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Office of the Secretary of State
As a result of a federal law which funds state units to investigate welfare fraud, the Department of Human Resources is amending, on an emergency basis, its rules on fraud involving providers. Public Law 95-142, the Medicare-Medicaid Anti-Fraud and Abuse Amendments, requires the investigative units to be separate from the state agency that administers the Medicaid Program. The Attorney General's Office was designated by Governor Dolph Briscoe as the agency responsible for investigating and prosecuting, or referring for prosecution, violations of state laws on fraud involving providers of services under the Medical Assistance Program. The department has entered an agreement with the Attorney General's Office to transfer the duties of its Medicaid Fraud Unit by February 1, 1979. The department's Investigation's Unit will retain its responsibility for investigating fraud by recipients in the Medicaid Program.

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

Artwork: Gary Thornton

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The Register contains executive orders of the governor, summaries of attorney general's opinions and summaries of requests for opinions, emergency rules, proposed rules, and adopted rules of state agencies, notices of open meetings, and miscellaneous notices of general interest to the public of Texas.

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Appointments
Adjutant General's Department

The following appointments have been submitted to the Senate of the 65th Legislature, Regular Session, for confirmation:

To be Assistant Adjutant General for Air for a two-year term to expire January 16, 1981:
Brigadier General Belisario D. J. Flores of San Antonio, Bexar County, is being reappointed.

To be Assistant Adjutant General for Army for a two-year term to expire January 16, 1981:
Brigadier General Willard D. Hill, Jr., of New Braunfels, Comal County, is replacing Brigadier General Willie L. Scott of Austin, Travis County, who was elevated to the position of Adjutant General of Texas.

71st Judicial District of Texas
To be judge, Harrison County, until the next general election and until his successor shall be duly elected and qualified:
Edward N. Smith, Jr., of Marshall, Harrison County, is replacing Judge John Furrh of Marshall, Harrison County, who resigned.

235th Judicial District of Texas
To be district attorney, Cooke, Jack, and Wise Counties, until the next general election and until his successor shall be duly elected and qualified:
Brock R. Smith of Bridgeport, Wise County, is replacing Jerry W. Woodlock of Gainesville, Cooke County, who resigned.

Issued in Austin, Texas, on January 29, 1979.

Doc No. 790676    William P. Clements, Jr.
Governor of Texas

For further information, please call (512) 475-4571.
Requests for Opinions
Summary of Request for Opinion RQ-19

Request from Tim Von Dohlen, chairman, House Committee on Regions, Compacts, and Districts, Austin.

Summary of Request: In passing enabling legislation to implement the ad valorem tax exemptions authorized in the "Tax Relief Amendment," may the legislature make such exemptions effective as of January 1, 1979?

Doc. No. 790681

Opinions
Summary of Opinion MW-1

Request from George McCrea, county attorney, Tom Green County, San Angelo, concerning the constitutionality of Section 42.01(a)(1), Penal Code.

Summary of Opinion: The United States Supreme Court's decision in Acker v. Texas, 430 United States 962 (1977), did not invalidate Section 42.01(a)(1) of the Penal Code, which relates to the use of abusive language.

Issued in Austin, Texas, on January 31, 1979.

Doc. No. 790682 C. Robert Heath Opinion Committee Attorney General's Office

For further information, please call (512) 475-5445.
An agency may adopt emergency rules after determining what it considers to be an imminent peril to the public health, safety, or welfare. These rules may be effective immediately on filing with the secretary of state for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the Register, for the emergency adoption of rules.

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

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

The following amendments are adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

.005. Provider Fraud Referral Process.
(a) (No change.)
(b) Receipt of allegation.
(1) (No change.)
(2) The person receiving the allegation only obtains facts surrounding the allegation. No agreement or commitment is to be made. A memorandum is prepared and sent to the Medicaid fraud investigations coordinator [MAU] outlining the complaint or allegation and what facts, if any, were obtained.
(c) Medical assistance unit [MAU].
(1) When the complaint involves a provider of Title XIX benefits in either the Nursing Home or Vendor Drug Program, the memorandum is addressed and sent to the medical assistance unit [MAU] which serves the particular geographical area. Many times, the complaint or allegation is made directly to the medical assistance unit.
(2) The medical assistance unit [MAU] conducts an appropriate investigation into the allegation or complaint which has been received against a nursing facility or vendor drug provider. When the MAU determines that the allegation does appear to support suspected fraud, all information which has been received and obtained is immediately transmitted to Medical Programs, State Office.
(3) Review by the Medicaid fraud investigations coordinator [Medical Programs, State Office].
(4) When the complaint involves a provider of Title XIX benefits in any program other than Nursing Home or Vendor Drug, the memorandum is addressed and immediately sent to the Medicaid fraud investigations coordinator [Medical Programs, State Office], by the person receiving the allegation. The Medicaid fraud investigations coordinator is responsible for referring all complaints to the Texas Medicaid Fraud Unit, Office of the Attorney General. However, under extenuating circumstances, DHR staff may make referrals directly to the attorney general’s unit.

(5) Complaints or findings indicating fraud by providers in any program other than Nursing Home or Vendor Drug under contract and paid by the department are reviewed by the appropriate State Office Medical Programs staff. When fraud is clearly indicated or highly suspected, the Investigation Division is called upon to conduct an investigation. Fraud allegations or complaints which obviously result from misinformation are not referred for investigation.
(6) Complaints or findings indicating possible fraud by providers of medical services are referred to the health-insuring agent by Medical Programs, if appropriate.
(7) Audits frequently identify potential fraud cases. Audits which indicate suspected fraud by a medical provider of services are reported to State Office program staff for review before referral to the Investigation Division or to the health-insuring agent.

.006. Investigation of Suspected Fraud in Medical Programs.
(a) Investigations of all providers of medical services for which an allegation of suspected fraud has been received from Medical Programs are conducted by the Texas Medicaid Fraud Unit, Office of the Attorney General.
Investigation Division, State Office. Investigations are also made by the Investigation Division of any provider of Title XIX services which is referred to the department by the health-insuring agent, subject to approval by Medical Programs.

Issued in Austin, Texas, on February 1, 1979.

Doc. No. 790678    Jerome Chapman
Commissioner
Texas Department of Human Resources

Effective Date: February 1, 1979
Expiration Date: June 1, 1979
For further information, please call (512) 475-4601.
An agency may adopt a proposed rule no earlier than 30 days after publication in the Register, except where a federal statute or regulation requires implementation of a rule on shorter notice.

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

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

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

Texas Adult Probation Commission

Standards 608.01.00

The Texas Adult Probation Commission proposes the following amendment to Rule 608.01.00.010(q). The purpose of the addition is to eliminate the transfer of prisoners from state to state or county to county by a probation officer, who is not a peace officer.

The proposed change will have no fiscal implications (source: Texas Adult Probation Commission staff).

Public comment is invited and should be in written form directed to the executive director, Don R. Stiles, 812 San Antonio, Suite 400, Austin, Texas 78701.

This amendment is proposed under Article 42.121, Texas Code of Criminal Procedure.

.010. Administration.

(a) Extradition. (No change.)

(g) Extradition. Probation officers should not transport prisoners.

Doc No 790715

Fund Distribution 608.02.00

The Texas Adult Probation Commission proposes the following amendment to Rule 608.02.00.020(b) and (f). The purpose of the addition of Section (f) is to eliminate the problem of a probation officer, who is not a peace officer, from transferring prisoners from state to state or county to county. The phrase deleted from Section (b) should have been deleted when other pretrial provisions were deleted.

The proposed change will have no fiscal implications (source: Texas Adult Probation Commission staff).

Public comment is invited and should be in written form directed to the executive director, Don R. Stiles, 812 San Antonio, Suite 400, Austin, Texas 78701.

This amendment is proposed under Article 42.121, Texas Code of Criminal Procedure.

.020. Program Funding.

(a) (No change.)

(b) (No change.)

Priority programs. The TAPC will give priority to judicial districts requesting funds to establish new adult probation departments where none presently exist and departments who cannot meet standards due to unique problems. Special programs may include but not be limited to the development of presentence investigation capability, pretrial supervision capability, high-risk offender programs, and court residential programs. The TAPC will evaluate applications for program funding and award these funds based on merit and availability of funds.

(c) (No change.)

(f) Extradition. Judicial district funds should not be used to pay nor reimburse agencies or persons for the cost of transfer of prisoners.

Issued in Austin, Texas, on February 2, 1979.

Doc. No. 790716  Don R. Stiles  Executive Director  Texas Adult Probation Commission

Proposed Date of Adoption March 12, 1979

For further information, please call (512) 475-1374.

Comptroller of Public Accounts

Tax Administration

Motor Vehicle Sales Tax Division

026.02.06.040

The Comptroller of Public Accounts is proposing Rule 026.02.06.040 to clarify the tax consequences of purchasing tangible personal property to add as accessories to motor vehicles. This rule explains the interplay between motor vehicle sales and use tax and limited sales, excise, and use tax.

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

Public comment on proposed Rule 040 is invited. Persons should submit their comments in writing to Richard Montgomery, Drawer SS, Austin, Texas 78711.

This rule is proposed under the authority of Texas Taxation—General Annotated, Article 6.02 (Vernon 1969).

.040. Accessories Added to Motor Vehicles.

(a) General principles.

(1) The purchase of a motor vehicle and all accessories attached thereto at the time of sale is subject to the provisions of Texas Taxation—General Annotated, Chapter 6 (Motor Vehicle Sales and Use Tax).
(2) The purchase of accessories for a motor vehicle attached after the time of sale of the motor vehicle is subject to the provisions of Texas Taxation—General Annotated, Chapter 20 (Limited Sales, Excise, and Use Tax).

(3) The purchase of tangible personal property is subject to the provisions of Texas Taxation—General Annotated, Chapter 20 (Limited Sales, Excise, and Use Tax), if no item can be identified as a motor vehicle even if the combination of items of tangible personal property becomes a motor vehicle.

(4) For the purpose, the term “accessories” includes but is not limited to bodies, cement mixers, C.B. radios, refrigeration units, fertilizer spreaders, and oil well servicing equipment.

(b) Use of resale certificate. For the purposes of this section, the words “leased” and “rented” are defined by Texas Taxation—General Annotated, Article 6.01 (Motor Vehicle Sales and Use Tax Law).

(1) Items combined into a motor vehicle. A resale certificate may be used in purchasing tangible personal property to be combined into a motor vehicle for sale, lease, or rental in the purchaser's regular course of business.

(2) Accessories to leased vehicles.

(A) Limited sales tax may be paid on the purchase of accessories to be added to a motor vehicle after the sale of the vehicle if the vehicle is to be leased, or

(B) A resale certificate may be used in purchasing accessories to be added to a motor vehicle after the sale of the motor vehicle if the motor vehicle is to be leased, provided:

(i) the lease charge for the accessories is separately stated, and

(ii) limited sales tax is charged on the lease charge for the accessories.

(3) Accessories to rental vehicles. A resale certificate may be used in purchasing accessories to be added to a motor vehicle after the sale of the motor vehicle if the motor vehicle is to be rented, provided:

(A) charge for the accessories is included in the rental fee upon which motor vehicle rental tax is collected; or

(B) charge for the accessories is separately stated and limited sales tax is collected on the rental charge for the accessories.

Doc No. 790697

026.02.06.041

The Comptroller of Public Accounts is proposing Rule 026.02.06.041 to clarify the distinction between a motor vehicle subject to the provisions of Texas Taxation—General Annotated, Chapter 6, and moveable specialized equipment subject to the provisions of Texas Taxation—General Annotated, Chapter 20.

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

Public comment on proposed Rule .041 is invited. Persons should submit their comments in writing to Richard Montgomery, Drawer SS, Austin, Texas 78711.

This rule is proposed under the authority of Texas Taxation—General Annotated, Article 6.02 (Vernon 1969).

.041. Moveable Specialized Equipment.

(a) Motor vehicle sales and use tax application.

(1) The term “motor vehicle” means a self-propelled unit which may transport property separate from itself or persons other than the driver upon the public highways. The term also includes trailers, semi-trailers, house trailers, and motorcycles.

(2) A unit which meets the definition of a “motor vehicle” does not lose its identity as a motor vehicle if tangible personal property is added to the vehicle allowing the unit to perform a specialized function but prohibits the vehicle from transporting separate property or persons other than the driver. An example of this subsection would be a flat-bed truck upon which oil well servicing equipment is attached.

(3) All motor vehicles are subject to the provisions of Texas Taxation—General Annotated, Chapter 6.

(b) Moveable specialized equipment.

(1) A unit designed and built specifically to perform a specialized function which does not include transporting property separate from itself or persons other than the driver is not a motor vehicle. Examples of moveable specialized equipment meeting these criteria are motorized cranes, motorized oil well servicing units, and mobile auto crushers.

(2) All units covered by this section are subject to the provisions of Texas Taxation—General Annotated, Chapter 20.

Doc No. 790698

Sales Tax Division 026.02.20.068

The Comptroller of Public Accounts is proposing Rule 026.02.20.068 to clarify the tax consequences of purchasing tangible personal property to add as accessories to motor vehicles. This rule explains the interplay between motor vehicle sales and use tax and limited sales, excise, and use tax.

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

Public comment on proposed Rule .068 is invited. Persons should submit their comments in writing to Jim Phillips, Drawer SS, Austin, Texas 78711.

