

Wednesday, May 4, 1983, 10 a.m. The Texas Commission on Law Enforcement Officer Standards and Education will meet in the conference room, Twin Towers Office Building, 1106 Clayton Lane, Austin. Items on the agenda include recognition of visitors and the new commissioner appointed to the board; reading of the minutes; entry of official orders for issuance of peace officer proficiency and instructor's certificates; consideration of applications

for academy certification of Victoria College Law Enforcement Academy, Hidalgo County sheriff's office, and Tarleton State University; consideration of entry of final order in contested cases pending before the commission; and legislative and staff activity reports

Contact: Alfredo Villarreal, 1106 Clayton Lane, Suite 220-E, Austin, Texas 78723, (512) 459-1171

Filed: April 21, 1983, 1:52 p.m.
TRD-832967

Texas Low-Level Radioactive Waste Disposal Authority

Thursday, May 5, 1983, 1 p.m. The Citizens Advisory Panel of the Texas Low-Level Radioactive Waste Disposal Authority will meet in Suite 175, 1300-C East Anderson Lane, Austin. Items on the agenda include organizational requirements concerning operating procedures, administrative, and fiscal requirements, an overview of the authority; the status of siting study, discussion of the public information program; and panel recommendations

Contact: Lawrence R. Jacobi, Jr., 1300-C East Anderson Lane, Suite 175, Austin, Texas 78752, (512) 835-6795

Filed: April 20, 1983, 9:39 a.m.
TRD-832913

Monday, May 9, 1983, 10 a.m. The Texas Low-Level Radioactive Waste Disposal Authority will meet in the Union Building, the University of Texas at El Paso. Items on the agenda include the approval of minutes from the previous meeting; the general manager's report and communications concerning the status of facility conceptual design and results of Phase I, site selection study; new business on adoption of the authority's rules; old business; and public comments

Contact: Lawrence R. Jacobi, Jr., 1300-C East Anderson Lane, Suite 175, Austin, Texas 78752, (512) 835-6795.

Filed: April 20, 1983, 9:39 a.m.
TRD-832914

Board of Pardons and Paroles

Monday-Friday, May 9-13, 1983, 9 a.m. daily. The Board of Pardons and Paroles will meet at 711 Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole con-

sideration, act on emergency reprieve requests and other acts of executive clemency, review reports regarding persons on parole, review procedures affecting the day-to-day operation of support staff, review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by the agency, and take action upon gubernatorial directives.

Contact: John W. Byrd, 711 Stephen F. Austin Building, Austin, Texas, (512) 475-3363

Filed: April 26, 1983, 8:42 a.m.
TRD-833036

Texas Parks and Wildlife Department

Friday, April 29, 1983, 7 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Hyatt Regency Hotel, Austin. According to the agenda summary, this function is primarily a social event, and no formal action is planned. The commission may discuss items on the public hearing agenda scheduled for April 30, 1983, at 9 a.m.

Contact: Maurine Ray, 4200 Smith School Road, Austin, Texas, (512) 479-4806.

Filed: April 20, 1983, 1:52 p.m.
TRD-832923

Saturday, April 30, 1983, 7:30 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Hyatt Regency Hotel, Austin. According to the agenda summary, this function is primarily a social event, and no formal action is planned. The commission may discuss items on the public hearing agenda scheduled for April 30, 1983, at 9 a.m.

Contact: Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

Filed: April 20, 1983, 1:52 p.m.
TRD-832924

Saturday, April 30, 1983, 9 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet in Building B, Parks and Wildlife Headquarters Complex, 4200 Smith School Road, Austin. Items on the agenda include approval of the March 11, 1983, public hearing court report minutes; presentation of service plaques; proposed hunting and fishing regulations for 1983-1984, waterfowl stamp; requests for funding local parks

from the land and water conservation fund or the Texas local parks, recreation, and open space fund, concession contract renewal for Palo Duro Canyon State Park (Harold Lindsey, Horseback Riding), Armstrong and Randall Counties, interpretive development for Brazos Bend State Park and Monument Hill and Kresche Brewery state historic sites and naming of the Kresche Brewery site, Fort Bend and Fayette Counties, and grazing lease contracts Gene Howe, Kerr and Matador Wildlife Management Areas

Contact: Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

Filed: April 20, 1983, 1:53 p.m.
TRD-832925

Saturday, April 30, 1983, 9 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at 4200 Smith School Road, Austin. According to the agenda, the commission will consider the proposed 1983-1984 early season migratory game bird proclamation.

Contact: Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

Filed: April 20, 1983, 1:54 p.m.
TRD-832926

Saturday, April 30, 1983, noon. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet in Building B, Parks and Wildlife Headquarters Complex, 4200 Smith School Road, Austin. According to the agenda, the commission will discuss potential acquisitions, settlement of pending litigation matters, and personnel matters.

Contact: Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

Filed: April 20, 1983, 1:53 p.m.
TRD-832927

State Pension Review Board

Thursday, April 28, 1983, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board met in Senator Traegar's office, Room G-35-B, State Capitol. According to the agenda, the committee discussed upcoming legislation.

Contact: Benette Meadows, P.O. Box 13498, Austin, Texas 78711, (512) 475-8332

Filed: April 19, 1983, 10:33 a.m.
TRD-832885

Texas Register

Monday, May 2, 1983, 10 a.m. The State Pension Review Board will meet in Conference Room G-A, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the board will hear and discuss reports from the Legislative Advisory Committee and on the status of the board's budget and legislation.

Contact: Bennette Meadows, John H. Reagan Building, 105 West 15th Street, Room 200, Austin, Texas 78701. (512) 475-8332

Filed: April 21, 1983, 2:33 p.m.
TRD-832971

Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will conduct public hearings in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Dates, times, and agendas follow.

Friday, April 29, 1983, 9 a.m. A prehearing conference in Docket 4844—application of Valley Telephone Cooperative, Inc., for rate tariff changes.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 19, 1983, 2:31 p.m.
TRD-832904

Friday, April 29, 1983, 9:30 a.m. A prehearing conference in Docket 5102—application of Lamar County Electric Cooperative, Inc., for authority to increase electric rates.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 20, 1983, 2:42 p.m.
TRD-832934

Monday, May 2, 1983, 9 a.m. An emergency prehearing conference in Docket 5109—application of Pedernales Electric Cooperative, Inc., for a rate increase. The emergency status is necessary because the rate increase needs to meet the statutory deadline.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 25, 1983, 10:22 a.m.
TRD-833013

Monday, May 2, 1983, 10 a.m. A prehearing in Docket 4306—application of Lakeshore Utility Company, Inc., for amend-

ment of certificate of convenience and necessity.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 20, 1983, 2:42 p.m.
TRD-832935

Addition to the above agenda.

A prehearing in Docket 4090—application of Lakeshore Utility Company, Inc., for approval of sale of facilities in Arrowhead Subdivision to Participation Development Corporation, Inc.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 20, 1983, 2:42 p.m.
TRD-832936

Tuesday, May 3, 1983, 10 a.m. A prehearing conference in Docket 5113—petition of the commission for an inquiry concerning the effects of the modified final judgment and the access charge order upon Southwestern Bell Telephone Company and the independent telephone companies of Texas.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 25, 1983, 10:22 a.m.
TRD-833014

Tuesday, May 3, 1983, 1:30 p.m. A prehearing conference in Docket 5111—inquiry into the adequacy of service rendered by Southwest Water Services, Inc.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 21, 1983, 2:23 p.m.
TRD-832968

Thursday, May 5, 1983, 10 a.m. A hearing in Docket 4530—application of Donald Sass to obtain the certificates of convenience and necessity of Southern Utilities Company and Sunbelt Water Systems for the provision of water utility service within Brazos, Buleson, Norris, Montgomery, Robertson, and Walker Counties.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 20, 1983, 9:44 a.m.
TRD-832915

Tuesday, May 10, 1983, 1:30 p.m. A prehearing in Docket 4964—inquiry into the rates of Double Lakes Club.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 20, 1983, 9:44 a.m.
TRD-832916

Monday, May 16, 1983, 10 a.m. A prehearing conference in Docket 5109—application of Pedernales Electric Cooperative, Inc., for a rate increase.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 25, 1983, 10:22 a.m.
TRD-833015

Tuesday, May 17, 1983, 1:30 p.m. A prehearing conference in Docket 2789—application of B & D Utilities for a certificate of convenience and necessity within Dallas County.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 21, 1983, 2:23 p.m.
TRD-832969

Monday, May 23, 1983, 9 a.m. A prehearing in Docket 5070—petition of the Dow Chemical Company to require Houston Lighting & Power Company to make monthly capacity payments to small power producers and cogenerators.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 25, 1983, 10:21 a.m.
TRD-833016

Monday, May 23, 1983, 1:30 p.m. A prehearing in Docket 4730—inquiry into the rates of Playcation, Inc.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 21, 1983, 2:23 p.m.
TRD-832970

