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# TEXAS REGISTER

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STATE DOCUMENTS

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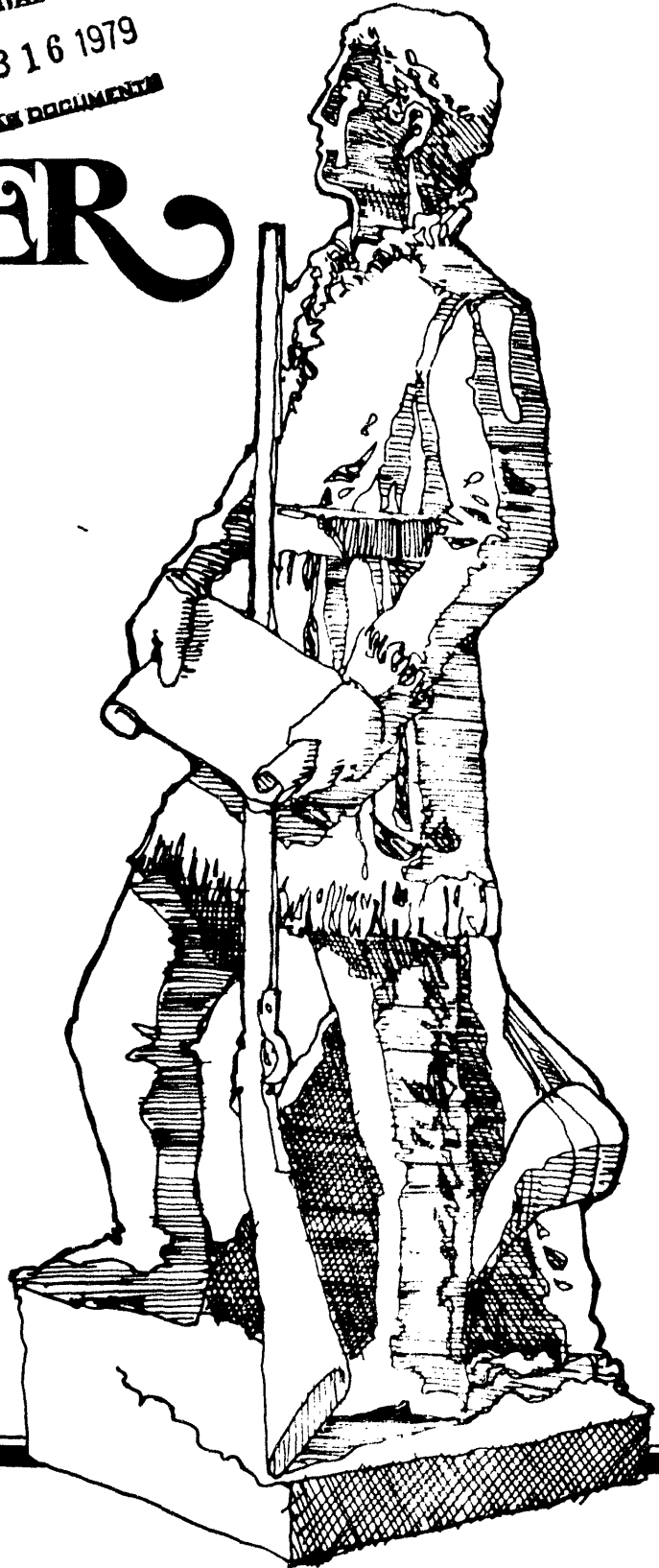
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Office of the Secretary of State

# NOTES ON THE ISSUE

A \$1 million fund for construction of airports and other aviation facilities is provided through the Texas Airport Aid Program. Procedures for applying for grants under that program are being amended by the Texas Aeronautics Commission. The existing rules are being revised to avert costs incurred by some applicants which need technical and legal assistance to complete the application. Formerly, applicants were required to file significantly detailed applications, which included such requirements as economic analyses and title clearances for land. Because the grant application does not ensure funding, the commission is now proposing to use simpler applications to prevent costs to applicants. The commission is also proposing a new rule to comply with an executive order concerning land use by state agencies. The order requires that flood hazardous areas be evaluated before state funds are spent in construction in those areas. The new rule provides that the commission will follow the flood hazard evaluation guidelines for state agencies set by the Texas Department of Water Resources.