This rule is proposed under the authority of Texas Taxation—General Annotated, Article 20.11(A).

.068. Accessories Added to Motor Vehicles.

(a) General principles.

(1) The purchase of a motor vehicle and all accessories attached thereto at the time of sale is subject to the provisions of Texas Taxation—General Annotated, Chapter 6 (Motor Vehicle Sales and Use Tax).

(2) The purchase of accessories for a motor vehicle attached after the time of sale of the motor vehicle is subject to the provisions of Texas Taxation—General Annotated, Chapter 20 (Limited Sales, Excise, and Use Tax).

(3) The purchase of tangible personal property is subject to the provisions of Texas Taxation—General Annotated, Chapter 20 (Limited Sales, Excise, and Use Tax), if no item can be identified as a motor vehicle even if the combination of items of tangible personal property becomes a motor vehicle.
(4) For this purpose, the term "accessories" includes but is not limited to bodies, cement mixers, C.B. radios, refrigeration units, fertilizer spreaders, and oil well servicing equipment.

(b) Use of resale certificate. For the purposes of this section, the words "leased" and "rented" are defined by Texas Taxation—General Annotated, Article 6.01 (Motor Vehicle Sales and Use Tax Law).

(1) If the vehicle is combined into a motor vehicle. A resale certificate may be used in purchasing tangible personal property to be combined into a motor vehicle for sale, lease, or rental in the purchaser's regular course of business.

(2) Accessories to leased vehicles.

(A) Limited sales tax may be charged on the purchase of accessories to be added to a motor vehicle after the sale of the vehicle if the vehicle is to be leased. or

(B) If the certificate is used for the sale of a motor vehicle if the vehicle is to be leased, provided:

(i) the lease charge for the accessories is separately stated, and

(ii) limited sales tax is charged on the lease charge for the accessories.

(3) Accessories to rental vehicles. A resale certificate may be used in purchasing accessories to be added to a motor vehicle after the sale of the motor vehicle if the motor vehicle is to be rented, provided:

(A) charge for the accessories is included in the rental fee upon which motor vehicle rental tax is collected; or

(B) charge for the accessories is separately stated and limited sales tax is collected on the rental charge for the accessories.

Doc. No. 790699

026.02.20.069

The Comptroller of Public Accounts is proposing Rule 026.02.20.069 to clarify the definition of a motor vehicle subject to the provisions of Texas Taxation—General Annotated, Chapter 6, and moveable specialized equipment subject to the provisions of Texas Taxation—General Annotated, Chapter 20.

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

Public comment on proposed Rule 069 is invited. Persons should submit their comments in writing to Jim Phillips, Drawer SS, Austin, Texas 78711.

This rule is proposed under the authority of Texas Taxation—General Annotated, Article 20.11(A).

.069 Moveable Specialized Equipment

(a) Motor vehicle sales and use tax.

(1) The term "motor vehicle" means a self-propelled unit which may transport property separate from itself or persons other than the driver upon the public highways. The term also includes trailers, semi-trailers, and house trailers.

(2) A unit which meets the definition of a "motor vehicle" does not lose its identity as a motor vehicle if tangible personal property is added to the vehicle allowing the unit to perform a specialized function but prohibits the vehicle from transporting separate property or persons other than the driver. Examples of such equipment would be a flat-bed truck upon which oil well servicing equipment is attached.

(3) All motor vehicles are subject to the provisions of Texas Taxation—General Annotated, Chapter 6.

(b) Moveable specialized equipment.

(1) A unit designed and built specifically to perform a specialized function which does not include transporting property separate from itself or persons other than the driver is not a motor vehicle. Examples of moveable specialized equipment meeting these criteria are a mobile auto crusher and a super hoop carnival ride.

(2) All units covered by this section are subject to the provisions of Texas Taxation—General Annotated, Chapter 20.

Issued in Austin, Texas, on February 2, 1979.

Doc. No. 790700 Bob Bullock
Comptroller of Public Accounts

Proposed Date of Adoption: March 12, 1979
For further information, please call (512) 475-3825.

Texas State Board of Registration for Professional Engineers

Practice and Procedure

Board Review of Application 383.01.08

The Texas State Board of Registration for Professional Engineers proposes to amend Rules 383.01.08.001 and .002, concerning board review of applications. The proposed rule changes would facilitate speedier registration of qualified professional engineering applicants.

The staff of the Board of Registration for Professional Engineers anticipates that these changes to the rules will have no fiscal implications for state or local government.

Public comment on the proposed changes to Rules .001 and .002 is invited. Comments may be submitted by telephoning the executive director, Donald C. Klein, P.E., at (512) 475-3141, or by writing to him at Room 200, Reagan Building, 1400 Congress, Austin, Texas 78701.

These changes to Rules .001 and .002 are proposed under the authority of Section 8, Article 3271a, Vernon's Annotated Texas Statutes.

.001 Initial Review. An application will be considered complete when all information required by the act, the board rules, and the instructions has been received and accepted by the executive director or his designated representative. When an application is complete, it will be reviewed by the executive director or his designated representative, and a summary of the application will be prepared. This summary will include a recommendation that the application be approved, not approved, rejected, or that no action be taken in accordance with board
subchapter .05.001(j). The application will then be circulated to each board member for his or her individual review and vote. When all information required by law and board rules and instructions, regarding a given application for registration, including incidental and supplemental papers, has been brought together as determined by the executive director or his designated representative, the application will be reviewed for evaluation of qualification for registration. When it is determined by the executive director, or his designated representative, and one member of the board that the applicant is qualified and has met the requirements of law, the application will be recommended for board approval for registration. If there is any question as to whether the applicant is qualified for registration as a result of the evaluation of the one board member and the executive director or his designated representative, the application will be circulated to all board members for their individual review and determination. Board action on these applications will be taken at a subsequent board meeting by a quorum vote of the board.

.002 Approved Applications.

(a) If, on the basis of the initial review, the executive director or his designated representative recommends that an applicant be granted registration and the first board member who reviews the application concurs and votes accordingly, the applicant will be granted registration and a record of the action will be made a part of the minutes of the next regular board meeting.

(b) If, on the basis of the initial review, the executive director or his designated representative recommends that an applicant be granted registration and the first board member who reviews the application does not concur and votes accordingly, or if the executive director or his designated representative does not recommend that the applicant be granted registration, the application will be circulated to each board member for his or her individual review until four members of the board have voted that the applicant be approved for registration. The applicant will then be granted registration and a record of the action will be made a part of the minutes of the next regular board meeting.

If, on the basis of information available to the board at the time of consideration of a given application, the board determines that an applicant meets the requirements of the act under Section 12, Subsection (a) or (b), or Section 21, the applicant will be approved for registration.

Issued in Austin, Texas, on January 30, 1979.

Doc. No. 790673       Donald C. Klein, P.E.
                     Executive Director
                     Texas State Board of Registration for Professional Engineers

Proposed Date of Adoption: March 12, 1979
For further information, please call (512) 475-3141.
An agency may adopt a proposed rule no earlier than 30 days after publication in the Register, and the adoption may go into effect no sooner than 20 days after filing, except where a federal statute or regulation requires implementation of a rule on shorter notice.

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

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

Texas Department of Human Resources

24-Hour Care Licensing

Standards for Habilitative and Therapeutic Agency Homes 326.91.02

The Texas Department of Human Resources has adopted new rules to correspond with additions to the following sets of standards: Minimum Standards in Child-Placing Agencies (24-Hour Care and Adoption), Minimum Standards for Foster Group Homes, and Minimum Standards for Foster Family Homes as published in the March 24, 1978, issue of the Texas Register 3 Tex Reg 1059. The additions concern specialized care for mentally retarded and emotionally disturbed children.

The new rules will provide program and staffing requirements for foster care-related facilities serving children with specialized needs. There are currently no standards for specialized facilities serving less than 13 children. Since smaller facilities which provide care for children with specialized needs do exist, it is important to have appropriate standards that will protect the health, safety, and well-being of such children.

During the public comment period, respondents to the proposed standards asked that the term "foster family home" be replaced with specific terminology related to the specialization of care. Foster family homes providing care for mentally retarded children will be referred to as "habilitative family homes," and foster family homes providing care for emotionally disturbed children will be referred to as "therapeutic family homes." The adopted rules which follow will reflect this change in terminology.

Standards supporting the normalization principle were expanded to require involvement of children in normal patterns of community living and community educational resources.

An advocacy group asked that we include a safeguard protecting children from excessive medication and chemical restraint. Such safeguards have been added, as have safety requirements regarding the transportation of children. The latter safeguards are also due to public comment.

Respondents also asked for the deletion of the proposed standards requiring that a determination of dangerousness be made on residents. It was the consensus of those responding that children whose needs are such that they require a closed setting should not be placed in a foster family home setting.

Others asked that we include requirements that standardized tests be selected and administered so as not to be racially or culturally discriminatory. The department agrees with the concept but is unaware of any listing of culture-free tests that could be used to determine compliance with such a standard.

These rule amendments and new rules are adopted under the authority of Articles 695 a-3 and 6252-13a, Texas Revised Civil Statutes, and with the approval of the Texas Board of Human Resources.

.010. Personnel—Staffing Standards for Habilitative Agency Homes.

(a) The child-placement agency must provide staff necessary to ensure the health and safety of the children in its care. When children of different ages, developmental levels, or social needs are grouped together for any purpose, there must be sufficient staff supervision to prevent the children from abusing or mistreating one another.

(b) The child-placement agency must have a psychologist available for diagnostic, treatment, and consultation.

(1) He or she must be a psychologist as defined by the Psychologists' Certification and Licensing Act.

(2) If the psychologist is not on the staff of the child-placing agency, the psychologist must document that his or her services are available on at least a continuing consulting basis.


(a) The child-placement agency must not offer, at the same time and in the same habilitative home, two types of care that conflict with the best interests of the children, the use of staff, or the use of the home.

(b) No child can be admitted to a habilitative home exclusively serving mentally retarded children unless that child is below average in intellectual functioning and also has deficits in adaptive behavior. (See Rule 326.91.06.030 for description of these concepts.)

(1) Intellectual functioning must be determined by standardized tests for all children.

(2) The level of adaptive behavior must be determined by published scales or by a licensed psychologist who has experience with mental retardation.

.012. Child Care, Development, and Training Standards for Habilitative Agency Homes.

(a) Plan of service.

(1) Each child's intellectual functioning must be re-evaluated at least annually by a person professionally qualified to provide psychological services until the child is 10 years old and every two years thereafter.

(2) Special emotional, physical, and social needs of the child must be identified and professional consultation and treatment obtained.
(3) An educational or training plan which encourages normalization shall be developed according to the child's intellectual and social functioning. Where possible, the child shall be linked to special educational and remedial resources in the community in order to provide the child appropriate stimulation, encourage self-help skills, ego growth, and successful experiences.

(4) The service plan including the child's needs and how they will be met must be recorded in the child's record.

(b) Daily care.

(1) The daily schedule must be developed to meet children's needs and relate to the normalization principle. The schedule must show understanding of normal child development and the use of time to enhance the child's physical, emotional, and social development in order to help the developmentally disabled child obtain an existence as normal as possible. The child's surroundings and experiences must reflect normal patterns of community living as closely as possible, as appropriate for the special needs of the child.

(2) Food service practices for children, including nonmobile children, must encourage self-help and development.

(A) Children must eat or be fed in the dining area unless there are medical orders to the contrary.

(B) Infants must be held during feedings unless there are medical orders to the contrary.

(3) The habilitative home must provide supervised indoor and outdoor recreation so that every child can participate. Training programs for nonambulatory children must include physical fitness development that prescribes a variety of body positions and changes in environment unless there are medical orders to the contrary. A minimum of one hour per day of stimulation must be provided for each child.

(c) Transportation.

(1) The children shall be accompanied by a sufficient number of staff to adequately meet their needs.

(2) Special provisions shall be made for transporting nonambulatory children. When necessary, this shall include locks for wheel chairs and hydraulic lifts.

(d) Children's rights.

(1) Discipline must be consistent with the policies of the child-placing agency. There must be no cruel, harsh, unusual, or unnecessary punishment.

(A) Only foster parents or adult caregivers may discipline a child.

(B) Children must not be subjected to verbal remarks that belittle or ridicule them or their families.

(C) Children must not be denied food, mail, or family visits as punishment.

(D) Children must not be threatened with the loss of foster home placement as punishment.

(E) Discipline must fit the needs of the child.

(F) Children must not be punished by shaking, striking, or spanking.

(G) A record must be kept of the imposition of restrictions to the agency home that exceed 24 hours.

(2) Physical holding for restraint or mechanical restraints must be used only to protect the child from injury to self or others.

(A) In an emergency, only physical holding can be used unless a physician orders mechanical restraint. The nature of the emergency must be documented.

(B) The need for restraint, the type of restraint used, and the length of time the restraint was used must be recorded in the child's record.

(C) If physical holding for restraint is to be used other than in an emergency, it can be used only upon the orders of a licensed physician.

(D) Any order for physical restraint must designate the type of restraint, the circumstances, and the duration of its use.

(e) Medical care.

(1) All seizures, injuries, and abnormal occurrences must be recorded. The time of occurrence, type of incident, action taken, and person involved shall be recorded.