Monday, June 27, 1983, 10 a.m. A prehearing conference in Dockets 4802, 5050, and 5062—petition of Dow Chemical Company regarding Houston Lighting and Power Company's interruptible power rate for cogenerators, application of Houston Lighting and Power Company for approval of proposed interruptible service tariff; and

an inquiry into the rates and tariffs of Houston Lighting and Power Company

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: April 25, 1983, 2:50 p.m.
TRD-833030

Monday, August 8, 1983, 10 a.m. A hearing in Dockets 4802, 5050, and 5062—petition of Dow Chemical Company regarding Houston Lighting and Power Company's interruptible power rate for cogenerators; application of Houston Lighting and Power Company for approval of proposed interruptible service tariff, and an inquiry into the rates and tariffs of Houston Lighting and Power Company

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: April 25, 1983, 2:49 p.m.
TRD-833031

Monday, August 29, 1983, 10 a.m. A hearing in Docket 3382—appeal of El Paso Electric Company from the rate order of the City of El Paso

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: April 20, 1983, 10:31 a.m.
TRD-832917

Railroad Commission of Texas

Monday, April 25, 1983, 9 a.m. The Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in Room 107, 1124 IH 35 South, Austin. The revision concerned Docket 025665Z/1—application of Oil Field Haulers Association, Inc., for machinery, pipe, heavy, or bulky articles, OFHA Tariff 6-Y; to amend items 220, 700, 710, 740, and 760 revising rates and provisions; to establish distance rate items on machinery, etc., and oilfield pipe, etc., subject to increase minimum weights. The emergency status was necessary because of the possible impact on the oilfield industry with attendant implications for the state economy.

Contact: Sandy Yates, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1351.

Filed: April 22, 1983, 4:46 p.m.
TRD-833003

Monday, May 2, 1983, 9 a.m. The following divisions of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. Meeting rooms and agendas follow.

The Administrative Services Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211

Filed: April 22, 1983, 3:21 p.m.
TRD-832987

The Automatic Data Processing Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: April 22, 1983, 3:21 p.m.
TRD-832988

The Flight Division will meet in Room 107 to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fosler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: April 22, 1983, 3:20 p.m.
TRD-832989

The Gas Utilities Division will meet in Room 107 to consider and act on Dockets 2645 consolidated, 3960, 3967, 4004, 4005, 4011, 4013, 4029-4031, 4033, and the division director's report.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: April 22, 1983, 3:21 p.m.
TRD-832990

The Office of Information Services will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711

Filed: April 22, 1983, 3:22 p.m.
TRD-832991

The LP-Gas Division will meet in the first floor auditorium to consider and act on the division director's report on division ad-

ministration, budget, procedures, and personnel matters.

Contact: Hugh I. Keepers, P.O. Drawer 12967, Austin, Texas 78711

Filed: April 22, 1983, 3:26 p.m.
TRD-832992

The Oil and Gas Division will meet in the first floor auditorium to consider various matters falling within the commission's oil and gas regulatory jurisdiction.

Contact: Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307

Filed: April 22, 1983, 3:24 p.m.
TRD-832993

Additions to the above agenda

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1273.

Filed: April 22, 1983, 3:25 p.m.
TRD-832994

Consideration of Docket 2-79418—Marine Contractors & Supply application for a special allowable, applying (seg 17500) field, Calhoun County, Docket 8A-79,538—Union Oil Company of California's application for temporary oil field rules, Rocket "A" (Strawn) Field, Garza County.

Contact: Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307

Filed: April 22, 1983, 3:25 p.m.
TRD-832995

Consideration of Docket 8-79566—application of Blair Energy, Inc., to amend the field rules, Breedlove (Spraberry) Field, Martin County.

Contact: Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: April 22, 1983, 3:20 p.m.
TRD-832996

Consideration of whether or not to institute legal action against Petro-Lewis Corporation and David Martin Phillip.

Contact: Glenn Jordan, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1229

Filed: April 22, 1983, 3:26 p.m.
TRD-832997

The Personnel Division will meet in the first floor auditorium to consider and act on the division director's report on division ad-

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ministration, budget, procedures, and personnel matters

Contact: Herman L. Wilkins, P O Drawer 12967, Austin, Texas 78711, (512) 445-1120

Filed: April 22, 1983, 3:22 p.m.
TRD-832998

The Office of Special Counsel will meet in the third floor conference room to consider and act on the division director's report relating to pending litigation, Sunset Commission review, and other budget, administrative, and personnel matters

Contact: Walter Earl Lile, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186

Filed: April 22, 1983, 3:22 p.m.
TRD-832999

The Surface Mining and Reclamation Division will meet in Room 107 to consider the acceptance of two incremental surety bonds for the surface coal mining operations of the Sabine Mining Company under the permit issued by the commission order of November 9, 1981, in Docket 13, the release of surety bonds held by the commission for the surface coal mining operations of the Sabine Mining Company under the permit issued in Docket 13 due to the replacement of these bonds, the permit application of the Lower Colorado River Authority for the proposed Powell Bend mine in Docket 16 and protestant's report for oral argument, and the division director's report on division administration, budget, procedures, and personnel matters

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751

Filed: April 22, 1983, 3:27 p.m.
TRD-833000

The Transportation Division will meet in the first floor auditorium, Room 107, to consider various matters falling within the commission's transportation regulatory jurisdiction

Contact: Sandy Yates, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330

Filed: April 22, 1983, 3:26 p.m.
TRD-833001

Texas Rehabilitation Commission

Friday, April 22, 1983, 2 p.m. The Governor's Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission met in emergency session in Room 105, 118 East Riverside Drive, Aus-

tin. Items on the agenda included council meeting dates, committee duties, a United Cerebral Palsy special project, the SCR 100 autism report, developmental disabilities enabling legislation, a memorandum of understanding (Texas Rehabilitation Commission and Council), a parliamentary addition, and a pilot project for a demographic study for the Governor's Long Range Planning Group. The emergency status was necessary to prepare for critical state developmental disabilities legislation

Contact: Joellen Flores Simmons, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8022

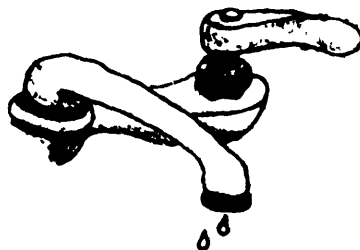
Filed: April 22, 1983, 11:26 a.m.
TRD-832978

School Land Board

Tuesday, May 3, 1983, 10 a.m. The School Land Board will meet in Room 831, Stephen F. Austin Building, 1700 North Congress, Austin. Items on the agenda include approval of the previous minutes, an application to drill from a surface location to a state lease to the bottom hole location on a federal lease in the Gulf of Mexico (passed over by the board on April 5, 1983, and April 19, 1983), consideration of acceptance of a gift of 168.25 acres of land, Hudspeth County, pooling applications, consideration of schedule and procedures for an October 4, 1983, oil, gas, and other minerals lease sale, three easement applications on coastal public lands, three easement applications on four cabin permit transfer requests, and one cabin permit termination

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas, (512) 475-4307

Filed: April 25, 1983, 4:11 p.m.
TRD-833034



Stephen F. Austin State University

Monday, April 25, 1983, 1:30 p.m. The Board of Regents Committees of Stephen F. Austin State University submitted addi-

tions to the agenda of a meeting held in Room 307, the Austin Building, Stephen F. Austin State University, Nacogdoches. The additions concern consideration of the acquisition of real property and admission standards

Contact: William R. Johnson, Box 6078, Nacogdoches, Texas 75962, (409) 569-2201.

Filed: April 20, 1983, 1:31 p.m.
TRD-832929, 832930

Tuesday, April 26, 1983, 9 a.m. The Board of Regents of Stephen F. Austin State University submitted additions to the agenda of a meeting held in Room 307, the Austin Building, Stephen F. Austin State University, Nacogdoches. The additions concern consideration of the acquisition of real property and admission standards.

Contact: William R. Johnson, P O Box 6078, Nacogdoches, Texas 75962, (409) 569-2201

Filed: April 20, 1983, 1:31 p.m.
TRD-832931, 832932

Advisory Council for Technical-Vocational Education in Texas

Friday, May 6, 1983, 1:30 p.m. The Steering Committee of the Advisory Council for Technical Vocational Education in Texas will meet in Suite 202, 1700 South Lamar, Austin. According to the agenda, the committee will review the council budget and its impact on activities, consider personnel matters, review plans for the June 1983 meeting and program of work activities, and conduct other business

Contact: Alton D. Lee, P O Box 1886, Austin, Texas 78767, (512) 475-2046

Filed: April 19, 1983, 2:26 p.m.
TRD-832906

Texas Water Commission

Monday, May 2, 1983, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider water district bond issues, release from escrow, use of surplus funds, water quality proposed permits, amendments and renewals, extension of time on water use permit, final decisions, certifications of water rights, approval of plans and specifications, and the filing and setting of hearing dates.