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

*Artwork Gary Thornton*

## TEXAS REGISTER



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

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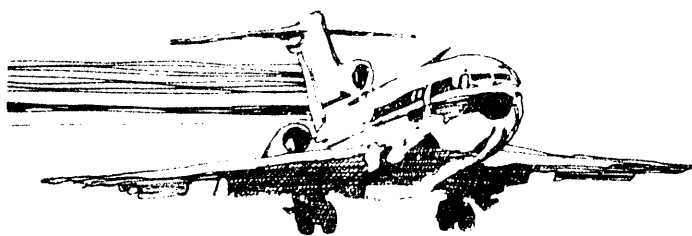
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## Requests for Opinions

### Summary of Request for Opinion RQ-12

Request from Chet Brooks, chairman, Senate Committee on Human Resources, Austin, and Charles Sapp, chairman, State Commission for the Blind, Austin.

**Summary of Request:** Does Article 3207b preclude an individual from serving on the State Commission for the Blind if he owns and manages snack bars, cafeterias, and coffee shops in office buildings.

Doc. No. 790856

### Summary of Request for Opinion RQ-24

Request from Don Henderson, chairman, House Transportation Committee, House of Representatives, Austin.

**Summary of Request:**

(1) Did the passage of House Bill 81 and House Bill 1324 by the 65th Legislature change or alter the law as set forth in Attorney General's Opinion M-1288?

(2) Does House Bill 81 require that those implements of husbandry as set out and defined in Attorney General's Opinion M-1288 and carried forward into the statutes by House Bill 1324 be registered?

(3) Does House Bill 1324 require that to be classified as an implement of husbandry that such machinery be "built from the ground up" as stated in Motor Vehicle Circular No. 10-77, dated August 26, 1977, from the State Department of Highways and Public Transportation?

(4) Would the occasional and incidental transporting of materials over the public ways as described herein in an implement of husbandry as contemplated by House Bill 1324 require that it be registered?

Issued in Austin, Texas, on February 7, 1979.

Doc. No. 790850

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

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

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

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

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

## Texas State Board of Dental Examiners

### Conduct

The Texas State Board of Dental Examiners held an open meeting in Dallas on January 27, 1979, and the following rules were adopted as emergencies.

The amendment to Rule 382.19.01.001 clarifies the definition of a professional sign. It is believed that this addition will protect the public by aiding those needing dental care to find a dentist for regular or emergency services.

The addition of Section (b) to Rule 382.19.15.004 preserves continuity of access to records and requires the board to be notified of the location of all records and prohibits claimed ownership of records by nondentists.

The amendment to Rule 382.19.18.008 is necessary because in the present rule the use of the word "mortality" and the reference to "hospitalization" has created confusion, and for clarity the word "death" is substituted for "mortality" and the word "hospitalization" is stricken; thus, any injury to a dental patient must be reported by the attending dentist for the protection of the public.

The addition of the new subchapter, "Advertising," and Rules 382.19.20.001 and .002 is deemed reasonable and necessary to comply with federal decisions and to ensure the using public that an advertised fee will not be changed before the service can be completed. It is the position of the board that this is necessary for the protection of the public health and welfare.

### Professional Signs 382.19.01

This rule amendment is promulgated under the authority of Article 4551d of the Revised Civil Statutes of Texas as amended.

**.001. Definition.** A sign as used in these rules is any display containing the name of a dental practitioner or other professional designation permitted by these rules. **A sign is**

***a directional and identification aid and shall not contain any statement, reference, or advertisement of price, fee, or "routine dental service."***

Doc. No. 790824

### Fair Dealing 382.19.15

This rule amendment is promulgated under the authority of Article 4551d of the Revised Civil Statutes of Texas as amended.

**.004. Records and Their Transfer.**

**(a)** A Texas dental licensee practicing dentistry in Texas shall make, maintain, and keep adequate records of the diagnosis made and the treatment performed for and upon each of his dental patients for reference, identification, and protection of the patient and the dentist for a period of not less than two years, and such records shall be available for inspection by the patient after and upon appointment with the dentist and also by the officers, agents, or employees of the Texas State Board of Dental Examiners. This shall not prohibit the transfer of records to another dentist for continued treatment or to an agreed designated consultant for ascertainment of facts.

**(b)** *Dental records are the sole property of the dentist who performs the dental service. A dentist who leaves a location, whether by retirement, sale, or otherwise, shall either take all said dental records with him or a written transfer to the succeeding dentist shall be made and the Texas State Board of Dental Examiners' Central Office shall be notified within 15 days of any such event, giving full information concerning the dentists and location(s) involved. The above does not apply to a dental employee of another dentist where the dental records belong to the employing dentist.*

Doc. No. 790825

### Anesthesia and Anesthetic Agents 382.19.18

This rule amendment is promulgated under the authority of Article 4551d of the Revised Civil Statutes of Texas as amended.