(2) Mind-altering and behavior modifying medications shall be administered according to the physician's directions. Each dose administered shall be documented in the child's medical record. Documentation shall include the medications given, the time, the dosage, and the name of the person administering the medication. The appropriateness of continuing the medication shall be evaluated by the physician.


(a) Health and safety. When nonambulatory children or children subject to seizures are swimming, there must be at least one foster parent or adult caregiver or volunteer for each such child in the swimming area in addition to the lifeguard on duty.

(b) Environment.

(1) Nonambulatory children and those subject to seizures must not use the top bunk of bunk beds.

(2) When a physician or other health professional recommends special equipment for physically handicapped children, the habilitative family home shall provide this equipment.

.014. Personnel Standards for Therapeutic Agency Homes.

(a) Staffing. The child-placing agency must provide staff necessary to ensure the proper care, treatment, and safety of the residents.

(1) The child-placing agency must arrange to have a person responsible for the treatment program who has a master's degree in a behavioral science or a related field, and who has had at least two years of experience working with children having problems of adaptation.

(2) The child-placing agency must arrange to obtain services of a professional consultant team which has responsibility for supervising and reviewing the needs and treatment of residents. Documentation of the services provided by these professionals and the frequency of services shall be made. This professional team must include: a licensed physician who is a psychiatrist or a physician who specializes in children with psychiatric disorders; a psychologist as defined by the Psychologists' Certification and Licensing Act; and a social worker with a master's degree in social work from a school accredited by the Council of Social Work Education.

(b) Training.

(1) The child-placing agency must provide orientation for new foster parents or adult caregivers.

(2) The child-placing agency must ensure that foster parents or adult care givers receive at least 50 hours of in-service training annually unless they have a master's degree in one of the behavioral sciences. Master-degree level staff shall document 15 hours of formalized professional growth.
.015. Admission Standards for Therapeutic Agency Homes. A written psychiatric and psychological diagnostic evaluation obtained within six months prior to admission must be included in each resident's record. The child-placing agency shall not place children in an agency home if their behavioral patterns and current needs reflect the need for placement in a closed setting.

.016. Child Care, Development, and Training Standards for Therapeutic Agency Homes.

(a) Plan of service.

1. A diagnostic assessment and treatment plan must be developed by the child-placing agency and recorded in the resident's case record within 30 days of admission.
   (A) Diagnosis, prognosis, and estimated length of treatment must be entered in the case record.
   (B) The assessment must include and document the physical, psychological, developmental/chronological age, family, social, educational, and recreational needs of the resident.
   (C) The treatment plan must specify how the needs of the resident will be met.
   (D) The objectives of treatment must be specific. The treatment plan must include specific instructions and must be shared with foster parents and adult caregivers.
   (E) The name of the person(s) responsible for meeting the resident's needs must be recorded in the case record. Specific person(s) must be responsible for the following:
      (A) the diagnostic assessment and treatment plan;
      (B) carrying out the treatment plan;
      (C) ensuring that each resident's personal needs are met.
   (F) A conference must be held to review the treatment plan at least every three months. This conference must include a representative of the child-placing agency, a foster parent or adult caregiver, and at least one of the professionals required by Section (a) of Rule .014.
      (A) The review, all pertinent information, and persons involved in the review must be documented in the case record.
      (B) When a treatment plan has been reviewed, appropriate information must be shared with the parents or managing conservator, foster parents, adult caregivers working with the resident, and the resident. This must be documented in the case record.
   (G) A complete, revised treatment plan shall be developed annually by the child-placing agency and reviewed by the professional team. This plan shall include a discharge plan.

(b) Community relationships. The child-placing agency must provide opportunities for residents to participate in community life. Opportunities shall include recreational and social activities outside the home, as well as informal educational and cultural experiences.

(c) Residents' Rights.

1. Discipline must be consistent with the policies of the child-placing agency and must not be physically or emotionally damaging. There must be no cruel, harsh, unusual, or unnecessary punishment.
   (A) Only foster parents or adult caregivers can discipline residents.
   (B) Residents must not be subjected to verbal remarks that belittle or ridicule them or their families.
   (C) Residents must not be denied food, mail, or family visits as punishment.
   (D) Discipline must fit the needs of each resident.
   (E) Residents must not be punished by shaking, striking, or spanking.
   (F) A record must be kept of the imposition of restrictions to the agency home that exceed 24 hours.
   (G) Residents must not be threatened with the loss of foster home placement as punishment. Potential moving to a more restrictive setting must be presented as an opportunity for healthier growth.

2. Physical holding for restraint can be used only in an emergency and when necessary to protect the resident from injury to self or others. When physical restraint is used, the circumstances, including the length of time the restraint was used, must be documented in the resident's record.

(d) Medical care. Mind altering and behavior-modifying medications shall be administered according to the physician's directions. Each dose administered shall be documented in the child's medical record. Documentation shall include the medications given, the time, the dosage, and the name of the person administering the medication. The appropriateness of continuing the medication shall be evaluated by the prescribing physician on at least a quarterly basis.

Issued in Austin, Texas, on January 31, 1979.

Doc. No. 790670  Jerome Chapman Commissioner Texas Department of Human Resources

Effective Date: February 21, 1979
For further information, please call (512) 475-4601.

Texas State Board of Medical Examiners

Foreign Medical School Graduates
386.04.00

Under the authority of Articles 4496 and 4509, Texas Civil Statutes, the Texas State Board of Medical Examiners has adopted Rules 386.04.00.001-.002 to read as follows:

.001. Requirements for Licensure.

(a) Applicants must be fingerprinted.

(b) Applications must be certified by the school of graduation, and the signatures and school seal must be verified by the United States Consul in the district in which the school is located, or the applicants must furnish other documents satisfactory to the board.

(c) Applications submitted must have the medical school seal imprinted on the applicant's photographs, or the applicants must furnish other documents satisfactory to the board.
(d) Applicants who are ECFMG-certified and possess current state medical licenses in the United States by written examination may apply for licensure by reciprocity.

(e) Applicants who are ECFMG-certified and do not possess state medical licenses in the United States by written examination are eligible to apply for licensure by examination. Foreign graduate candidates applying for licensure by examination must appear before the board for personal interviews and present their original credentials for inspection when their applications are considered for admittance to the examination.

(f) Only those foreign graduates who are applying for a license by reciprocity whose applications are not in order must appear before the full board for personal interviews and present their original credentials for inspection. Foreign graduates applying for a license by reciprocity whose applications are in order must appear at the board office for personal interviews and present their original credentials for inspection.

(g) ECFMG certification may be waived for foreign medical graduates who are either American board-certified in a specialty or hold certification validated by an American specialty board that such applicant’s foreign specialty board certificate is comparable to the American board certificate and have current state medical licenses in the United States by written examination.

(h) ECFMG certification shall be waived for foreign medical graduates who have current state medical licenses in the United States by written examination if they received their license in the reciprocating state prior to June 20, 1960, the date ECFMG certification was made a requirement in Texas.

(i) Foreign medical graduates must possess their original medical diplomas, or they must have documents satisfactory to the board.

(j) Eligibility for licensure for all foreign medical graduates will be determined by the board on an individual basis.

(k) Foreign medical graduates must file their completed applications with the board office 90 days prior to the board meeting date for a license by reciprocity and 90 days prior to the board meeting date for admission to the examination. Applications must be complete in every detail 60 days prior to the meeting or exam date.

(l) Foreign-born medical graduates who have obtained temporary state medical licenses in the United States by written examination, because they do not have their full citizenship, are eligible to apply for a license by reciprocity with that state.

(m) Physicians licensed in Puerto Rico after June 30, 1965, are not eligible to apply for licensure by reciprocity with Puerto Rico unless such license was obtained by the FLEX examination. Physicians licensed in the Canal Zone, Virgin Islands, and Guam are eligible to apply for licensure by reciprocity if such license was obtained by the FLEX examination.

(n) Foreign medical graduates applying to the Texas State Board of Medical Examiners under the “Fifth Pathway Program” (Article 4501b), Revised Civil Statutes of Texas must present proof satisfactory to the board that the applicant has passed the examination given by the Educational Council for Foreign Medical Graduates, and complied with other provisions of this article.


(a) Canadian medical graduates who have current Canadian provincial licenses by written examination are eligible to apply for licensure by endorsement with that province. They are required to appear for personal interviews at the board office and present their original documents to the board secretary for inspection.

(b) Foreign medical graduates who are ECFMG-certified or American board-certified in a specialty or hold certification validated by an American specialty board that such applicant’s foreign specialty board certificate is comparable to the American board certificate and have current Canadian provincial licenses by written examination are eligible to apply for licensure by endorsement with that province. They must appear at the board office for personal interview and present their original documents for inspection.

Issued in Austin, Texas, on February 1, 1979.

Doc. No. 790711 A. Bryan Spies, Jr., M.D.
Secretary-Treasurer
Texas State Board of Medical Examiners

Effective Date February 23, 1979
For further information, please call (512) 474-6335.

Railroad Commission of Texas
Oil and Gas Division
General Conservation of Statewide
Application 051.02.02

The Railroad Commission of Texas has amended Rules 051.02.02 .009, .009, 010, 026, 054, 058, 069, 072, and 079 pursuant to Article 6252-13a, Texas Revised Civil Statutes Annotated (Vernon Supplement 1978-1979), and Title 3, Texas Natural Resources Code Annotated (Vernon 1978). The notices of the proposed amendments were published in the December 22, 1978, issue of the Texas Register (3 TexReg 44691), and the adoptions were made with no change of text from the proposed amendments.

.009. Salt Water Disposal Well Applications. The commission shall grant permits for salt water disposal without notice and hearing, provided the operator fulfills the following requirements:

(1) (No change)

(2) Before such formations are approved for disposal use, the applicant shall ascertain whether or not the formations are separated from fresh water formations by impervious beds which will give adequate protection to such fresh water formations and must submit a letter from the Texas Department of Water Resources, Austin, Texas, stating that the use of such formation will not endanger the fresh water strata in that area and that the formations to be used for salt water disposal are not fresh water bearing sands.

(3) (No change)

.010. Restriction on Production of Oil and Gas from Different Strata. No well shall be permitted to produce oil or gas from different strata through the same string of casing.

(No change)

.026. Separating Devices and Tanks.

(a) Where oil and gas are found in the same stratum and it is impossible to separate one from the other, or when a
well has been classified as a gas well and such gas well is not connected to a cycling plant and such well is being produced on a lease and the gas utilized under Section 86.181-86.185 (Texas Natural Resources Code), the operator shall install a separating device of approved type and sufficient capacity to separate the oil or liquid hydrocarbons from the gas, which separating device shall be kept in place as long as a necessity therefor exists, and, after being installed, such device shall not be removed nor the use thereof discontinued without the consent of the commission. All oil and any other liquid hydrocarbons as and when produced shall be adequately measured according to the pipe line rules and regulations of the commission before the same leaves the lease from which they are produced, and sufficient tankage and separator capacity shall be provided by the producer to adequately take daily gauges of all oil or any other liquid hydrocarbons.

(b)(d) (No change.)

.044. Oil Nominations Required. On or before the fifth working day prior to a commission-called hearing for determination of the market demand for crude oil produced in the State of Texas, or at such time as the commission may choose, each purchaser for crude oil shall indicate its nomination for same on the appropriate form T-2A. The nominations shall be in daily average barrels for the period indicated on the form. Actual purchases shall be furnished as indicated by the instructions on the form.

.054. Gas Reports Required.
(a) Gas processing plant report. As soon after the first day of each calendar month as practicable, and never later than the 25th day of each calendar month, the operator of each plant manufacturing or extracting liquid hydrocarbons, including gasoline, butane, propane, condensate, kerosene, or other derivatives from natural gas, or refinery or storage vapors, shall file, in duplicate, in the Austin office, a report concerning the operation of the plant during the immediately preceding month, which must contain the data and information required on the form.
(b)(c) (No change.)
(d) Producer’s report of condensate and/or crude oil produced from gas wells. As soon as practicable after the first day, and never later than the last day of the calendar month, subsequent to the period of the report, the operator of each gas well from which liquids are recovered on the lease shall file the required form.
(e) (No change.)
(f) Monthly gas production report. As soon after the first day of each month as practicable, and never later than the last day of the calendar month, subsequent to the period of the report, every operator producing natural gas from wells classified as either gas wells or oil wells by the commission, except those expressly exempted by the commission, shall file a report on the required form.

.058. Oil, Gas, or Geothermal Resource Producer’s Reports.
(a) Producer’s certificate of compliance and authorization.
(1) Each operator who is a producer of crude oil or natural gas is required to file in the district office a report for each of his producing properties on the required form, certifying that the producer has complied with the conservation laws and the oil, gas, and geothermal resources conservation orders, rules, and regulations of the commission in respect to each property. When the report is filed, it authorizes a gatherer (whether the producer or someone else) to transport the oil, gas, or geothermal resources from such property. Each producer of crude oil, natural gas, or geothermal resource is required to comply with the instructions given on the appropriate form.
(2) (No change.)
(b) Monthly producer’s report (oil and geothermal resources). For each calendar month, each operator who is a producer shall file with the commission the required form for each of his producing leases. On or before the last day of the month subsequent to the period of the report, the producer shall file an original and one copy of each form, the original to be filed in the Austin office, and one copy with the transporter and/or gatherer taking the oil or geothermal resources from the lease.
(c) (No change.)