Contact: Mary Ann Helner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: April 22, 1983, 11:26 a.m.
TRD-832979

Wednesday, May 4, 1983, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the following applications to the Texas Department of Water Resources

Application of Jefferson Lake Sulphur Company, a division of Occidental Chemical Agricultural Products, Inc., Route 1, Box 680, Needsville, Texas 77461, for a temporary order which would authorize the discharge of approximately 450 million gallons of accumulated stormwater from the Frasch process sulphur mining operation pond 4

Contact: Jimmy Alan Hall, P.O. Box 13087, Austin, Texas 78711, (512) 475-7841.

Filed: April 20, 1983, 11:15 a.m.
TRD-832920

Application of the City of Sherman, P.O. Box 1106, Sherman, Texas 75090, for a temporary order which would authorize the discharge of approximately 9 million gallons of partially treated municipal wastewater from its municipal sewage treatment plant in order that five different "tie ins" be made between the existing plant and the new plant expansion

Contact: Tommy Mason, P.O. Box 13087, Austin, Texas 78711, (512) 475-7841.

Filed: April 20, 1983, 11:14 a.m.
TRD-832921

Thursday, June 9, 1983, 10 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing on Application 2477 of the Red River Authority of Texas for a permit to build and maintain a dam and 65,760 acre-foot capacity reservoir on Sweetwater Creek, tributary of North Fork Red River, tributary of Red River, Red River Basin, for municipal and industrial purposes in Wheeler County

Contact: Mary Ann Helner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: April 22, 1983, 3:24 p.m.
TRD-832983

Friday, June 10, 1983, 10 a.m. The Texas Water Commission will meet in Room 618,

Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will conduct a hearing on Application 4017A of Dallas Market Center Company for an amendment to Permit 3737 to authorize the diversion and use of 500 acre-feet of water per annum from the perimeter of the authorized reservoir on Mill Creek, tributary of Big Sandy Creek, tributary of Sabine River, Sabine River Basin, for irrigation purposes in Wood County

Contact: Mary Ann Helner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: April 22, 1983, 3:28 p.m.
TRD-832984

Thursday, June 30, 1983, 10 a.m. The Texas Water Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing on Application 4353 of Allen D. Lay and wife, Nell Lay, for a permit to divert and use 1,050 acre feet of water per annum from Goldenrod Creek, tributary of Sandy Creek, tributary of Navidad River, tributary of Lavaca River, Lavaca River Basin, for irrigation purposes in Wharton County

Contact: Mary Ann Helner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514

Filed: April 22, 1983, 3:28 p.m.
TRD-832985

Texas Water Well Drillers Board

Tuesday, May 3, 1983, 9:30 a.m. The Texas Water Well Drillers Board will meet in Room 513-F, Stephen F. Austin Building, Austin. According to the agenda summary, the board will consider approval of minutes, certification of applicants for registration, final adoption of a rule change, complaints for a public hearing for Chester Aills, Alan W. Cunningham, Wayne Meadows, Oren Miller, Bill Muse, and Travis Lynn Russell, applications for driller trainee registration, will be briefed on the registration of drillers, water well drillers examinations, and investigator's activities since the last meeting, and will hear staff reports

Contact: Jack Overton, P.O. Box 13087, Austin, Texas 78711, (512) 475-3191

Filed: April 22, 1983, 3:28 p.m.
TRD-832982

Tuesday, May 3, 1983, 1:30 p.m. The Texas Water Well Drillers Board will meet in

Room 513-F, Stephen F. Austin Building, Austin. According to the agenda summary, the board will consider whether to suspend or revoke the license of Wendell Bisidas, doing business as Bisidas Water Well Drilling Company, Route 1, Box 127-1, Decatur, Texas, Water Well Drillers License 1647.

Contact: Patrick J. Sullivan, P.O. Box 13087, Austin, Texas 78711, (512) 475-4338.

Filed: April 20, 1983, 2:44 p.m.
TRD-832937

Regional Agencies

Meetings Filed April 19

The Bastrop County Appraisal District, Board of Review, met in the commissioners courtroom, county courthouse, 803 Pecan, Bastrop, on April 25, 1983, at 7:30 p.m. Information may be obtained from Roy E. Humble, 705 Spring, Bastrop, Texas, (512) 321-4316

The Deep East Texas Regional Mental Health and Mental Retardation Services, Board of Trustees, met in the Ward R. Burke Community Room-Day Treatment Administration Facility, 4101 South Medford Drive, Lutkin, on April 26, 1983, at 5:30 p.m. Information may be obtained from Wayne Lawrence, 4101 South Medford Drive, Lutkin, Texas 75901, (409) 639-1141

The Houston-Galveston Area Council Health Systems Agency, Area Health Commission, met in the large conference room, 3701 West Alabama, Houston, on April 27, 1983, at 10 a.m. Information may be obtained from Aquina Janice, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200, ext. 274

The Panhandle Ground Water Conservation District 3, Board of Directors, met at 300 South Omohundro, White Deer, on April 25, 1983, at 7:30 p.m. Information may be obtained from Richard S. Bowers, Box 637, White Deer, Texas 79097, (806) 883-2501

TRD-832905

Meetings Filed April 20

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees Personnel Committee, met in the board room, 1430 Collier Street, Austin, on

Texas Register

April 25, 1983, at 6 p.m. Information may be obtained from Cynthia C. Garcia, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 50.

The Deep East Texas Council of Governments, Board of Directors, met at the Senior Citizens Center Center, on April 28, 1983, at 1:30 p.m. Information may be obtained from Billy D. Langford, P.O. Drawer 1170, Jasper, Texas 75951, (409) 384-5704.

The Lee County Appraisal District, Board of Directors, met at 218 East Richmond Street, Giddings, on April 26, 1983, at 8:30 a.m. Information may be obtained from James L. Dunham, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Palo Pinto Appraisal District, Board of Directors, met in emergency session in the Palo Pinto Courthouse, Palo Pinto, on April 20, 1983, at 4 p.m. Information may be obtained from John R. Winters, 100 Southeast Fifth Street, Mineral Wells, Texas 76067, (817) 325-6871.

The Upshur County Appraisal District, Appraisal Review Board, will meet in the district office, Warren and Trinity Streets, Gilmer, on May 4, 1983, at 7:45 a.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3736.

TRD-832918

Meetings Filed April 21

The Amarillo Mental Health and Mental Retardation Regional Center, Executive Committee, met at the Psychiatric Pavilion, 7201 Evans, Amarillo, on April 28, 1983, at noon, and the Board of Trustees met in Room J-13, at the same location on the same day, at 1 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79116-3250, (806) 353-7235.

The Region V Education Service Center, Board of Directors, met at 2295 Delaware Street, Beaumont, on April 28, 1983, at 1:15 p.m. Information may be obtained from Fred Waddell, 2295 Delaware Street, Beaumont, Texas 77703, (409) 835-5212.

The Gregg County Appraisal District, Board of Directors, will meet at 2010 Gilmer Road, Longview, on April 29, 1983, at

1:30 p.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Hale County Appraisal District, Board of Directors, will meet at J. Bar Steak House, 2003 West Fifth Street, Plainview, on April 29, 1983, at noon. Information may be obtained from Linda Jaynes, P.O. Box 29, Plainview, Texas 79072, (806) 293-4226.

The High Plains Underground Water Conservation District 1, Board of Directors, will meet in the conference room, 2930 Avenue Q, Lubbock, on May 2, 1983, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

The Lubbock Regional Mental Health and Mental Retardation Center met at 3800 Avenue H, Lubbock, on April 26, 1983, at 4:30 p.m. Information may be obtained from Gene Menelee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213.

The Middle Rio Grande Development Council, A-95 Project Review Committee, met in the reading room, Civic Center, Uvalde, on April 27, 1983, at 2 p.m. Information may be obtained from Oralia Saldua, Del Rio National Bank Building, Room 307, Del Rio, Texas 78840, (512) 774-4949.

The Parmer County Tax Appraisal District, Board of Directors, will meet at 305 Third Street, Bovina, on May 2, 1983, at 7:30 p.m. Information may be obtained from Ronald E. Procter, Box 56, Bovina, Texas 79009, (806) 238-1405.

TRD-832963

Meetings Filed April 22

The Austin-Travis County Mental Health and Mental Retardation, Operations and Planning Committee, met in the board room, 1430 Collier Street, Austin, on April 26, 1983, at noon. Information may be obtained from George Cantu, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Brown County Appraisal District, Board of Directors, will meet at 403 Fisk, Brownwood, on May 2, 1983, at 7 p.m. Information may be obtained from Alvis Sewalt, 403 Fisk, Brownwood, Texas 76801, (915) 643-5676

The Central Texas Council of Governments, Criminal Justice Advisory Commit-

tee, met at 302 East Central, Belton, on April 27, 1983, at 2 p.m. Information may be obtained from Lindell R. Bishop, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

The Central Texas Manpower Consortium, Board of Directors, held a rescheduled meeting in the conference room, Administration Building, Central Texas College, Killeen, on April 27, 1983, at 1 p.m. The meeting was originally scheduled for April 20, 1983. Information may be obtained from Alvin Ornstein, Central Texas College, Highway 190 West, Killeen, Texas 76542, (817) 526-1340.