.069. Out-of-State Sale of Gas Produced from Publicly Owned and Leased Minerals. The operator producing gas for sale from a lease executed pursuant to Sections 52.291-296, Texas Natural Resources Code (publicly owned minerals), shall not sell or contract for sale of such gas to any person, corporation, or other entity for ultimate use outside the State of Texas unless and until the Railroad Commission, after due notice and hearing, grants an exception as provided by law.
(1) (No change.)
(2) An exception may be granted exempting the publicly owned mineral tracts from all provisions of Sections 52.291-296, Texas Natural Resources Code, after proof is made at a hearing that:
(A) the enforcement of the law would cause physical waste; or
(B) the enforcement of the law would unreasonably deny to the lessee the opportunity to economically produce hydrocarbons from the lands subject to the lease in question.

.072. Obtaining Pipe Line Connections.
(a) A common carrier pipe line transporting crude oil in Texas, upon application for connection and offer of crude oil by a producer or persons owning unconnected lease batteries, shall connect such lease batteries in the following instances: (1) when such request is made for connection of lease batteries in the general area served by a common carrier, which is an affiliate or subsidiary of a common carrier, as defined in Section 111.081, Texas Natural Resources Code, and (2) within individual fields, when any common carrier possesses the only pipe line serving such field or common reservoir and request is made for connection of an unconnected lease battery in the field, provided, that for just cause a common carrier pipe line may apply for an exception. If proper application has been made for such connection and the common carrier pipe line refuses to connect the unconnected lease battery, a complaint for failure to connect may be filed with the commission by the person seeking the connection. The complaining person may allege discrimination or noncompliance with the above rules or the appropriate section(s) of the Texas Natural Resources Code.
(b) Whether the matter comes to the commission either as an application for exception by the pipe line or on a complaint for failure to connect, at least 10 days’ notice shall be given to all interested parties, after which the hearing shall be held. At the hearing, the commission may require and consider, among other factors, evidence relating to ability of the pipe line carrier to transport the quality of oil, the market

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or lack of market for the proffered oil, and the period required to return the capital investment for the connection.

It is not its intention to limit, nor does the commission herein limit, the consideration by it of any facts with respect to a claim of violation of, or of any facts that may constitute a cause of action for violation of, any of the provisions of Sections 11.001-136. Texas Natural Resources Code, whether enumerated above or not.

.079 Definitions.
11-(8) (No change.)

9) "Exploratory well" means any well drilled to a depth greater than the existing fresh water strata, as determined by the Texas Department of Water Resources, for the purpose of securing geological or other information which may be obtained by penetrating the earth with a drill bit, coring equipment, and similar tools, and includes what is commonly referred to in the industry as "slim hole tests" or "core hole tests" and the like.

(10)-(125) (No change.)
(26)(A) (No change.)

(B) A geopressed aquifer is a water-bearing zone with a pressure gradient in excess of .5 pounds per square inch per foot and a temperature gradient in excess of 1.6°F per 100 feet of depth.

Issued in Austin, Texas, on January 29, 1979.

Doc. No. 790696 John Poerner
Chairman
Railroad Commission of Texas

Effective Date: February 23, 1979
For further information, please call (512) 475-3256.

Volume 4, Number 11, February 9, 1979
The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the Register. Each notice published includes an agenda or a summary of the agenda as furnished for publication by the agency and the date and time of filing. Notices are posted on the bulletin board outside the offices of the secretary of state on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the Register.

Texas Air Control Board

**Tuesday, March 13, 1979, 7 p.m.** An examiner for the Texas Air Control Board will conduct a compliance hearing at Freeport Community House, 1300 West Second Street, Freeport, with regard to A. P. Green Refractories Company, Freeport. As summarized on the agenda, the hearing concerns the assertion that emissions of particulates from the operation of the retraction material production facilities violate Sections 4.01(b) of the Texas Clean Air Act and Rules 131.03(3)(b), 131.03(3)(c), and 131.03(3)(e) of the Texas Air Control Board.

Additional information may be obtained from Lucinda Schumm, 8520 Shoal Creek Boulevard, Austin, Texas 78758, telephone (512) 451-5711, extension 353.

Filed: February 5, 1979, 9:49 a.m.
Doc. No. 790732

Tuesday, March 20, 1979, 7 p.m. An examiner for the Texas Air Control Board will conduct a contested case hearing at Buda Elementary School cafeteria, San Marcos School Street, Buda. As summarized on the agenda, the board will consider the application by Texas Cement Company, located near Buda in Hays County, for a permit to modify the existing facility in order to expand the existing facility by 1,375 tons of clinker per day to 2,750 tons of clinker per day. (Permit C-6758), and the assertion that the Texas Cement Company’s emissions of particulate matter from the operation of the existing facilities violate Rule 131.03(05)(002)(b) and/or Rule 131.01(00)(005) of the Texas Air Control Board.

Additional information may be obtained from Lucinda Schumm, 8520 Shoal Creek Boulevard, Austin, Texas 78758, telephone (512) 451-5711, extension 353.

Filed: February 5, 1979, 9:49 a.m.
Doc. No. 790733

Tuesday, March 27, 1979, 7 p.m. An examiner for the Texas Air Control Board will conduct a permit hearing at the City Community Center, San Gabriel Park, Georgetown. As summarized on the agenda, the board will consider Applications C-7055, C-7056, C-7057, and C-7057A by Lone Star Industries, Inc., for a portland cement plant near Georgetown and, specifically, the assertion that the proposed facility would have the adverse and unnecessary effect of causing a condition of air pollution in contravention of the intent of the act.

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

Filed: February 5, 1979, 9:49 a.m.
Doc. No. 790734

Texas Commission for the Deaf

**Saturday, February 10, 1979, 9 a.m.** The Board of the Texas Commission for the Deaf will meet in emergency session in Room 100-B of the John H. Reagan Building, Austin. Agenda items include: an open forum; an executive session on the board’s action on Carl P. Roberts and the starting date of the interim executive director’s renumeration; reconsideration of the board’s action on Mr. Roberts and a vote on his letter of resignation; a discussion and vote on the starting date of the interim executive director’s renumeration; report by Search Committee on budgetary recommendations; presentation of pending legislative bills affecting the deaf; financial report of the commission; and discussion of agenda items, time, and place for next meeting.

Additional information may be obtained from Joan Boerger Fowler, P.O. Box 12904, Austin, Texas 78711, telephone (512) 475-2492.

Filed: February 2, 1979, 3:32 p.m.
Doc. No. 790717

East Texas State University

**Friday, February 16, 1979, 9 a.m.** The Board of Regents of East Texas State University will meet in the board’s conference room, East Texas State University, Commerce. As summarized on the agenda, the board will vote on matters concerning the following: 1978-79 budget adjustments for ETSU-Commerce and ETSU-Texarkana; approval of small class report for both campuses; approval of faculty workload for both campuses; approval of Policy No. II 44; approval of vending contract; distribution schedule—building use fee; transfer of excess bond revenue funds; Policy No. IV D 26; authorization to award distinguished alumnus and distinguished alumna; authorization to employ Lawrence D. White, associate, to design a student lounge for ETSU-Texarkana; and option on land.

Additional information may be obtained from Charles Morrow, East Texas State University, Commerce, Texas, telephone (214) 886-5026.

Filed: February 5, 1979, 11:14 a.m.
Doc. No. 790737
Office of the Governor

Friday, February 9, 1979, 9 a.m. The Criminal Justice Division Advisory Board of the Governor's Office will meet in Room 118 of the Stephen F. Austin Building, Austin, to consider action grant applications as summarized on the agenda.

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

Filed: February 1, 1979, 3:36 p.m.
Doc. No. 790685

State Board of Insurance

Monday, February 5, 1979, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance conducted a hearing in emergency session in Room 343, 1110 San Jacinto, Austin, to determine whether the applicant, First American Title Insurance Company, Santa Ana, California, should be a party to a hearing concerning the control of Security Title and Trust Company by Dan F. Purman, Carl H. Pfeiffer, and First American Title of San Antonio, Inc., and to show good cause on the applicant's motion for issuance of commission to take depositions and authorize subpoenas duces tecum.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78701, telephone (512) 475-4353.

Filed: February 2, 1979, 9:23 a.m.
Doc. No. 790692

Wednesday, February 7, 1979, 10 a.m. An addition was made to the agenda of a meeting of the State Board of Insurance held in Room 408, 1110 San Jacinto, Austin, to consider the road security policy filed by Insurance Company of North America.

Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78701, telephone (512) 475-2950.

Filed: February 5, 1979, 9:28 a.m.
Doc. No. 790727

Lamar University

Thursday, February 8, 1979, 9:30 a.m. The Board of Regents of Lamar University met in the Spindletop Room at the Gray Library on the main campus, Beaumont. As summarized, agenda items considered included: budget and personnel reports and president's reports; building and grounds reports; journal entries and monthly financial statements for December; resolution authorizing sale of stock; policy of fee schedules for utilization of university facilities by nonuniversity organizations; increase of summer orientation fee; housing project analysis; small class reports and faculty teaching load; and faculty development recommendations. An executive session was also held.

Additional information may be obtained from Andrew J. Johnson, P.O. Box 10004, I.U.S., Beaumont, Texas 77710, telephone (713) 838-7533.

Filed: February 5, 1979, 11:23 a.m.
Doc. No. 790738

Midwestern State University

Friday, February 9, 1979, 6:30 p.m. The Athletics Committee of the Board of Regents of Midwestern State University will meet in emergency session in Room 108 of the Hardin Administration Building, Midwestern State University, Wichita Falls. The summarized agenda includes a report on the progress of the athletics study; consideration of the purchase of portable bleachers; the athletics' income report as of January 24, 1979; and discussion of a contract for a scoreboard for soccer and intramural sports.

Additional information may be obtained from Dr. Gerald Stockton, Midwestern State University, Wichita Falls, Texas 76308, telephone (817) 692-6611, extension 301.

Filed: February 5, 1979, 11:14 a.m.
Doc. No. 790736

Texas Parks and Wildlife Department

Tuesday, February 20, 1979, 2 p.m. The Fisheries Division/Resource Protection Branch of the Texas Parks and Wildlife Department will meet in Room A-200, 4200 Smith School Road, Austin. Consideration will be given to the application of Fort Bend County Levee Improvement District No. 2 for a permit to remove approximately 1,450 cubic yards of marl (total) by means of draglines and bulldozers from the Brazos River. The proposed excavation is for ditch outfall to be located approximately 2.5 miles downstream from the U.S. Highway 59 crossing near Sugarland in Fort Bend County. The dredged material will be sold for fill or spread on the applicant's upland property. Adjacent property owners are the Texas Department of Corrections, W. S. Frost, and J. M. Frost.

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

Filed: February 2, 1979, 3:39 p.m.
Doc. No. 790721

Public Utility Commission of Texas

Monday, February 12, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The summarized agenda includes consideration of Docket No. 2401 on the inquiry by the commission into Markout Water Supply Corporation's refusal to serve every consumer within its certificate service area.

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

Filed: February 2, 1979, 9:23 a.m.
Doc. No. 790689

Wednesday, February 14, 1979, 9:30 a.m. The Hearings Division of the Public Utility Commission of Texas has rescheduled a hearing on Docket No. 2242 in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The summarized agenda includes consideration of the application of General Telephone Company of the Southwest for a cease and desist order against South Plains Telephone Cooperative, Inc., within Hockley County. The hearing has been rescheduled from February 12, 1979.

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

Filed February 5, 1979, 9:28 a.m.
Doc No. 790720

Thursday, February 15, 1979, 2 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The summarized agenda includes consideration of Docket Nos. 2236, 2237, 2258, and 2340, the applications of Ranch Radio, Inc., to amend its certificate of convenience and necessity to provide radio-telephone service in Colorado, Wharton, Lavaca, Victoria, Calhoun, Dewitt, Goliad, Jackson, and Refugio Counties.

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

Filed February 2, 1979, 3:39 p.m.
Doc No 790719

Thursday, February 15, 1979, 3 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The summarized agenda includes consideration of Docket No. 2243, the application of Autophone of San Antonio, Inc., et al. to transfer and amend certificates of convenience and necessity in Bexar, Atascosa, Frio, Medina, Bandera, Kern, Kendall, Comal, Guadalupe, Wilson, Blanco, Hays, Caldwell, and Gonzales Counties.

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

Filed: February 2, 1979, 3:39 p.m.
Doc. No. 790718

Thursday, February 15, 1979, 4 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The summarized agenda includes consideration of Docket No. 2290, the application of Sanderson Communications Company to amend its certificate of convenience and necessity to provide telephone service in Val Verde, Crockett, Terrell, Sutton, and Edwards Counties.

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

Filed: February 2, 1979, 3:39 p.m.
Doc. No. 790720

Friday, February 16, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The summarized agenda includes consideration of Docket No. 2137, the application of Childress Creek Water Supply Corporation for a rate increase within Bosque and McLennan Counties.

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

Filed February 5, 1979, 9:28 a.m
Doc No 790729

Tuesday, February 20, 1979, 2 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The summarized agenda includes consideration of Docket No. 2118, the application of King-Cottle Water Supply Corporation for authority to change rates in Cottle, King, and Foard Counties.

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

Filed February 5, 1979, 9:28 a.m.
Doc. No. 790730

Tuesday, February 27, 1979, 9:30 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The summarized agenda includes consideration of Docket No. 2371, the petition of Westworth Water Company for review of a rate-setting ordinance passed by the City of Westworth Village within Tarrant County.
Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.  
Filed: February 1, 1979, 3:36 p.m.  
Doc No: 790686

Wednesday, February 28, 1979, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The summarized agenda includes consideration of Docket No. 2203, the application of Crystal Springs Water Company for a rate increase within Montgomery County. The hearing has been rescheduled from February 8, 1979.  
Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.  
Filed: February 2, 1979, 9:23 a.m.  
Doc No: 790909

Monday, March 12, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing on Docket No. 2380 in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The summarized agenda includes consideration of the application of Kimble Electric Cooperative, Inc., for a rate increase within Kimble, Edwards, Sutton, Menard, Real, Kerr, and Mason Counties.  
Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.  
Filed: February 2, 1979, 9:23 a.m.  
Doc No: 790969

Wednesday, March 14, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The summarized agenda includes consideration of Docket No. 2392, the application of Vacation Village Water Company for a certificate of convenience and necessity and to partially decertificate the City of Denton within Denton County.  
Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.  
Filed: February 5, 1979, 9:28 a.m.  
Doc No: 790731

Railroad Commission of Texas

Monday, February 5, 1979, 9 a.m. An emergency meeting of the Transportation Division of the Railroad Commission of Texas was held in the 10th floor conference room of the E.O. Thompson Building, 10th and Colorado, Austin. The agenda included consideration of an extension of emergency Rule 051 03:02 019, Emergency Temporary "Edible Beef Tail" Authority. The emergency extension was considered on less than seven days' notice, according to the commission, because it had been alleged that Iowa Beef Processors, Inc., employing approximately 2,500 people in Amarillo, would close if the requested emergency authority were not granted immediately.  
For more information, contact John Soule, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-4738.  
Filed: February 2, 1979, 11:41 a.m.  
Doc No: 790706

Monday, February 5, 1979, 9 a.m. An emergency addition was made to the meeting of the Transportation Division of the Railroad Commission of Texas held in the 10th floor conference room of the E.O. Thompson Building, 10th and Colorado Streets, Austin. The addition was consideration of extension for filing motion for a rehearing of the application of Jack H. Gillespie, Docket No. 035523A1N. Consideration on less than seven days' notice was necessary, according to the commission, because the motion was filed on January 30, 1979, and the deadline for the motion was February 6, 1979; this would not have allowed sufficient time for publication and consideration of the matter under the time required by the Texas Open Meetings Act.  
Additional information may be obtained from John G. Soule, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-4738.  
Filed: February 2, 1979, 11:40 a.m.  
Doc No: 790707

Monday, February 12, 1979, 9 a.m. The Automatic Data Processing Division of the Railroad Commission of Texas will meet in the E.O. Thompson Building, 10th and Colorado Streets, Austin. The division will discuss an interagency contract between the commission and the Texas Department of Water Resources for use of a 3275 CRT with keyboard and a 3284 printer.  
Additional information may be obtained from David Garlick, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-4416.  
Filed: February 2, 1979, 11:42 a.m.  
Doc No: 790702

Monday, February 12, 1979, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the E.O. Thompson Building, 10th and Colorado Streets, Austin. As summarized on the agenda, the division will consider the following items: flaring gas; special allowable, productive acreage; a permit to operate a mud and waste storage station; Rule 47 cases; proper pluffmings, exceptions to Statewide Rule 10; notice of a re-opened hearing for adoption of net gas-oil ratio rule, adoption of net gas-oil ratio rule, amendment of field rules; admissions of field rules; gas field rules; review of temporary field rules; new oil and gas discoveries; exceptions to Statewide Rules 14-B(2), 11, and 8(0); and the director's report. An executive session will be held on litigation and personnel matters.  
Additional information may be obtained from Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-3003.  
Filed: February 2, 1979, 11:41 a.m.  
Doc No: 790703
Monday, February 12, 1979, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the E. O. Thompson Building, 10th and Colorado Streets, Austin. As summarized on the agenda, the division will consider category determinations under Sections 162(e)(1)(B), 21.111(C), 103, 107, and 108 of the Natural Gas Policy Act of 1979.

Additional information may be obtained from Linda D. Carr, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-0261.

Filed: February 2, 1979, 11:40 a.m.
Doc. No. 790704

Monday, February 12, 1979, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in the E. O. Thompson Building, 10th and Colorado Streets, Austin. As summarized on the agenda, the division will consider the request of the City of Nassau Bay for commission assistance in reviewing proposed rate increases by Entex Inc. and Gas Utilities Dockets 1676, 1705, 1822, 1883, word processing matters, and the director’s report. An executive session to consider litigation and personnel matters will also be held.

Additional information may be obtained from Joy Wood, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-2747.

Filed: February 2, 1979, 2:31 p.m.
Doc. No. 790713

Office of the Secretary of State

Thursday, February 8, 1979, 2 p.m. The State Canvassing Board of the Secretary of State’s Office met in emergency session in Room 125 of the Secretary of State’s Office in the State Capitol. This official meeting was held to canvass returns of the special election in State Representative District 56 held on February 3, 1979.

Additional information may be obtained from Milton Malloy, P.O. Box 12887, Austin, Texas 78711, telephone (512) 475-3091.

Filed: February 2, 1979, 1:50 p.m.
Doc. No. 790712

University of Texas System

Wednesday-Friday, February 7-9, 1979. The Board of Regents of the University of Texas System conducted a three-day meeting as indicated on the following agenda:

Wednesday, February 7
6 p.m.—regents’ meeting room on the 9th floor of Ashbel Smith Hall, 201 West 7th Street, Austin—board meeting
6:30 p.m.—Bauer House, 1909 Hill Oaks Court, Austin—Committee of the Whole (executive session)

Thursday, February 8
10:45 a.m.—fourth floor conference room in O. Henry Hall, 601 Colorado Street, Austin—meeting of Subcommittee on Hospitals of Health Affairs Committee
11 a.m.—Bauer House—Committee of the Whole (executive session)
2 p.m.—9th floor of Ashbel Smith Hall—board meeting followed by meeting of Buildings and Grounds Committee
6:30 p.m.—Bauer House—Committee of the Whole (executive session)

Friday, February 9
9 a.m.—Ashbel Smith Hall—board meeting followed by committee meetings.

As summarized, agenda items for the various meetings include: executive sessions to interview finalists for U.T. Austin presidency; discuss pending litigation and land acquisitions for U.T. El Paso, University Cancer Center, and U.T. San Antonio; and select president for U.T. Austin; consideration of buildings and grounds matters; approval of minutes for November 30 through December 1, 1978, and January 6, 1979; revision of regents’ rules and regulations; modifications to (1) minimum faculty teaching requirements, (2) 1978-79 operating budgets, and (3) U.T. Austin declaration of trust for student publications; chancellor’s docket; appointments of endowed professors; requests to Coordinating Board for degree programs; procedures for compliance with...
hospita l accreditation requirements; proposed model affiliation agreements; proposed affiliation agreements not based on model: research agreements; acceptance of gifts, bequests, and estates: 1979-80 personnel pay plan and budget policies; renaming of Drama Building: patent provisions with Control Data Corporation and Exxon Research and Development Laboratories; outside employment: Houston Health Science Center, development boards and advisory councils for U.T. System, Austin, Permian Basin, and Houston Health Science Center; report of gifts accepted between December 1 and December 31, 1978.

Additional information may be obtained from Betty Anne Thedford, Box N, U.T. Station, Austin, Texas 78712, telephone (512) 471-1265.

Filed: February 2, 1979, 1:09 p.m.
Doc. No. 790705

Texas Water Commission

Monday, February 12, 1979, 9 a.m. The Transportation Division of the Railroad Commission of Texas will meet in the 10th floor conference room of the E. O. Thompson Building, 10th and Colorado Streets, Austin. As summarized on the agenda, the commission will consider the following types of applications: rate, rate, consolidate authority, divide authority, new authority, reinstatement, sell authority, truck rate, and voluntary suspension.

Additional information may be obtained from John G. Soule, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-4738.

Filed: February 2, 1979, 11:40 a.m.
Doc. No. 790708

Monday, February 12, 1979, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The summarized agenda includes consideration of the following: applications for district bond issues, an application to increase bond issue; an application for release from escrow, a petition to determine directors, an order adjudicating certified filing, an examiner's proposal for decision on water quality matters; applications for amendments to water permits; applications for water rights permits and amendments, an extension of time on construction, and setting of hearing dates on applications.

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

Filed: February 2, 1979, 2:38 p.m.
Doc. No. 790714

Tuesday, February 13, 1979, 9 a.m. The Texas Water Commission will conduct a hearing in Room 119 at the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the hearing concerns an application by the City of Fredericksburg, P.O. Box 111, Fredericksburg, Texas 78624, for an amendment to Permit No. 10171 to accommodate plant expansion.

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

Filed: February 2, 1979, 5 p.m.
Doc. No. 790722

Tuesday, February 13, 1979, 9 a.m. The Texas Water Commission will conduct a hearing in Room 119 at the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the hearing concerns an application by the City of Eagle Pass, P.O. Box C, Eagle Pass, Texas 78552, for an amendment to Permit No. 10406 to accommodate plant expansion.

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

Filed: February 2, 1979, 5 p.m.
Doc. No. 790723

Tuesday, February 13, 1979, 9 a.m. The Texas Water Commission will conduct a hearing in Room 119 at the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the hearing concerns an application by the City of Midland (Plant No. 1), P.O. Box 1152, Midland, Texas 79701, for an amendment to Permit No. 10223 to accommodate plant expansion.

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

Filed: February 2, 1979, 4:59 p.m.
Doc. No. 790724

Tuesday, February 13, 1979, 9 a.m. The Texas Water Commission will conduct a hearing in Room 119 at the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the hearing concerns an application by Mobil Oil Corporation, P.O. Box 3511, Beaumont, Texas 77704, for a permit to drill and operate an industrial waste disposal well in Jefferson County.

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

Filed: February 2, 1979, 4:59 p.m.
Doc. No. 790725

Tuesday, February 13, 1979, 9 a.m. The Texas Water Commission will conduct a hearing in Room 119 at the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the hearing concerns an application by Fred Harr (Palacios Seafood Company), P.O. Box 836, Palacios, Texas.
77465, for a permit to authorize a discharge of a volume of wastewater not to exceed a maximum of 50,000 gallons per month from its shrimp processing plant.

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

Filed: February 2, 1979, 4:59 p.m.
Doc. No. 790726

Regional Agencies

Meetings Filed February 2, 1979

The Brazos River Authority, Board of Directors, met in the Gemini Room at the Airport Marina Hotel, Dallas-Fort Worth Regional Airport, on February 6, 1979, at 11 a.m. Further information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76710, telephone (817) 776-1411.

The Education Service Center, Region V, Board of Directors, met in the board room, 2900 North Street, Beaumont, on February 7, 1979, 2 p.m. Further information may be obtained from Dr. Fred J. Waddell, 2900 North, Beaumont, Texas 77704, telephone (713) 892-9562.

Doc. No. 790693

Meetings Filed February 5, 1979

The Angelina and Neches River Authority, Board of Directors, met in the T.V. Room at the Rex Club in the Angelina Hotel, Lufkin, on February 8, 1979, at 11 a.m. Further information may be obtained from William A. Elmore, P.O. Box 387, Lufkin, Texas 75901, telephone (713) 632-7795.

The Brazos Valley Development Council, Executive Committee, will meet in the Medallion Room at the Bryan Utilities Building, 300 South Washington, Bryan, on February 15, 1979, at 1:30 p.m. Further information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77801, telephone (713) 822-7421.

The Education Service Center, Region 18, Board of Directors, met at the Region 18 Education Service Center air terminal, LaForce Boulevard, Midland, on February 8, 1979, at 7:30 p.m. Further information may be obtained from Dr. J. W. Donaldson, P.O. Box 6020, Midland, telephone (915) 563-2380.

The Nortex Regional Planning Commission, Executive Committee, will meet at the McBride Land and Cattle Company, 501 Scott Street, Wichita Falls, on February 15, 1979, at noon. Further information may be obtained from Edwin B. Daniel, 2101 Kemp, Wichita Falls, Texas 76309, telephone (817) 322-5281.

The Permian Basin Regional Planning Commission, Board of Directors, will meet in the conference room at the Air Terminal Office Building, Midland, on February 14, 1979, at 1:30 p.m. Further information may be obtained from Kathy Ferron, P.O. Box 6391, Midland, Texas 79701, telephone (915) 563-1061.

The South Texas Development Council, Board of Directors, will meet in the courtroom at the county courthouse, Zapata, on February 14, 1979, at 4:30 p.m. Further information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78041, telephone (512) 722-3995. The South Texas Area Agency on Aging will meet at the Nutrition Site, 420 East Main, Rio Grande City, on February 22, 1979, at 1 p.m. The agency will meet at the Elderly Feeding Program Building, Laredo International Airport, Cherry and Cactus Streets, Laredo, on February 26, 1979, at 1 p.m. Further information on the meetings may be obtained from Adriana Rodriguez, P.O. Box 2187, Laredo, Texas 78041, telephone (512) 722-3995.