The Mental Health and Mental Retardation Regional Center of East Texas, Board of Trustees, met in the board room, 2323 West Front Street, Tyler, on April 28, 1983, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Region XX Education Service Center, Board of Directors, will meet in the board room, ESC-20 Conference Center, 1314 Hines Avenue, San Antonio, on May 4, 1983, at 2 p.m. Information may be obtained from Dr. Dwain M. Estes, 1314 Hines Avenue, San Antonio, Texas 78208, (512) 271-7611

The Heart of Texas Council of Governments, Executive Committee, met at 320 Franklin Avenue, Waco, on April 28, 1983, at 12:30 p.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631.

The Lower Rio Grande Valley Development Council, membership and Board, met at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, on April 28, 1983, at 1 p.m. Information may be obtained from Robert A. Chandler, 207 Texas Commerce Bank Building, McAllen, Texas 78501, (512) 682-3481.

The North Central Texas Council of Governments, Executive Board, met in Suite 200, Centerpoint Two Building, 616 Six Flags Drive, Arlington, on April 28, 1983, at 12:30 p.m. Information may be obtained from Linda Keithley, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 461-3300.

The Panhandle Regional Planning Commission, Board of Directors, met in the first floor conference room, Briercroft Building, Eighth and Jackson Streets, Amarillo, on April 28, 1983, at 1:30 p.m. Information

may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas, (806) 372-3381.

The Tarrant County Appraisal District, Appraisal Review Board, met in Suite 300, 1701 River Run, Fort Worth, on April 27, 1983, at 8:30 a.m. Information may be obtained from Bobby Reed, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (817) 332-3151

The West Central Texas Council of Governments, Executive Committee, met at 1025 East North 10th Street, Abilene, on April 27, 1983, at 12:45 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195 Abilene, Texas 79604, (915) 672-8544. TRD-832977

Meetings Filed April 25

The Ark-Tex Council of Governments, Executive Committee, met at the Casa Blanco Restaurant, 1702 South Jefferson, Mount Pleasant, on April 28, 1983, at 5:30 p.m. Information may be obtained from Vivienne Arvin, P.O. Box 5307, Texarkana, Texas 75501, (501) 774-3481.

The Austin-Travis County Mental Health and Mental Retardation Center, Finance and Control Committee, met at 1430 Collier Street, Austin, on April 28, 1983, at 11:30 a.m. The Board of Trustees met at the same location on the same day at noon. Information may be obtained from Debbie Sandoval, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 27.

The Bexar-Medina-Atascosa Counties Water Control and Improvement District

One, Board of Directors, will meet at the district office, Highway 81 South, Natalia, on May 2, 1983, at 10 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas, (512) 663-2132.

The Central Texas Council of Governments, Executive Committee, met at 302 East Central, Belton, on April 28, 1983, at 12:45 p.m. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas

The Eastland County Appraisal District, Board of Directors, will meet in the commissioners courtroom, Eastland County Courthouse, Eastland, on May 11, 1983, at 3 p.m. Information may be obtained from Steve Thomas, Box 914, Eastland, Texas 76448, (817) 629-8597

The Region II Education Service Center, Board of Directors, will meet in the administrative conference room, 209 North Water, Corpus Christi, on May 10, 1983, at 6:30 p.m. Information may be obtained from Gerald V. Cook, 209 North Water, Corpus Christi, Texas 78401-2599, (512) 883-9288

The Central Appraisal District of Erath County met at 1191 South Loop, Stephenville, on April 27, 1983, at 10 a.m. Information may be obtained from James Bachus, 1191 South Loop, Stephenville, Texas 76401

The North Plains Water District, Board of Directors, will meet at 702 East First Street, Dumas, on May 2, 1983, at 10 a.m. Information may be obtained from Orval E. Allen, Box 935, Dumas, Texas 79029, (806) 935-6401.

The Palo Pinto Appraisal District, Board of Directors, met in emergency session in the county courtroom, Courthouse, Palo Pinto, on April 25, 1983. Information may be obtained from John R. Winters, Courthouse, Palo Pinto, Texas 76072, (817) 659-3651.

The South Plains Health Provider Organization, Inc., Board, met in emergency session at 715 Amarillo, Plainview, on April 25, 1983, at 8 p.m. Information may be obtained from Sue Terry, 706 Canyon, Plainview, Texas 79072, (806) 293-8561.

The South Texas Development Council, Board of Directors, met at the Zapata Community Center, Zapata, on April 28, 1983, at 1:30 p.m. Information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

The Tyler County Tax Appraisal District, Board of Directors, will meet at 1004 West Bluff, Woodville, on May 2, 1983, at 7 p.m. Information may be obtained from Leslie J. Silva, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

TRD-833005

Meeting Filed April 26

The Jasper County Appraisal District, Board of Directors, will meet at the law offices of Seale, Stover, Coffield, and Gatlin, 950 North Wheeler, Jasper, on May 3, 1983, at 7 p.m. Information may be obtained from David Luther, Jasper County Courthouse Annex, Jasper, Texas 75951, (409) 384-2544.

TRD-833037

The Legislature

For the purpose of public information, the *Register* publishes the text of certain resolutions and other activities of the state legislature. Copies of these resolutions are available for public inspection in the offices of the *Texas Register*, 503E Sam Houston Building, Austin. Additional information may be obtained by calling (512) 475 2015

Symbology in resolutions. Suggested new language to be added to the Constitution is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within the Constitution.

Bills Submitted to the Governor

April 19

SB 86 Relating to vehicles hauling loose materials on highways.

Sponsor: Henderson

SB 139 Relating to special license plates for members of Texas Army National Guard, Texas Air National Guard, and Texas State Guard and to fees for their issuance and replacement.

Sponsor: Blake, *et al*

SB 164 Relating to the compensation of the court manager of certain courts in counties with a population over 2 million.

Sponsor: Williams

SB 186 Relating to a supplemental appropriation to the Treasury Department.

Sponsor: Farabee

SB 210 Relating to suits involving Pan American University.

Sponsor: Uribe

SB 211 Relating to the fiscal management and operations of Pan American University.

Sponsor: Uribe

SB 235 Relating to the University of Houston System and the powers and duties of its board of regents; providing for the creation of a new university and changing the names of universities within the system.

Sponsor: Sharp

SB 347 Relating to the creation, jurisdiction, court terms, judges, and other personnel, and administration of the County Criminal Courts at Law Nos. 11 and 12 of Harris County.

Sponsor: Whitmire

SB 422 Relating to changing the name of the Texas Youth Council to the Texas Youth Commission.

Sponsor: Farabee

SB 486 Relating to creation, board of directors, administration, powers, duties, operation, expansion, and financing of the Wheeler County Water Supply District.

Sponsor: Sarpalus

SB 508 Relating to the disposition of certain hospital district records.

Sponsor: Mauzy

April 20

SB 165 Relating to regulation of dental health service corporations.

Sponsor: Williams

SB 218 Relating to the effect of confinement in another penal institution on certain defendant's eligibility for parole and to certain duties of the Texas Department of Corrections and of the court and to certain powers of the Board of Pardons and Paroles.

Sponsor: McFarland

SB 275 Relating to the authority of certain domestic insurance companies to reinsure risks involving aircraft and defined space equipment.

Sponsor: McFarland

April 26

HB 166 Relating to the days on which emergency elections ordered by the governor may be held and the content of an emergency election proclamation.

Sponsor: Colbert

HB 687 Relating to the test period for marginal wells..

Sponsor: Hill, Gerald, *et al*

HB 691 Relating to the enforcement of certain vehicle weight limitations.

Sponsor: Finnell

HB 1214 Relating to transfer of accumulated contributions of certain members of the Employees Retirement System of Texas.

Sponsor: Finnell

Bills Signed by the Governor

April 26

SB 86 Relating to vehicles hauling loose materials on highways.

Effective Date: January 1, 1984

SB 139 Relating to special license plates for members of Texas Army National Guard, Texas Air National Guard, and Texas State Guard and to fees for their issuance and replacement

Effective Date: April 26, 1983

SB 164 Relating to the compensation of the court manager of certain courts in counties with a population over 2 million

Effective Date: April 26, 1983

SB 165 Relating to regulation of dental health service corporations

Effective Date: August 29, 1983

SB 186 Relating to a supplemental appropriation to the Treasury Department

Effective Date: April 26, 1983

SB 210 Relating to suits involving Pan American University

Effective Date: April 26, 1983

SB 211 Relating to the fiscal management and operations of Pan American University.

Effective Date: April 26, 1983

SB 218 Relating to the effect of confinement in another penal institution on certain defendant's eligibility for

parole and to certain duties of the Texas Department of Corrections and of the court and to certain powers of the Board of Pardons and Paroles.

Effective Date: April 26, 1983

SB 235 Relating to the University of Houston System and the powers and duties of its board of regents; providing for the creation of a new university and changing the names of universities within the system.

Effective Date: April 26, 1983

SB 275 Relating to the authority of certain domestic insurance companies to reinsure risks involving aircraft and defined space equipment.

Effective Date: August 29, 1983.

SB 347 Relating to the creation, jurisdiction, court terms, judges, and other personnel, and administration of the County Criminal Courts at Law Nos. 11 and 12 of Harris County

Effective Date: Court 11—June 1, 1983
Court 12—November 1, 1983

SB 422 Relating to changing the name of the Texas Youth Council to the Texas Youth Commission.

Effective Date: April 26, 1983

SB 486 Relating to the creation, board of directors, administration, powers, duties, operation, expansion, and financing of the Wheeler County Water Supply District.

Effective Date: April 26, 1983

SB 508 Relating to the disposition of certain hospital district records.

Effective Date: April 26, 1983

In Addition

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission)

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of April 11-15, 1983.

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

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the address stated above, and at the regional office for the Air Quality Control Region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Darengo, Inc., Bloomberg; sulfur recovery unit; one mile north of Bloomberg, 9304; new source

Kitchen Contractors, Inc., Grand Prairie; finish of kitchen cabinets; 2330 Northwest Dallas Street; 9305; new source

H. B. Zachary Company, Grapevine; asphalt concrete plant; (location not available); 9306; new source

Issued in Austin, Texas, on April 18, 1983.

TRD-832919 Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: April 20, 1983
For further information, please call (512) 451-5711,
ext. 354

Availability of Texas Air Control Board Sampling Procedures Manual

The Texas Air Control Board Sampling Procedures Manual is available for public distribution. This new manual replaces the October 1975 edition of the Compliance Sampling Manual in its entirety.

In accordance with House Bill 6, 63rd Legislature, a \$10 fee will be assessed for each copy of this manual. This fee will be waived for federal, state, and local agencies.

Individuals wishing to obtain copies should submit requests and payment to the Source and Ambient Air Monitoring Division. Checks should be made payable to the Texas Air Control Board. Names of individuals receiving copies will be retained on a mailing list for notification of any future published updates to the manual.

Issued in Austin, Texas, on April 20, 1983

TRD-833017 Bill Stewart, P E
Executive Director
Texas Air Control Board

Filed April 25, 1983

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

Texas Alcoholic Beverage Commission Consultant Contract Award

The Texas Alcoholic Beverage Commission has executed a contract for consultant work as provided for in Texas Civil Statutes, Article 6252-11c, and in accordance with §6(b) of that article. The consultant proposal request appeared in the September 10, 1982, issue of the *Texas Register* (7 TexReg 3304).

The contract is for the implementation of the agency's long-range automation system plan. Included in the study is the systems design, development, implementation, and testing of automated systems for licensing, enforcement, auditing, and accounting.

The amount of the contract is \$685,000 with a maximum increase of 15% by mutual agreement by both parties. The contract begins April 18, 1983, and is scheduled to be completed by February 18, 1986.

The contract will be performed by Arthur Andersen & Company, 221 West Sixth Street, Suite 2000, Austin, Texas 78701.

The following schedule outlines various completion schedules of the project.

TEXAS ALCOHOLIC BEVERAGE COMMISSION

PROJECT WORKDAY SCHEDULE

System/ Development Phase	Workdays				Scheduled	
	** AA&Co.	** Computer Services Division*	** User Divisions	** Total	Start	Finish
LIPS						
-- PSD	155	196	135	486	4-18-83	9-15-83
-- SI	814	348	1,157	2,319	9-15-83	1-31-85
AUDIT						
-- PSD	74	131	73	278	8-01-83	12-15-83
-- SI	388	283	783	1,454	12-15-83	2-28-85
EARS						
-- FORMS DESIGN	8	-	17	25	5-02-83	7-15-83
-- PSD	36	35	60	131	3-01-85	5-15-85
-- SI	178	331	152	661	5-15-85	2-28-86
FABS						
-- PSD	39	13	30	82	3-01-85	5-15-85
-- SI	83	65	23	171	3-15-85	2-18-86
TOTAL	<u>1,775</u>	<u>1,402</u>	<u>2,430</u>	<u>5,607</u>	<u>4-18-83</u>	<u>2-18-86</u>

PSD = Preliminary Systems Design

SI = Systems Installation

* Assumes TABC's Computer Services Division will provide the Director as a half-time project manager and two full-time experienced programmer/analysts.

** Assumes MODEL 204 facilities will be utilized in each system.

Issued in Austin, Texas, on April 21, 1983.

TRD-832973 Joe Darnall
Assistant Administrator
Texas Alcoholic Beverage
Commission

Filed: April 21, 1983
For further information, please call (512) 458-2500.

**Office of the Attorney General
Consultant Contract Award**

Pursuant to Texas Civil Statutes, Article 6252-11c, the attorney general's office has awarded a contract to Coopers & Lybrand, 5000 First International Building, Dallas, Texas 75270. The request for proposals to provide professional accounting and consulting services in support of litigation and litigation management systems appeared in the June 8, 1982, issue of the *Texas Register* (8 TexReg 2218).

The contract period is from January 3, 1983, to December 31, 1983. The total amount of the contract is estimated to be \$75,000, and the due date for reports and/or documents is on or before December 31, 1983.

Issued in Austin, Texas, on April 19, 1983

TRD 832884 Don Curry
Director, Administrative Services
Office of the Attorney General

Filed April 19, 1983
For further information, please call (512) 475-4155

**Comptroller of Public Accounts
Decision 12,507**

For copies of the following opinion selected and summarized by the administrative law judges, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Decision. A taxpayer contended that electricity predominantly used to run a computer engaged exclusively in processing seismic data for oil exploration was exempt from sales and use tax under the Texas Tax Code, §151.317. The comptroller held that the computer, being an integral and essential part of the taxpayer's geophysical work, was used exclusively in "exploration for a material extracted from the earth," and thus no tax was due on the electricity used to run the computer.

Issued in Austin, Texas, on April 22, 1983

TRD-833012 Bob Bullock
Comptroller of Public Accounts

Filed, April 25, 1983
For further information, please call (512) 475-1938.

**Office of Consumer Credit
Commissioner
Rate Ceilings**

Pursuant to the provisions of House Bill 1228, 67th Legislature of Texas, Regular Session, 1981, the consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods

described in Texas Civil Statutes, Title 79, Article 1.04, as amended Texas Civil Statutes, Article 5069-1.04.

Effective Period ⁽¹⁾	Type of Transaction	
	Commercial ⁽³⁾ Consumer ⁽²⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated Rate		
Weekly Rate Ceiling		
05-02-83-05-08-83	18.00%	18.00%
Monthly Rate Ceiling (Variable Commercial Only)		
05-01-83-05-31-83	18.00%	18.00%
Quarterly Rate Ceiling		
04-01-83-06-30-83	18.00%	18.00%
Annual⁽⁵⁾ Rate Ceiling		
04-01-83-06-30-83	20.48%	20.48%

- (1) Dates set out above are inclusive.
- (2) Credit for personal, family, or household use.
- (3) Credit for business, commercial, investment, or other similar purpose.
- (4) Same as (3) above, except excluding credit for agricultural use.
- (5) Only for open end as defined in Texas Civil Statutes, Article 5069-1.01(f).

Issued in Austin, Texas, on April 25, 1983

TRD 833009 Sam Kelly
Consumer Credit Commissioner

Filed April 25, 1983
For further information, please call (512) 475-2111.



**Texas Education Agency
Suspended Request for Proposals**

In the April 1, 1983, issue of the *Texas Register*, (8 TexReg 1090), the Texas Education Agency published a request for proposals for vocational education program improvement projects as provided for by Public Law 94-482, the Educational Amendments of 1976. Proposals were requested in the areas of research, exemplary and in-

novative curriculum development, personnel training, and grants to overcome sex bias and sex stereotyping. Public educational institutions were designated as the only eligible applicants.

This request for proposals is suspended, pending agency reconsideration of the specifications for eligible applicants. After such reconsideration, a revised notice of request for proposals will be published in the *Texas Register*.

Proposals which have been already submitted in response to the request for proposals will be held, and applicants will be informed if there are any additional steps they will need to take to have their proposals considered under the new request for proposals.

Comments on this action may be submitted to Dan Bristow, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701, (512) 834-4165.

Issued in Austin, Texas, on April 20, 1983

TRD-833004 Raymon L. Bynum
Commissioner of Education

Filed: April 22, 1983

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

Texas Energy and Natural Resources Advisory Council Consultant Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Energy and Natural Resources Advisory Council (TENRAC) furnishes this notice of contract award. The consultant proposal request appeared in the April 16, 1982, issue of the *Texas Register* (7 TexReg 1585).