The South Texas Health Systems Agency, Bylaws Committee, Lower Rio Grande Valley Subarea Health Advisory Council, will meet at the Rodeway Inn Restaurant, Expressway and Mile 2 W. Mercedes, on February 14, 1979, at noon. Further information may be obtained from Fidel Pizana, Texas A & I University, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545. The Coastal Bend Subarea Health Advisory Council will meet at the Greenwood Senior Community Center, 4040 Greenwood, Corpus Christi, on February 14, 1979, at 7:30 p.m. Further information may be obtained from Douglas Wilkey, Texas A & I University, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

Doc. No. 790739
Legislative Report

The legislative coverage in the Register will include notices on the introduction of each of the approximately 4,000 bills expected during the 140-day session. The legislative report will focus on proposed bills and resolutions which, if passed, will have a major impact on issues of concern to citizens on a statewide basis. Organized according to content, the coverage includes legislation regarding energy, environment, education, human services (health and welfare), insurance, economic development, taxes, criminal justice, state and local government, elections, constitutional revision, and consumer affairs. Also to appear in this section will be notices of committee meetings and a bill status list which will indicate the latest action on bills covered in the report.

Bills introduced and referred to committee, House and Senate meeting notices, and confirmations of gubernatorial appointments appear in this issue.

Environment

HB 726 (Environmental Affairs), regarding the Texas Air Control Board, would require the board to include five members who represent the public interest. This bill would also allow the TACB to adopt rules on charging and collecting fees for permits and variances, and would amend the definition of air contaminant to include radioactive material.

Education

Several proposals regarding financing of public schools and higher education have been referred to subcommittees. HB 45 and HB 46 (Ways and Means), both concerning the School Property Tax Relief Act, were referred to subcommittee on January 31 and January 30, respectively. Efforts to repeal the ad valorem tax used for higher education (SRJ 3, SJR 7, SJR 15, and SJR 26) were referred to a subcommittee of the Senate Education Committee on January 31.

Two other bills regarding public education were introduced. HB 727 (Public Education), similar to SB 307 (Education), would allow the state to provide adopted textbooks to certain nonpublic schools without cost. HB 764 (Public Education) would require Central Education Agency approval of any standardized competency test in basic skills used as a prerequisite to graduation from high school.

Human Services

HB 754 (Intergovernmental Affairs) would increase marriage license and informal marriage fees and establish a domestic violence fund in the state treasury with a portion of those fees.

Insurance

HB 709 (Insurance) would require conversion privileges for spouses under group accident and sickness insurance policies.

Taxes

HB 759 (Ways and Means) calls for valuation on the basis of productivity of open-space land used for raising livestock and producing farm crops.

Criminal Justice

SB 394 (Jurisprudence) would amend the penal code definition of injury to child to include bodily injury, along with serious bodily injury, serious physical or mental disability, or disfigurement or deformity. HB 52, changing jury service exemptions for persons who have children under 10 years of age, was referred to a subcommittee of the House Judicial Affairs Committee on January 30.

State and Local Government

Action is being taken on proposals creating, abolishing, or reorganizing certain state agencies. SB 278, abolishing the Burial Association Rate Board and transferring its duties to the State Board of Insurance, was reported favorably from the Human Resources Committee without amendments on February 1. A similar bill (HB 715) was introduced and referred to the Government Organization committee. HB 717 (Government Organization) abolishes the State Board of Morticians and transfers its duties to the State Department of Health. HB 756 (Government Organization) repeals the statutory authority for the Texas Navy and transfers its historical artifacts and documents to the Texas Historical Commission. HB 755 (Government Organization), continuing the Battleship Texas Commission until 1981, calls for the deposit of fees, charges, and concession revenue from the vessel in a special state treasury fund known as the Battleship Texas operating expense fund. HB 716 (Government Organization) transfers responsibilities for the regulation of structural pest control from the Texas Structural Pest Control Board to the Texas Department of Agriculture. HB 781, also referred to the Government Organization Committee, renews the Texas Structural Pest Control Act, amends membership requirements for the board, and calls for coordination of duties with the Texas Department of Agriculture. SB 393 (State Affairs) creates the Texas Air Conditioning Examinining Board to license and certify environmental air conditioning and ventilating contractors, inspectors, and journeymen.

Additional bills introduced regarding the State Bar include HB 742 and HB 714, both referred to the Government Organization Committee. HB 742 sets membership qualifications for the Board of Law Examiners and licensing requirements for lawyers. HB 714 gives the bar power to administer the Texas Law Center, prohibits restrictions on competitive bidding in advertising by licensed attorneys, and places bar rulemaking under the Administrative Procedure and Texas Register Act.

Two more bills have been introduced concerning operating procedures of state government. HB 729 (State Affairs), seeking to control growth in the number of state employees, would enact a system requiring hiring approval from the governor's office or Legislative Budget Board. HB 728 (State Affairs) would prohibit a state agency from using public
funds to have documents printed unless the document is authorized by law or is required in order to receive federal funding. HB 372 (Intergovernmental Relations) would allow the Board of Control to establish a program to provide purchasing services for counties.

SJR 21, calling for interim legislative sessions for consideration of gubernatorial appointments, was reported favorably from the State Affairs Committee without amendments on February 1.

Elections

Two proposed constitutional amendments regarding elections have been referred to subcommittee. SJR 6, requiring commissioners courts to redistrict every 10 years, was referred to a subcommittee of the State Affairs Committee on January 31. SJR 22, limiting the number of times a person can be elected governor, has been considered in public hearing by the State Affairs Committee and was referred to subcommittee on January 30.

Consumer Affairs

Dealing with a variety of consumer-oriented issues, the following bills have been introduced and referred to committees. HB 744 (State Affairs), like SB 357 (Economic Development), amends the deceptive trade practices law, relating to misrepresentations, warranties, statute of limitations, and types of damages that may be awarded to a claimant. HB 691 (State Affairs) would require payment of damages awarded in a health care liability or products liability suit to be paid in a lump sum, with certain exceptions. HB 758 (Business and Industry) would exempt tourist trade centers from the law prohibiting selling certain items on both Saturday and Sunday. HB 724 (State Affairs) would prohibit the sale or use of devices designed to detect radar used by peace officers measuring speed of motor vehicles.

House of Representatives

Bills Introduced

Committee Referrals

The following are bills filed for action during the 66th Legislative Session. Each bill is followed in parentheses by the committee to which it has been assigned. In the following list, the bill number appears first, the author(s) second, and the subject of the bill. HB indicates house bill; HJR indicates house joint resolution; HCR indicates house concurrent resolution; and HR indicates house simple resolution.

For copies of bills, call Bill Distribution (512) 475-2073.

HR 35 Bird—Commending Bob Blake
HR 36 Denton—Congratulating the members and coaching staff of the West High School Trojans football team.
HR 38 Waters—Welcoming Vice Premiers Deng Xiaoping and Fang Yi and the delegation from the People's Republic of China to Texas.
HR 39 R. Wilson—Challanging the Oklahoma House of Representatives to a basketball game with the Texas House of Representatives.

HCR 38 Head—Memorializing the Congress to repeal 23 U.S.C. Section 154 and thereby rightfully return to the states the preemption of regulating highway speed limits. (State Affairs)
HCR 39 Lator—Memorializing the government of the United States to urge the Federal Republic of Germany and the legislators of that nation to abolish or extend the statute of limitations relating to Nazi war crimes. (State Affairs)
HCR 40 Cary—Recognizing the month of February as Afro-American History Month
HCR 41 Hollowell and Head—in memory of Ruby Pyle
HCR 42 Healy—in memory of Raymond Howard Nichols
HCR 43 Healy—in memory of Lester Boyd
HCR 44 F. Green—Honoring Milton Caroline.
HCR 45 Massey—Congratulating the members and coaching staff of the Angelo State University football team.
HCR 46 Massey—Congratulating Jim Hess
HCR 48 Waters—Welcoming Vice Premiers Deng Xiaoping and Fang Yi and the delegation from the People's Republic of China to Texas.

HB 709 Messer—Relating to the taxation of nonprofit volunteer fire departments under the franchise tax. (Intergovernmental Affairs)
HB 709 Cross—Relating to conversion privileges under certain accidents and sickness insurance policies. (Insurance)
HB 710 Blythe—Relating to licensing of labor agents. (Employment Practices)
HB 711 Blythe—Relating to group marketing of motor vehicle insurance for certain elderly persons. (Insurance)
HB 712 Coverha—Relating to regulation of barbers, barber shops, and wig salons. (Government Organization)
HB 713 Coverha—Relating to regulation of cosmetologists, beauty shops, and wig salons. (Government Organization)
HB 714 Coverha—Relating to regulation of attorneys. (Government Organization)
HB 715 Coverha—Relating to abolition of the Burial Association Rate Board and transfer of its powers, duties, and functions. (Government Organization)
HB 716 Coverha—Relating to regulation of structural pest control. (Government)
HB 717 Coverha—Relating to funerals and embalming. (Government Organization)
HB 718 Polombo—Relating to employment contracts for certain teachers. (Public Education)
HB 719 Mayes—Relating to certification requirements for peace officers. (State Affairs)
HB 720 Denton—Relating to telephone service to a volunteer fire department. (State Affairs)
HB 721 Keeler—Relating to the authorized manner of service of citation in civil suits. (Judiciary)
HB 722 Keeler—Relating to persons authorized to serve process in civil suits. (Judiciary)
HB 723 Brown—Relating to special license plates for medal of honor winners. (Transportation)
HB 724 Blanton and Ceverha—Relating to radar detection devices. (State Affairs)

HB 725 Blanton—Relating to school board employment consultations with teachers. (Public Education)

HB 726 Von Dohlen, et al.—Relating to air quality control. (Environmental Affairs)

HB 727 McCloud—Relating to the provision of textbooks to nonpublic school students. (Public Education)

HB 728 Evans—Relating to the control of printing by state agencies. (State Affairs)

HB 729 Evans—Relating to the control of the growth in the number of state employees. (State Affairs)

HB 730 Burianga—Relating to the railroad commission’s jurisdiction over motor carriers hauling asphalt or calcite. (Transportation)

HB 731 Tejeda and Marila—Relating to required disclosure of financial interests, activities, and gifts by elective officers and candidates for elective office in political subdivisions. (Intergovernmental Affairs)

HB 732 Messer—Relating to the amount that a state bank may invest in another state bank. (Financial Institutions)

HB 733 J. A. Clark—Relating to a duty-free lunch period for teachers actively engaged in the instruction of public school finance. (Public Education)

HB 734 Cross and Watson—Relating to procedures used in the determination of compensation to be paid workers and providing for review procedures under the Administrative Procedure Act. (Employment Practices)

HB 735 Wilke—Relating to abused children and termination of the parent child relationship. (Judicial Affairs)

HB 736 Wilke—Relating to the limitation period for a suspension from a law or police department. (Intergovernmental Affairs)

HB 737 Wilke—Relating to the probationary period a person must serve when appointed to the law or police departments. (Intergovernmental Affairs)

HB 738 Pena—Relating to the compensation of the judge of the 9th District Court. (Judicial Affairs)

HB 739 Pena—Relating to membership in the Teacher Retirement System of Texas by persons participating in the optional retirement program. (State Affairs)

HB 740 Maloney—Relating to workers’ compensation claims for hernia. (Employment Practices)

HB 741 Maloney—Relating to persons to whom workers’ compensation death benefits are payable. (Employment Practices)

HB 742 Lalor—Relating to regulation of lawyers by the Supreme Court and the Board of Law Examiners. (Government Organization)

HB 743 Lauboff—Relating to time limitations for improvements and repairs to freeway systems in counties with populations greater than 2,000,000. (Transportation)

HB 744 D. Hill, et al.—Relating to the regulation of certain business and insurance practices. (State Affairs)

HB 745 Cartwright—Relating to annual payment due on certain water produced in the Edwards Underground Water District and sold outside the district. (Natural Resources)

HB 746 Cartwright—Relating to the powers and duties of the Edwards Underground Water District. (Natural Resources)

HB 747 Harling—Relating to coverage under motor vehicle liability insurance. (Insurance)

HB 748 Lalor—Relating to regulation of persons who practice public accountancy. (Government Organization)

HB 749 Lalor—Relating to regulation of architects and landscape architects. (Government Organization)

HB 750 J. L. Clark—Relating to creation of the constitutional office of criminal district attorney of Jasper County and abolishing the office of county attorney. (Judicial Affairs)

HB 751 Can—Relating to municipal authority regarding the furnishing of surety bonds by public works contractors. (Business and Industry)

HB 752 Can—Relating to programs of political subdivisions to increase contract awards to minority businesses. (State Affairs)

HB 753 Hudson—Relating to requirement of adequate locks and lighting for apartments and hotels. (Business and Industry)

HB 754 Lafors—Relating to the amount and use of fees for the issuance of marriage licenses and declarations of informal marriage. (Intergovernmental Affairs)

HB 755 Lafors—Relating to expiration, renewal, and bonding authority of the Battleship Texas Commission. (Government Organizations)

HB 756 Lafors—Relating to repeal of the statutory authority for the Texas Navy, Incorporated. (Government Organizations)

HB 757 Madia—Relating to prerelease arrangements for follow-up and outpatient care for a patient released from a state mental hospital. (Health Services)

HB 758 Madia, et al.—Relating to the exemption of tourist trade centers from the tax against selling certain items on both Saturday and Sunday. (Business and Industry)

HB 759 Von Dohlen, Schueleer, and McCas—Relating to the valuation of open space land used to support the raising of livestock or to produce farm crops. (Waves and Means)

HB 760 Browder—Relating to the use of shade trees for the taking of certain fish. (Environmental Affairs)

HB 761 Craddock—Relating to the transfer of jurors impaneled by certain courts for use in the justice courts. (Judicial Affairs)

HB 762 Crawford—Relating to the rights, privileges, duties, and powers of parents, conservators, and children, the suit affecting the parent child relationship, and enforcement of support. (Judicial Affairs)

HB 763 Gonzales—Relating to the term of office of school trustees in certain independent school districts. (Public Education)

HB 764 Cline—Relating to competency tests in public schools. (Public Education)

HB 765 Smith—Relating to the provision by a county of auxiliary courthouses, county office facilities, parking facilities, and civil or criminal justice facilities in a municipality designated by a county seat. (Intergovernmental Affairs)

HB 766 Lewis—Relating to the authority of the Texas Youth Council to contract with and disperse money to Big Brothers/Big Sisters of America. (Security and Sanctions)

HB 767 M. T. Hall—Relating to the amount of tuition that may be pledged to the payment of bonds by the governing board of a state institution of higher education. (Higher Education)

HB 768 Vallies—Relating to the issuance of subpoenas by local school boards. (Judiciary)

HB 769 Whitmore—Relating to a change of the name of the Railroad Commission of Texas. (Energy Resources)

HB 770 Peveo—Relating to the rate of interest on delinquent ad valorem taxes. (Waves and Means)

HB 771 Peveo—Relating to the transfer of the powers and duties of abolished county school administration concerning appeals. (Public Education)

HB 772 Polombo—Relating to disciplinary measures against and conditions of employment of peace officers. (State Affairs)

HB 773 Polombo—Relating to promotional examinations for firemen and policemen. (Intergovernmental Affairs)

HB 774 Polombo—Relating to the length of contract for school district vocational supervisors. (Public Education)
Business and Industry, 2:30 p.m., Speaker’s Committee Room, State Capitol, to consider HB 387 (Danny Hill) and HB 507 (Polumbo).

Natural Resources Subcommittee on Appropriative Matters, 2:30 p.m., Old Supreme Court Room, State Capitol, to discuss budgets for Water Well Drillers Board and Coastal and Marine Council.

Ways and Means Subcommittee on Revenue Administration, 2:30 p.m., Room 103, John H. Reagan Building, to consider HB 42 (Looney), HB 70 (G. Hill), and HB 394 (Benedict).

Ways and Means Subcommittee on State Finance, 2:30 p.m., Room F, John H. Reagan Building, to consider HB 101 (Hudson), HB 115 (Lalor and Untermeyer), and HB 501 (Cartwright).

Elections, 3 p.m., Room GB, John H. Reagan Building, to consider HB 408 (Willis), HB 436 (McBee), HB 542 (Waters), and HB 685 (Collazo).

Employment Practices, 3 p.m., Room D, John H. Reagan Building, to consider HB 51 (Bird) and HB 56 (G. Hill).

Higher Education, 3 p.m., Room GA, John H. Reagan Building, to plan on-site visits to universities and colleges in Houston.

Judicial Affairs Subcommittee on Appropriative Matters, 3 p.m., Room 345, State Capitol, to hear testimony from the Courts of Civil Appeals.

Employment Practices Subcommittee on Appropriative Matters, 4 p.m., Room D, John H. Reagan Building, to hear appropriative requests from the Texas Employment Commission.

Government Organization, 4 p.m., Room C, John H. Reagan Building, to consider HB 355 (McLeod), HB 356 (McLeod), HB 357 (McLeod), HB 358 (McLeod), HB 359 (McLeod), HB 360 (McLeod), HB 361 (McLeod), HB 362 (McLeod), HB 473 (Head), HB 474 (Head), HB 475 (Head), HB 533 (McLeod), and HB 606 (Nabers).

Security and Sanctions, 4 p.m., Room 346, State Capitol, to consider HB 10 (Smith), HB 64 (Smith), and HB 170 (Smith).

State Affairs, 7:30 p.m., Room B, John H. Reagan Building, to consider HB 305 (Whitehead), HB 307 (Whitehead), HB 279 (Willes and Tip Halli), HB 299 (Willist), HB 367 (Jones), HB 366 (Cain), and HB 478 (Laney).

Weekly Committee Schedule

Monday, February 5, 1979

Agriculture and Livestock Subcommittee on Appropriative Matters, 9 a.m., Room 315-A (office of Rep. Forrest Green), State Capitol, to conduct mark-up session.

Health Subcommittee, 9 a.m., Room F, John H. Reagan Building, to conduct mark-up session.

Public Education Subcommittee on Appropriative Matters, 9:30 a.m., Speaker’s Committee Room, State Capitol, to conduct hearing on the State School for the Blind and the State School for the Deaf.

Transportation Subcommittee on Appropriative Matters, 9:30 a.m., Room 345, State Capitol, to discuss budget for the Texas Transportation Institute.

Ways and Means, 9:30 a.m., Room E, John H. Reagan Building, to consider HB 240 (Sullivant), HB 759 (Von Dohlen), and HCR 3 (Grant).

Ways and Means Subcommittee on Appropriative Matters, 10:30 a.m., Room E, John H. Reagan Building, to discuss budget of the comptroller of public accounts.

House Administration, 11 a.m., Room 346, State Capitol, to hold an organizational meeting.

Tuesday, February 6, 1979

Regions, Compacts, and Districts, 8 a.m., Cabinet Room, Driskill Hotel, to hold an organizational meeting.

Rules, on adjournment, Rep. Florence’s desk on House floor, to consider HCR 5 (Simpson).

Transportation Subcommittee on HB 272, 1 p.m., Room 357-B (Rep. Fennell’s office), State Capitol, to consider HB 272 (Davis).

Criminal Jurisprudence, 2 p.m., Old Supreme Court Room, State Capitol, to consider HB 699 (Donaldson) and SB 106 (Farabee, Nabers, Waters).
Energy Resources Subcommittee on Appropriative Matters, 2 p.m., Room C, John H. Reagan Building, to discuss Railroad Commission budget.

Insurance Subcommittee on Appropriative Matters, 2 p.m., Room E, John H. Reagan Building, to conduct first hearing on the proposed budget for the State Board of Insurance.

Intergovernmental Affairs, 2 p.m., Speaker's Committee Room, State Capitol, to consider HB 3 (B. Clark), HB 149 (Berlanga), HB 228 (T. Garcia), HB 283 (Uhert), HB 353 (Hollowell), HB 384 (R. Wilson), HB 511 (Polumbo), and HB 598 (Wieten).

Appropriations, 2 p.m., Room 309, State Capitol, to consider HB 292 (Presnal).

Public Education, 2 p.m., Room B, John H. Reagan Building, to consider HB 20 (G. Green), HB 338 (Hollowell), HB 419 (Presnal), and HB 534 (Close).

State Affairs Subcommittee on Appropriative Matters I, 2 p.m., Room D, John H. Reagan Building, to consider budgets for the following agencies: Texas Historical Commission, Library and Historical Commission, Fleet Admiral Chester W. Nimitz Memorial Naval Museum and Commission, Private Investigators and Private Security Agencies, Board of Barber Examiners, and Texas Cosmetology Commission.

Agriculture and Livestock Subcommittee on Appropriative Matters, 2:30 p.m., Room 345, State Capitol, to discuss the following agencies: Rodent and Predatory Animal Control Service, Department of Agriculture, and Texas Agricultural Extension Service.

Higher Education Subcommittee on Appropriative Matters, 3 p.m. or upon adjournment, Room 346, State Capitol, to discuss budgets for the following agencies: Rural Medical Education Board TSTI-Texas State Technical Institute, Angelo State University, Sam Houston State University, Sam Houston Museum, Southwest Texas State University, Sul Ross State University, West Texas State University, Texas Eastern University, and Central Office of the Texas State University System.

Natural Resources Subcommittee on Appropriative Matters, 3 p.m., Room F, John H. Reagan Building, to discuss budgets for Water Well Drillers Board and Coastal and Marine Council.

Insurance, 3 p.m., Room E, John H. Reagan Building, to consider HB 7 (Smith), HB 53 (Smith), HB 155 (Cofrer), and HB 213 (Patterson).

Judiciary Subcommittee on Appropriative Matters, 4 p.m., Room GH, John H. Reagan Building, to conduct budget hearings for Secretary of State (UCC), Office of Court Administration, Texas Judicial Council, State Law Library, and Attorney General's office (partial review).

Judiciary, 7 p.m., Room GA, John H. Reagan Building, to consider HB 482 (Bird), HB 483 (Bird), HB 21 (G. Green), HB 577 (Simpson), HB 648 (Glossbrenner), HB 323 (Grant), and HB 329 (Grant).

Wednesday, February 7, 1979

Environmental Affairs Subcommittee on Appropriative Matters, 1 p.m., Room GA, John H. Reagan Building, to discuss budget proposal for Air Control Board.

Security and Sanctions Subcommittee on Appropriative Matters, 1 p.m., Room F, John H. Reagan Building, to discuss appropriative requests for the Texas Youth Council.

Higher Education Subcommittee on Appropriative Matters, 2 p.m., Room G16-A1 (Rep. Ron Wilson's office), to conduct mark-up session.

Human Services, 2 p.m., Room D, John H. Reagan Building, to conduct budget briefings by the following agencies: Commission for the Deaf, Veterans Affairs Commission, and the Governor's Office for the Visually Handicapped.

Liquor Regulation, 2 p.m., Room C, John H. Reagan Building, to hold organizational meeting.

Liquor Regulation Subcommittee on Appropriative Matters, following Liquor Regulation meeting, Room C, John H. Reagan Building, to discuss Alcoholic Beverage Commission budget.

State Affairs Subcommittee on Appropriative Matters II, 2 p.m. or upon adjournment, Room B, John H. Reagan Building, to discuss budgets for Firemen's Pension Commissioner and Commission on Fire Protection, Personnel, Standards, and Education.

Ways and Means, 2 p.m., Room E, John H. Reagan Building, to consider HB 568 (Jones) and HB 573 (Bush).

Agriculture and Livestock Subcommittee on Appropriative Matters, 2:30 p.m., Speaker's Committee Room, State Capitol, to discuss budgets of the Animal Health Commission and Texas Agricultural Experiment Station.

Public Education Subcommittee on Appropriative Matters, 3 p.m., Old Supreme Court Room, State Capitol, to conduct hearing on budget proposal for the Advisory Council for Vocational Technical Education.

Elections Subcommittee on Appropriative Matters, 4 p.m., Room 345, State Capitol, to discuss the budget for the Secretary of State's office.

Natural Resources, 7:30 p.m., Speaker's Committee Room, State Capitol, to consider HB 28 (Chavez), HB 403 (Haley), and HB 611 (Untermeyer).

State Affairs, 7:30 p.m., Room B, John H. Reagan Building, to consider HB 524 (Head), HB 549 (Bock), HB 590 (Benedict), and HB 595 (Donaldson).

Transportation, 7:30 p.m., Room C, John H. Reagan Building, to consider HB 9 (Smith), HB 341 (Head), HB 449 (Evans), HB 450 (Evans), and HB 262 (A. Hill).

Thursday, February 8, 1979

Transportation Subcommittee, upon adjournment, Room 345, State Capitol, to discuss budget for Aeronautics Commission.

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Senate

Bills Introduced

Committee Referrals

The following are bills and resolutions filed for action during the 66th Legislative Session. Each bill and resolution is followed in parentheses by the committee to which it has been assigned. In the following list, the bill number appears first, the author second, and the subject of the bill. SB indicates senate bill; SJR indicates senate joint resolution; SCR indicates senate concurrent resolution; and SR indicates senate resolution.

For copies of bills, call Senate Bill Distribution (512) 475-2520.