Description. Project 82 E-4-13 is for the contractor to provide hydrologic consultancy services in carrying out detailed regional hydrologic field tests in the deep lignite areas of the Sabine Uplift region of Wilcox in east Texas. This work is the continuation of initial specification development contracted earlier and forms a part of the ongoing TENRAC program for evaluation of the state's deep basin lignite resources. The contractor will provide the following services:

(1) Supervise field hydrologic testing activities to be conducted by separately selected contractors at site HTS 1 in Shelby County, in close cooperation with the University of Texas at Austin Bureau of Economic Geology (UT/BEG) project director who is managing the TENRAC deep lignite evaluation program and with UT/BEG staff deputized for this project. The consultant shall insure that field construction and testing is conducted in accordance with detailed specifications developed in a preceding contract with the consultant.

(2) Prepare a detailed specification package for hydrologic testing at three more locations in the region, i.e., in Panola and Cherokee Counties (sites HES-3, 5, and 6), based on which TENRAC will solicit bids for actual field construction and testing work.

The contractor is R. W. Harden & Associates, 3409 Executive Center Drive, Suite 116, Austin, Texas 78731.

Cost and Dates. The total value of the contract is \$27,487. The beginning date of the contract is March 1, 1983, and the ending date of the contract is August 31, 1983.

Due Dates of Reports. Monthly project status reports are due prior to or along with the submission of each invoice for payment. Design specifications and bid documents package for Panola and Cherokee County tests are due on April 1, 1983.

Issued in Austin, Texas, on April 22, 1983

TRD 832981 M. Lee Wilson
Director
Technology Development
Division
Texas Energy and Natural
Resources Advisory Council

Filed: April 22, 1983

For further information, please call (512) 475-0414.

Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Energy and Natural Resources Advisory Council (TENRAC) announces this request for proposals to deliver the services described. The TENRAC intends to award the contract to Edwin L. Garner, Geologist, P.O. Box 13252, Austin, Texas 78711, unless a better and more satisfactory offer is received.

Interested parties must demonstrate the ability to do the following tasks:

(1) review and provide written technical comment to TENRAC on the geological and hydrological data and interpretations presented in U.S. Department of Energy reports and plans, including, but not limited to:

(a) Permian Basin Location Recommendation Report, Site Recommendation Supplement,

(b) Guidelines for Recommendation of Sites for Nuclear Waste Repositories,

(c) Environmental Assessment for Permian Basin Site(s), Gulf Interior Region Site(s), Paradox Basin Site(s), Nevada Test Site, and Hanford Reservation Site,

(d) Permian Basin Site Characterization Plan,

(e) Permian Basin Site Characterization Report.

(2) provide briefings on geological and hydrological investigations undertaken by the U.S. Department of Energy Nuclear Waste Policy Act Project Office to TENRAC staff, staff of other selected agencies, TENRAC advisory committees, and public officials.

(3) consult with TENRAC staff on geological and hydrological aspects of high level nuclear waste management and disposal.

(4) assist other state agencies, as needed, in requested state reviews of Department of Energy reports and plans, including those previously listed.

(5) attend and file reports on technical meetings as requested by TENRAC.

(6) assist TENRAC staff in evaluation of geological and hydrological aspects of state and federal technical rules as related to high-level nuclear waste management and disposal.

Offerors must have the capability to accomplish the requested services, and proposals must include documentation of this capability. Specifically, the offeror must demonstrate experience with and knowledge of the following:

(a) evaluation of the geological and hydrological technical requirements of the Nuclear Waste Policy Act of 1982, Nuclear Regulatory Commission proposed rule 10 Code of Federal Regulations 60, Environmental Protection Agency proposed rule 40 Code of Federal Regulations 191, and Texas Water Code, Chapters 27 and 28, and applicable rules,

(b) reports and documents of the Department of Energy National Waste Terminal Storage (NWTS) Program

(c) reports and publications of the University of Texas Bureau of Economic Geology on the geology and geohydrology of the Palo Duro Basin, Texas Panhandle,

(d) Guidelines for Recommendation of Sites for Nuclear Waste Repositories, proposed rule 10 Code of Federal Regulations 960

In addition, proposals must provide a detailed budget breakdown by major category of expense, evidence of legal authority to contract with TENRAC, previous experience with similar work, a list of personnel and a breakdown of their time commitments to this project, an understanding of the nature of the work, and an ability to produce work products as requested by TENRAC through December 31, 1983.

Proposals must be received by the Office of High Level Nuclear Waste Affairs of the Texas Energy and Natural Resources Advisory Council by May 13, 1983.

For details, contact Steve Frishman, Texas Energy and Natural Resources Advisory Council, 200 East 18th Street, Austin, Texas 78701, (512) 475-0414.

Issued in Austin, Texas on April 25, 1983

TRD 833010 Steve Frishman
Manager
Office of High Level Nuclear
Waste Affairs
Texas Energy and Natural
Resources Advisory Council

Filed: April 25, 1983
For further information, please call (512) 475-0414

Office of the Governor Consultant Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the Governor's Office of Management and Budget furnishes this notice of contract award. The request for proposals from consulting firms appeared in the February 18, 1983, issue of the *Texas Register* (8 TexReg 569).

Description of Work. The contractor will provide financial analysis in the areas of budget analysis, revenue analysis, budget alternatives, and financial legislation. The consultant will also research educational finance including public schools, higher education, and the Teacher Retirement System.

Name of Contractor. The contractor is Lynn M. Moak, P.O. Box 26142, Austin, Texas 78755. Pursuant to Texas Civil Statutes, Article 6252-11c, §6B, it is noted that Mr. Moak held a position in state government with the Texas Senate until May 31, 1982.

Amount and Term of Contract. The total value of the contract is \$45,000. The beginning date of the contract is March 23, 1983, and the ending date of the contract is June 15, 1983.

Due Dates for Reports. There are no specific reports, either progress or final, required under the contract.

Contact. Further information may be obtained from Dennis Thomas, Director, Governor's Office of Management and Budget, P.O. Box 13561, Austin, Texas 78711, (512) 475-2427.

Issued in Austin, Texas on April 12, 1983

TRD 832886 Ed Grisham
Deputy Executive Assistant for
Programs
Office of the Governor

Filed April 19, 1983
For further information, please call (512) 475-4444.

Proposed Service Delivery Area Designations

The Job Training Partnership Act (JTPA) of 1982, §101 (a)(3), provides that units of local governments (and combinations thereof), business organizations, and other affected persons or organizations shall be given an opportunity to comment on proposed service delivery area designations (SDAs).

In keeping with the provisions of the JTPA, Governor Mark White is establishing a period of public comment, starting Friday, April 22, 1983. The comments must be received by May 10, 1983, by the Office of the Governor, P.O. Box 12428, Austin, Texas 78711, Attention: Bob McPherson.

Proposed SDAs. On April 12, 1983, the State Job Training Coordinating Council (SJTC) proposed 22 sub-state service delivery areas. These areas use the boundaries of the state planning regions that were established in 1967 as the geographic framework for planning and program implementation for a variety of state and federal programs. Twenty of the proposed SDAs have boundaries that are exactly the same as state planning regions, two of the proposed SDAs consist of a combination of state planning regions. The governor reviewed and accepted the state council's recommendation and proposes the following SDAs for Texas:

SDA A - Panhandle Planning Region
SDA B - South Plains Planning Region

- SDA C—North Texas Planning Region
- SDA D—North Central Texas Planning Region
- SDA E—North East Texas Planning Region
- SDA F—East Texas Planning Region
- SDA G—West Central Texas Planning Region
- SDA H—Upper Rio Grande Planning Region
- SDA I—Permian Basin and Concho Valley Planning Regions
- SDA J—Heart of Texas Planning Region
- SDA K—Capital Area Planning Region
- SDA L—Brazos Valley and Deep East Texas Planning Regions
- SDA M—South East Texas Planning Region
- SDA N—Gulf Coast Planning Region
- SDA O—Golden Crescent Planning Region
- SDA P—Alamo Area Planning Region
- SDA Q—South Texas Planning Region
- SDA R—Coastal Bend Planning Region
- SDA S—Lower Rio Grande Planning Region
- SDA T—Texoma Planning Region
- SDA U—Central Texas Planning Region
- SDA V—Middle Rio Grande Planning Region

A complete SDA application package including the council's rationale for its selection of the sub-state areas can be reviewed at the Governor's Office, Job Training Division, Sam Houston Building, 14th and San Jacinto Streets, Austin, between the hours of 8 a.m. 5 p.m.

After reviewing the comments, the governor shall make a final designation of SDAs within the state, as required in the JIPA, §101(b), and shall notify appropriate entities of designation or denial of designation.

Issued in Austin, Texas on April 20, 1983

TRD 832958 Ed Grisham
Deputy Executive Assistant for
Programs
Governor's Office

Filed April 20, 1983
For further information, please call (512) 475-0808.

Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling, AMD indicates amendment of previously issued commission order, CN indicates certificate of need, PIR indicates petition for issuance, NIE indicates notice of intent to acquire major medical equipment, NIEH indicates notice of intent to acquire existing health care facilities, NIR indicates notice of intent regarding a

research project; NIE HMO indicates notice of intent for exemption of HMO-related project, and EC indicates exemption certificate.

Should any person wish to become a party to any of the above-stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on 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 any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Channelview Imaging, Channelview
AO83-0413-330

NIE—Request for a declaratory ruling that a certificate of need is not required for Channelview Imaging to acquire by purchase an EMI CT 5005 scanner. The equipment will be located at 15201 East Freeway, Channelview, and utilized on an out-patient basis.

Sun Towers, Inc., doing business as Sun Towers
Hospital, El Paso
AH82-0604-025A(041383)

CN AMD—Request for an extension of the completion deadline from May 5, 1983, to September 1, 1983, in Certificate of Need AH82-0604-025 which authorized the certificate holder to acquire, install, and operate a fully equipped CT whole body scanner and renovate 646 square feet of space to accommodate the scanner equipment.

HCA Health Services of Texas, Inc.,
a wholly owned subsidiary of Hospital
Corporation of America, Nashville, Tennessee
AH83-0414-332

NIEH—Request for a declaratory ruling that a certificate of need is not required for HCA Health Services of Texas, Inc., a wholly owned subsidiary of Hospital Corporation of America, to acquire by purchase certain assets of Gulf Coast Medical Center and lease the structure and realty occupied by the hospital from Gulf Coast Medical Foundation. Gulf Coast Medical Center is an existing 86 bed general acute care hospital located in Wharton.

HCA Health Services of Texas, Inc.,
a wholly owned subsidiary of Hospital
Corporation of America, Nashville, Tennessee
AH83-0414-334

NIEH—Request for a declaratory ruling that a certificate of need is not required for HCA Health Services of Texas, Inc., a wholly owned subsidiary of Hospital Corporation of America, to acquire by

purchase certain assets of Caney Valley Hospital and lease the structure and realty occupied by the hospital from Gulf Coast Medical Foundation. Caney Valley Hospital is an existing 75-bed general acute care hospital located in Wharton.

Harold Shilling, M.D., P.A., and Adams Management Services, Inc., Fort Worth
AN83-0415-338

NIFH—Request for a declaratory ruling that a certificate of need is not required for Harold Shilling, M.D., P.A., and Adams Management Services, Inc., to acquire by lease Happy Haven Convalescent Center, an existing 235-bed ICU nursing facility located in Abilene, from B. P. Lockhart, trustee.

B. P. Lockhart, trustee, Fort Worth
AN83-0415-340

NIFH—Request for a declaratory ruling that a certificate of need is not required for B. P. Lockhart, trustee, to acquire by purchase Happy Haven Convalescent Center, an existing 235-bed ICU nursing facility located in Abilene, from Happy Haven Convalescent Center, Inc.

Medwest Healthcare, Omaha, Nebraska
AN83-0418-360

NIFH—Request for a declaratory ruling that a certificate of need is not required for Medwest Healthcare to acquire by lease T.I.C. Nursing Center, an existing 120-bed nursing facility with 57 ICU and 63 skilled beds located in Harlingen, from T.I.C. Associates, a California limited partnership.

T.I.C. Associates, a California limited partnership, Walnut Creek, California
AN83-0418-362

NIFH—Request for a declaratory ruling that a certificate of need is not required for T.I.C. Associates, a California limited partnership, to acquire by purchase T.I.C. Nursing Center, an existing 120-bed nursing facility with 57 ICU and 63 skilled beds located in Harlingen, from T.I.C., Inc.

Beverly Enterprises—Texas, Inc.,
Fort Smith, Arkansas
AN83-0419-370

NIFH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire 100% of the leasehold interest in Hondo Nursing Center, an existing 118-bed ICU nursing facility located in Hondo, by assignment from Beverly Enterprises, Inc.

Beverly Enterprises—Texas, Inc.,
Fort Smith, Arkansas
AN83-0419-372

NIFH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire 100% of the leasehold interest in Leisure Lodge Rusk, an existing 96-bed ICU nursing facility located in Rusk, by assignment from Beverly Enterprises, Inc.

Beverly Enterprises—Texas, Inc.,
Fort Smith, Arkansas
AN83-0419-374

NIFH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire 100% of the leasehold interest in Borger Nursing Center, an existing 120-bed ICU nursing facility located in Borger, by assignment from Beverly Enterprises, Inc.

Beverly Enterprises—Texas, Inc.,
Fort Smith, Arkansas
AN83-0419-376

NIFH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire 100% of the leasehold interest in Leisure Lodge Brady, an existing 100-bed ICU nursing facility located in Brady, by assignment from Beverly Enterprises, Inc.

Beverly Enterprises—Texas, Inc.,
Fort Smith, Arkansas
AN83-0419-378

NIFH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire 100% of the leasehold interest in Briarstone Manor, an existing 70-bed ICU nursing facility located in Anson, by assignment from Beverly Enterprises, Inc.

Brackenridge Hospital, Austin
AH83-0420-370

DR—Request for a declaratory ruling that a certificate of need is not required for Brackenridge Hospital to replace a Bell 812-A telephone system with a ROLM VLBX telephone system. The total project cost will be \$1,105,784. Brackenridge Hospital is a general acute care facility located in Austin.

Issued in Austin, Texas, on April 25, 1983.

TRD 833008 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed April 25, 1983.

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

Texas Department of Human Resources Public Hearing

The Texas Department of Human Resources (TDHR) will conduct a hearing to receive comments on the selection of a new contractor to provide weatherization services. The hearing will be held at 11 a.m. on May 11, 1983, at 1109 Fulton Street, Wharton. The notice of invitation for offers on the weatherization program was published in the May 25, 1982, issue of the *Texas Register* (7 TexReg 2008).

The Association for the Advancement of Mexican Americans was selected to provide weatherization services for Fort Bend, Matagorda, and Wharton Counties. The contract will begin May 1, 1983, and will end June 30, 1983. Service delivery will be in accordance with the Department of Energy regulations.

The department is interested in receiving comments on the agency's experience and performance in weatherization or housing renovation activities, the agency's experience in assisting low-income persons in the area to be served, and the agency's capacity to undertake a timely and effective weatherization program.

Written comments may be submitted to Charles E. Smith, Director of Energy Assistance Programs 519-A, Texas Department of Human Resources, P. O. Box 2960, Austin, Texas 78769.

Issued in Austin, Texas on April 19, 1983

TRD 832867 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed April 19, 1983
For further information, please call (512) 441-3355,
ext. 2037

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of April 11-22, 1983.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request, and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P. O. Box 13087, Austin, Texas 78711, (512) 475-2678.

Listed are the name(s) of the applicants and the city in which the facilities are located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

Period of April 11-22, 1983

West Jefferson County Municipal Water District, Beaumont, treated domestic sewage, on the north side of Orange Grove Road approximately 3,200 feet east of Hillebrandt Road and approximately 2,000 feet north of State Highway 365 in Jefferson County, 12708-01, new permit.

West Jefferson County Municipal Water District, Beaumont, treated domestic sewage, approximately 1,650 feet west of Broussard Road and 1,100 feet north of Humble Road in Jefferson County, 12708-02, new permit.

West Jefferson County Municipal Water District, Beaumont, treated domestic sewage, approximately 300 feet northeast of the intersection of Bost Road and Layton Road in Jefferson County, 12708-03, new permit.

West Jefferson County Municipal Water District, Beaumont, treated domestic sewage, approximately 2,400 feet south of State Highway 365 and 1,200 feet east of Garner Road in Jefferson County, 12708-04; new permit.

West Jefferson County Municipal Water District, Beaumont, treated domestic sewage, approximately 500 feet west of La Belle Road and 1,500 feet south of Garner Road in Jefferson County, 12708-05, new permit.

West Jefferson County Municipal Water District, Beaumont, treated domestic sewage, approximately 500 feet east of the intersection of Tap Road and Patterson Road in Jefferson County, 12708-06, new permit.

Whisper Meadows, Ltd., Tomball, treated domestic sewage, 10717 Country Meadow Lane approximately 150 feet west of the intersection of Country Meadow Lane and Hollsmith Kohrville Road and 2.3 miles south-southeast of the City of Tomball in northwest Harris County, 12730, new permit.

James P. Grizzard, Houston, treated domestic sewage, adjacent to the west bank of Harris County Flood Control Ditch N100-00-00 (Carpenter Bayou), approximately one mile north of Wallisville Road Bridge and approximately 2,800 feet east of the proposed East Belt Drive in Harris County, 12716-01, new permit.

Hall-Buck Marine Services Company, Port Arthur, treated wastewater, between Slips 2 and 3, north of the Port Arthur Canal east basin, west of Sabine Lake and the Intracoastal Waterway in the City of Port Arthur in Jefferson County, 02634, new permit.

Perman Brine Sales, Inc., Barstow, brine production well, on a three-acre site in the City of Barstow approximately 1,290 feet from the northeast line and 1,350 feet from the northwest line of Section 174, Block 34, H & T-CRR Company Survey in Ward County, BR 50022, new permit.