SB 383 Moore—Regarding Teacher Retirement System of Texas, removing the $25,000 ceiling on annual compensation. (Finance)

SB 384 Harris and Santiesteban—Relating to the Texas Cosmetology Commission. (State Affairs)

SB 385 Jones of Harris— Regarding obligations of public agencies in Texas and of the U.S. and its agencies, and certificates of deposit and savings certificates. (Intergovernmental Relations)

SB 386 Williams—Relating to state reimbursement of school districts for the cost of providing teacher sick leave. (Education)

SB 387 Harris—Relating to the authority of the secretary of state to set and collect certain fees. (State Affairs)

SB 388 Harris—Further authorizing cities and towns to make pledges of revenues to the payment of revenue bonds issued pursuant to existing law. (Intergovernmental Relations)

SB 389 Traeger—Relating to local option elections in certain cities that lie in multi-counties. (State Affairs)

SB 390 Traeger—Regarding public employment retirement. (Intergovernmental Relations)

SB 391 Price—Relating to payment of costs for an autopsy ordered by a justice of the peace. (Jurisprudence)

SB 392 Ogg—Relating to creation of the 275th, 276th, 277th, and 278th Judicial Districts, each composed of Harris County. (Intergovernmental Relations)

SB 393 Ogg—Relating to licensing and certifying environmental air conditioning and ventilating contractors, inspectors, and journeymen. (State Affairs)

SB 394 Jones of Harris—Relating to the definition of criminal injury to a child and the resulting penalties. (Jurisprudence)

SB 395 Moore—Relating to construction work on or under streets and roads dedicated to public use and other public works contracted for by the state or any political subdivision thereof. (State Affairs)

SB 396 Moore and Blake—Relating to the tuition fees which apply to foreign students, resident graduate students, and research assistants or other student employees of institutions of higher education. (Education)

SB 397 Moore—Relating to the compensation of the judge of the 86th District Court. (State Affairs)

SB 398 Moore—Relating to venue in certain suits affecting the parent-child relationship and in certain hearings on motions to modify a court’s order affecting the parent-child relationship. (Jurisprudence)

SB 399 Moore—Relating to the issuance of subpoenas, administrative penalties, and the coverage of certain employers under the Texas Unemployment Compensation Act. (State Affairs)

SB 400 Traeger—Relating to the duties of the county attorney of Webb County. (Intergovernmental Relations)

SB 401 Longoria—Relating to navigation districts and leasing of land and selling by installment sale and otherwise. (Natural Resources)

SB 402 Longoria—Making more comprehensive the procedures navigation districts may follow in connection with the refunding of their bonds, notes, and other evidences of indebtedness. (Natural Resources)

SB 403 Longoria—Relating to creation of the 273rd Judicial District, composed of Hidalgo County. (Intergovernmental Relations)

SB 404 Longoria—Relating to the authority of the Texas Employment Commission to sell certain state-owned land to the city of McAllen and to use the proceeds to acquire other land and buildings. (State Affairs)

SB 405 Longoria—Relating to election of directors of certain irrigation districts. (Intergovernmental Relations)

SB 406 Moore—Relating to the disposition of certain unclaimed funds held by county and precinct officers. (Intergovernmental Relations)

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SB 407 Vale—Relating to family practice residency training conducted by the Texas Board of Health. (Human Resources)
SB 408 Clower—Relating to use of certain primary election filing fees. (State Affairs)
SB 409 Mengden—Relating to valued insurance policy coverage of property. (Economic Development)
SB 410 Mengden—Relating to the deadline for receipt of absentee ballots voted by mail. (State Affairs)
SB 411 McKnight—Relating to the compensation of judges of statutory county courts. (Finance)
SB 412 Santiesteban—Relating to contracts for the education of Texas resident medical students attending the Medical College of El Paso. (Education)
SB 413 Shoel and Howard—Relating to the number of trustees to be elected at the first regular election of a school district which has been converted from common to independent status. (Education)

Meetings

Notices Filed February 1, 1979

**Economic Development Committee**, Monday, February 5, 1979, 9 a.m. Addition to agenda: SB 243 (Doggett).

**Senate Finance Committee**, Monday, February 5, 1979, 2 p.m. Senate Finance Committee Room, State Capitol, to conduct budget hearings. A list of items to be considered is available in the Secretary of the Senate’s office.

**Human Resources Committee**, Monday, February 5, 1979, 4 p.m. Meeting cancelled.

**Senate Committee on Intergovernmental Relations**, Tuesday, February 6, 1979, 3 p.m. Lieutenant Governor’s Committee Room, State Capitol, to consider SB 161 (Moore), SB 13 (Farabee), SB 68 (Ogg), and SB 163 (Williams).

**Senate Committee on Intergovernmental Relations**, Thursday, February 8, 1979, 9 a.m. Lieutenant Governor’s Committee Room, State Capitol, to consider SB 111 (Jones of Taylor), SB 271 (Harrist), and SB 87 (Harris).

**Senate Jurisprudence Committee**, Tuesday, February 6, 1979, 2 p.m. Senate Chamber, State Capitol, to consider SB 177 (Doggett), SB 228 (Farabee), SB 16 (Mengden), SB 104 (Doggett), SB 142 (Ogg), SB 143 (Ogg), SB 179 (Doggett), SB 168 (Williams), SB 298 (Mauzy), SB 249 (Brooks), SB 270 (Santiesteban), SB 314 (McKnight), SJR 31 (McKnight), and SB 172 (Doggett).

**Senate Committee on Natural Resources**, Wednesday, February 7, 1979, 2 p.m. and 3 p.m. Lieutenant Governor’s Committee Room, State Capitol, to consider the following items:
- 2 p.m.—SB 257 (McKnight), SB 288 (Mengden), SB 333 (Schwartz), SB 334 (Schwartz), and SB 353 (Blake).
- 3 p.m.—SB 300 (Schwartz), SB 301 (Schwartz), and SB 302 (Schwartz).

**Senate Committee on State Affairs**, Monday, February 5, 1979, 2 p.m. Senate Chamber, State Capitol, to consider SB 92 (Schwartz), SB 259 (McKnight), SB 362 (Moore), SB 363 (Santiesteban), SB 32 (Mengden), and SB 35 (Mengden).

Notices Filed February 2, 1979

**Economic Development Committee**, Monday, February 5, 1979, 9 a.m. Change in agenda: SB 108 (Brooks) will not be considered at this meeting.

**Confirmation of Gubernatorial Appointments**

Confirmed February 1, 1979

The following is a list of gubernatorial appointments confirmed by the Texas Senate on February 1, 1979.

- **Assistant Adjutant General for Air**
  - Brigadier General Belsario D. J. Flores, Bexar
- **Assistant Adjutant General for Army**
  - Brigadier General Willard D. Hill, Jr., Comal
- **Texas Aeronautics Commission**
  - Lucien Flournoy, Jim Wells
  - James M. Johnson, Travis
- **Texas Commission on the Arts and Humanities**
  - Dr. Francis A. Morris, Jr., Travis
- **Texas College and University System Coordinating Board**
  - Harlan Rogers, Crow, Dallas
- **12th Judicial District, District Judge**
  - Erwin G. Ernst, Walker
- **71st Judicial District, District Judge**
  - Edward N. Smith, Jr., Harrison
- **235th Judicial District, District Attorney**
  - Brock R. Smith, Wise
- **Produce Recovery Fund Board**
  - Curt Cargile, Uvalde

The Senate did not confirm the appointment of Steven J. Condos as judge of the 330th Family District Court. Mr. Condos’ name appeared in error on the list of confirmations published on January 19, 1979 (4 TexReg 195).

Legislative Information System of Texas

**Toll-Free Telephone Number**

The Texas Senate and House of Representatives are providing information on the activities of the 66th Legislature through a toll-free statewide WATS line to the Legislative Information System of Texas (LIST).

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

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

Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received during the period of January 22-26, 1979.

Information relative to these applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the Central Office of the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758.

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

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

Week Ending January 26, 1979

International Paper Co., New Boston; sawmill; C-7286; new source

A-1 Concrete Co., Houston; Stephens Concrete Plant; 14508 Chrisman Road; C-7285; new source

Phillips Petroleum Company—Plains Plant, Borger; methyl tertiary butyl ether and butadiene conversion units; C-7284; new source

The Western Company of North America, Odessa; bulk cement plant; C-7289; new source

Globe-Union Inc., Garland; lead panel casting; 1111 Shiloh Road; C-7288; new source

B. J. Hughes, Inc., Round Rock; pipe clamp manufacturing plant—dust collector; C-7287; new source

Cola Petroleum, Inc., Welch; tank battery lease; Drennan "208"; C-7283; new source

E. L. Du Pont De Nemours and Co., Inc., La Porte; oxamyl process; C-5034A; modification

Texas Ready Mix, Round Rock; production of Portland cement concrete; C-1009A; new source

P-A-K Grain Storage, Rosebud; grain storage facility; Highway 53; C-7291; new source

Houston Shell and Concrete Co., Houston; ready-mixed concrete production facility; 11900 South Main; C-3015B; new source

Gifford-Hill and Co., Inc., Fort Worth; concrete batch plant; C-7290; new source

Issued in Austin, Texas, on January 31, 1979.

Doc. No. 790687
John B. Tumey
Hearing Examiner
Texas Air Control Board

Filed: February 1, 1979, 4:01 p.m.
For further information, please call (512) 451-5711.

Comptroller of Public Accounts

Administrative Decisions

For copies of the following opinions selected and summarized by the Legal Services Division, contact Harriet Burke, Legal Services Division, P.O. Box 13528, Austin, Texas 78711. Copies will be edited to comply with confidentiality statutes.

Summary of Administrative Decision 10332

Summary of Decision: A company, which purchased tangible personal property and gave it away as prizes to contest winners, made a taxable use of the property in giving it away and was subject to sales and use tax on the purchase price of the property.
Texas Health Facilities Commission

Notice of Applications

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory rulings, exemption certificates, or administrative orders accepted January 23-29, 1979.

Should any person wish to become a formal party to any application for a declaratory ruling, exemption certificate, or administrative order, that person must file a notice of intent to become a party to the application with the chairman of the commission within 12 days after the enclosed listing is published. The first day for calculating this 12-day period is the first calendar day following the date of this publishing. The 12th day will expire at 5 p.m. on the 12th consecutive day after said publishing if the 12th day is a working day. If the 12th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. When notice of intent to become a party is mailed to the chairman of the commission, P.O. Box 15923, Austin, Texas 78761, it must be postmarked no later than the day prior to the last day allowed for filing notice of intent to contest.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, or administrative order must meet the minimum criteria set out in Rule 315.20.01.050. Failure of a party to supply the minimum necessary information in the correct form by the 12th day will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02 or 3.03 of Article 4413b, Vernon’s Annotated Civil Statutes, and Rules 315.12.04.010-070, 315.17.05.010-030, 315.18.04.010-040, and 315.18.05.010-030.

In the following notice, the applicant is listed first, the file number second, and the relief sought and description third. EC indicates exemption certificate, DR indicates declaratory ruling, and AO indicates administrative order.

Newburn Memorial Hospital, Jacksonville
AH79-0125.010
EC—Add one diagnostic x-ray unit to radiology department and remodel, as necessary, to accommodate new equipment

Henderson County Memorial Hospital, Athens
AH79-0123.018
EC—Acquire a Data General No. 20 Mega Byte Mini Computer to replace two Burroughs 6000 accounting machines

Memorial Hospital of Galveston County, Texas City
AH79-0123.001
EC—Purchase additional monitoring equipment for use in an operating suite and recovery room

St. Luke’s Episcopal Hospital and Texas Children’s Hospital, Houston
AH79-0123.010
EC—Purchase a Doppler Echoflow ultrasound unit

Fayette Memorial Hospital, La Grange
AH79-0129.005
EC—Add diagnostic ultrasound to radiology department by contract

Garland Community Hospital, Garland
AH79-0108.014
EC—Purchase an eight-channel telemetry monitoring unit to be installed in I.C.U. to monitor patients on the medical and surgical units

Garland Community Hospital, Garland
AH79-0108.016
EC—Purchase an image intensifier and orthographic table for use in operating rooms

Texas Department of Human Resources

Family Planning Benefits

The Department of Human Resources announces the delay of the implementation of its new rule amendments regarding authorized family planning benefits for sterilization under the Texas Medical Assistance Program. These regulations appeared in the Texas Register on January 16, 1979 (3 TexReg 1431), as adopted amendments to agency Rule 326.36.03.004. As specified in the federal regulations on which this agency rule is based, the implementation date was stated as February 6, 1979. However, the Health Care Financing Administration within the Department of Health, Education, and Welfare has delayed the effective date of the federal regulations to March 8, 1979. Therefore, the Department of Human Resources must also delay the implementation of the state regulations until that date.

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Texas Commission on Law Enforcement Officer Standards and Education

Consultant Contract Award

On January 12, 1979, the Texas Commission on Law Enforcement Officer Standards and Education entered into a contract with a private consulting firm. In compliance with Article 6252-11c, Vernon's Annotated Civil Statutes, the following information is submitted.

Description of Contract and Name of Consultant. The Texas Commission on Law Enforcement Officer Standards and Education entered into a six-month contract with Wollack and Associates, a psychological corporation of Greenwood, California. The purpose of the contract is to conduct a feasibility study concerning the need for and acceptance of psychological assessment of peace officer applicants in the State of Texas.

Amount of Contract. The amount of said contract is $25,581.

Due Date of Final Report. The final report is due at the end of the project on June 30, 1979.

Issued in Austin, Texas, on January 30, 1979.

Doc. No. 790677  Argel E. Roberts
Project Coordinator
Texas Commission on Law Enforcement Officer Standards and Education

Filed: February 1, 1979, 9:46 a.m.
For further information, please call (512) 459-1171.

Railroad Commission of Texas Transportation Division

Rulemaking Hearing

The Railroad Commission will conduct a public hearing beginning at 9 a.m. March 4, 1979, in Room 214 of the Lamar Crest Office Towers, 7703 North Lamar Boulevard, Austin, in order to receive further comments on proposed Rule 051.03.02.012, Equipment Transporting Commodities in Bulk, which was published in the December 12, 1978, issue of the Texas Register (3 TexReg 4299). In response to a petition filed by Dan Felts on behalf of Moore Transportation Company, the Railroad Commission is proposing the amendment which would broaden the application of the existing Rule 012. Comments which have been in writing need not be presented orally.

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

Doc. No. 790695  John G. Soule, Director
Transportation Division
Railroad Commission of Texas

Filed: February 2, 1979, 11:42 a.m.
For further information, please call (512) 475-3421.

Texas Register

Guide to Agency Activity—January

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

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Notice of Schedule Variation

Due to a state holiday, Washington's Birthday, on February 19, 1979, the deadlines for submission of documents for the February 23 edition of the Texas Register have been moved to noon Thursday, February 15 (all copy except open meeting notices), and noon Friday, February 16 (notices of open meetings). Regular publication deadlines will resume with the February 27 issue of the Register.