Koppers Company, Inc., Galena Park, treated process utility wastewater stormwater, east of Federal Road, south of Old Industrial Road and adjacent to the Armeo Steel Plant, Galena Park in Harris County; 01034, amendment.

Amoco Oil Company, Texas City, Class I, Hazardous Industrial Waste Disposal Wells, WDW-214, approximately 5,200 feet south of the north line and 5,000 feet east of the west line, WDW-215, approximately 5,400 feet south of the north line and 5,000 feet east of the west line of the John Grant Survey, A-72 in Galveston County, WDW-214, WDW-215; new permit

E.I. duPont de Nemours & Company, Inc., Orange, Class I, Hazardous Industrial Waste Disposal Well, approximately 339 feet west and 59 feet north of the south-easterly corner of the W. H. Stark Survey, A-505, approximately two miles south of Orange in Orange County, WDW-132, amendment

Movimes Company, Houston, treated wastewater, approximately 3,500 feet east of FM Road 149 and Spring Cypress Road and 1,300 feet east of FM Road 149 in north Harris County, 02631, new permit

Stauffer Chemical Company, Pasadena, Pasadena Sulfuric Acid Plant (cooling tower blowdown), 1000 Jefferson Avenue in the City of Pasadena in Harris County, 02124, renewal

Owens Illinois, Inc., Orange, treated process wastewater, approximately five miles north of the City of Orange between State Highway 87 and the Sabine River and north of West Bluff Road in Orange County, 01185, amendment

A. Ben Pinnell, Dallas, treated domestic sewage, approximately 1 1/2 miles west of IH 35 East and approximately 1,500 feet south of FM Road 2181 in Denton County, 12639-01, new permit

Edgar F. Lackner, Houston, treated domestic sewage, in the City of Houston approximately 1,000 feet south of the intersection of West 18th and East F.C. Jester Boulevard, on the west bank of White Oak Bayou in Harris County, 12713-01, new permit

Harris County Municipal Utility District 119, Houston, treated domestic sewage on a Harris County Flood Control Drainage Ditch on the east side of the North Houston Rosslyn Road and FM Road 149 in Harris County, 12714-01, new permit

U.S. Department of the Air Force, Val Verde County, Laughlin Air Force Base Sewage Treatment Plant, on the southeast corner of Laughlin Air Force Base, approximately 2 3/4 miles northeast of the intersection of U.S. Highway 277 and Spur 317 in Val Verde County, 12651-01, new permit

Briar Corporation, Houston, treated domestic wastewater, approximately 1,800 feet east of Baker Road and 6,400 feet south of IH 10 in Harris County, 12699-01, new permit

City of Granbury, reverse osmosis concentrate, at East Pearl Street and State Highway 426 in the City of Granbury in Hood County, 02625, new permit

Brazos Electric Power Cooperative, Inc., Belton, Bob Poage Plant, approximately 600 feet north of the AT&SF Railroad and on the east bank of the Leon River, northeast of the City of Belton in Bell County, 01384, renewal

Texas City Refining, Inc., Texas City, treated process wastewater, approximately 1,600 feet northeast of the intersection of State Highway 519 and Loop 197 East in the City of Texas City in Galveston County, 00449; amendment

The Upjohn Company, La Porte, treated wastewater, on the east side of State Highway 134 and approximately 0.5 mile north of State Highway 225 in the City of La Porte in Harris County, 00663, renewal

The City of Gilmer, treated domestic sewage, on the northern bank of Sugar Creek, approximately 1.4 miles east of U.S. Highway 271 in Upshur County, 10457-01, amendment

Keller Industries of Texas, Inc., Woodville, aluminum extruded products plant, east of U.S. Highway 69 and two miles north of the City of Woodville in Tyler County, 02633, new permit

Leon F. Parker, et al., Pflugerville, treated domestic sewage, on the north side of and adjacent to Dessau Lane, at a point approximately 1.3 miles east of IH 35 in Travis County, 12733-01, new permit

Brazoria County Municipal Utility District 2, Harris County, treated domestic wastewater, approximately 3,800 feet south of FM Road 3334 and approximately 1.9 miles east of State Highway 288 in Brazoria County, 12705-01, new permit

Sommerall Northeast, Inc., Houston, treated domestic wastewater, on the southern bank of Horsepen Creek, approximately 8,500 feet north of FM Road 529 (Spencer Road) and approximately 9,000 feet west of FM Road 1960 (State Highway 6) in Harris County, 12726-01, new permit

Rust Tractor Company, El Paso, treated process wastewater, 10501 Dyer Street (U.S. Highway 54) in the City of El Paso in El Paso County, 02636, new permit

City of Troy, treated municipal wastewater, approximately 5,500 feet generally north of the center of the City of Troy and lying between IH 35 and the Missouri-Kansas-Texas railroad in Bell County, 11263-01, amendment

Lexington Development Company, Bellaire, treated domestic sewage, approximately 5,100 feet east and 800 feet north of the intersection of State Highway 6 and Frammel Fresno Road in Fort Bend County, 12701-01, new permit

Frank Schwalm, Brazoria County, treated domestic wastewater, approximately 1,300 feet south of County Road 424 and approximately 3,600 feet west of Mustang Road in Brazoria County, 12704-01, new permit

City of Lometa, treated wastewater, west of Kirby Creek and approximately 4,500 feet southeast of the intersection of FM Road 581 and U.S. Highway 190, south of the City of Lometa in Lampasas County, 11982-01, renewal

Rambow, Ltd., Port Arthur, treated industrial wastewater, approximately one mile downstream and southeast of the Rambow Bridge crossing over the Neches River (State Highway 87) adjacent to Old Yacht Club

Road in the City of Port Arthur in Jefferson County, 01674, amendment

Exxon Chemical Americas, Houston, Class I, Hazardous/Industrial Solid Waste Storage, approximately two miles south of U.S. Highway 1-10 in Houston, at 8230 Stedman Street, Harris County, HW-50010-000, new permit

Weatherford Oilfield Products and Equipment Division of Weatherford U.S., Inc., Houston, stormwater, 10802 Old Katy Road in the City of Houston, Harris County, 02627, new permit

Doyle Hickerson, Round Rock, treated wastewater; approximately 1.1 miles northwest of the intersection of Pflugerville Loop and FM Road 1825 and on the east bank of Gilleland Creek in Travis County; 11931-01; amendment

Issued in Austin, Texas, on April 22, 1983

TRD 832986 Mary Ann Helmer
Chief Clerk
Texas Water Commission

Filed April 22, 1983
For further information, please call (512) 475-4514.

Office of the Secretary of State Texas Register Publication Schedule

Following are the deadline dates of the May, June, and July 1983 issues of the *Texas Register*. Unless noted by a ★, 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.

Publication Schedule for the *Texas Register*

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A M	ALL NOTICES OF OPEN MEETINGS BY 10 A M
1ST QUARTERLY INDEX		
Tuesday, May 3	Monday, May 2	Tuesday, May 3
Friday, May 6	Wednesday, May 4	Thursday, May 5
Tuesday, May 10	Monday, May 9	Tuesday, May 10
Friday, May 13	Wednesday, May 11	Thursday, May 12
Tuesday, May 17	Monday, May 16	Tuesday, May 17
Friday, May 20	Wednesday, May 18	Thursday, May 19
Tuesday, May 24	Monday, May 23	Tuesday, May 24
Friday, May 27	Wednesday, May 25	Thursday, May 26
Tuesday, May 31		
★ Friday, June 3	Friday, May 27	Tuesday, May 31
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Friday, July 1	Monday, June 27	Tuesday, June 28
Tuesday, July 5	Wednesday, June 29	Thursday, June 30
★ Friday, July 8	Friday, July 1	Tuesday, July 5
Tuesday, July 12	Wednesday, July 6	Thursday, July 7
Friday, July 15	Monday, July 11	Tuesday, July 12
Tuesday, July 19	Wednesday, July 13	Thursday, July 14
Friday, July 22	Monday, July 18	Tuesday, July 19
Tuesday, July 26	Wednesday, July 20	Thursday, July 21
Friday, July 29	Monday, July 25	Tuesday, July 26

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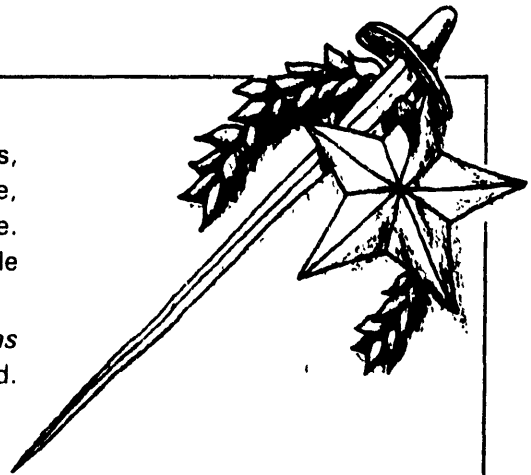
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