**.008. Report of Injury or Death [Mortality].** All licensees engaged in the practice of dentistry in the State of Texas must submit a complete report within a period of 30 days to the Texas State Board of Dental Examiners *after such happening of any incident, injury, or death occurring to a dental patient which happened as a result of or during dental care or treatment being given to such patient and which incident, injury, or death resulted in temporary or permanent physical or mental disability or injury to such patient. Routine hospitalization to guard against postoperative complications or for patient comfort need not be reported where complications do not thereafter result in injury or death as hereinbefore set forth.* [of any mortality or other incident occurring in the outpatient facilities of such dentist which results in temporary or permanent physical or mental injury requiring hospitalization of said patient during or as a direct result of dental procedures or anesthesia related thereto.]

Doc. No. 790826

## Advertising 382.19.20

These new rules are promulgated under the authority of Article 4551d of the Revised Civil Statutes of Texas as amended.

**.001. Routine Dental Services.** A routine dental service is defined as that service which does not alter the natural dentition or supporting structures. Any advertised routine dental service shall include all professionally recognized components within generally accepted standards and precludes the purchase of any additional goods or services in order to receive the advertised service. The Texas State Board of Dental Examiners has determined that the following listed dental services are routine dental services and may be advertised in conformity with the laws and rules and regulations governing same; to wit:

(1) Oral examination shall include the examination of all hard and soft tissue of the oral cavity and the charting of such findings.

(2) X rays shall include the exposing and developing and interpretation of same.

(3) Prophylaxis shall include all necessary hard and soft deposit removal and the polishing of exposed tooth structure.

(4) Full or complete denture(s) are routine where performed for an edentulous patient after oral examination and interpretation and determined by the dentist that no alteration of the supporting structures is necessary.

(5) Partial denture(s) are routine for a patient if, after oral examination and interpretation and determination by the dentist, no alteration of the dentition or supporting structures is necessary.

**.002. Time Requirements on Advertising.** Any advertisement of price or fee for routine dental services permitted under board rules shall be valid and binding on the advertising dentist for not less than six months following the date it is last offered, and the dentist offering same shall honor all patient requests for such dental service made by dental patients within the six-month period following the last date such advertisement was presented to the public; further, all such services must be completed within a reasonable time from the first patient appointment or such patient's request for dental service. Also, no advance notice or advertisement of any future routine dental service or the price or fee thereof shall be permitted.

Doc. No. 790827

## Extension of Duties of Auxiliary Personnel

The Texas State Board of Dental Examiners held an open meeting in Dallas on January 27, 1979, and the following rules were adopted as emergencies.

In Rule 382.31.01.002, the addition of the language to the list of permitted duties of a dental hygienist (application of pit and fissure sealants) has been discussed by the board over several years and is necessary to be adopted at this time so that the 13 dental hygiene schools may include instruction in this new area for their 1979 graduates and will protect the dental health of those patients who receive this dental treatment at the direction of the dentist. This applies only to

those dental hygienists who have successfully completed a course approved by the Texas State Board of Dental Examiners, the guidelines of which will be issued.

The amendment to Rule 382.31.02.001 is necessary to not be in conflict with the dental hygiene area (Rule 382.31.01.002) of the rules.

## Dental Hygiene 382.31.01

This rule amendment is promulgated under the authority of Article 4551d of the Revised Civil Statutes of Texas as amended.

**.002. Permitted Duties.** A dental hygienist may perform the following services and procedures in the dental office of her dentist employer under his general supervision, direction, and responsibility, to wit:

(1)-(17) (No change.)

**(18) Apply pit and fissure sealants on direct orders of the dentist.**

**Note A:** The fitting, adaptation, seating, and cementation of any fixed dental appliance or restoration, including but not limited to inlays, crowns, bands, space maintainers or retainers, habit devices, or splints, whether temporary or permanent, shall only be done by the dentist.

**Note B:** *Pit and fissure sealants may only be applied by the dentist and by a dental hygienist who has successfully completed a course of instruction approved by the Texas State Board of Dental Examiners.*

Doc No 790828

## Dental Assistants 382.31.02

This rule amendment is promulgated under the authority of Article 4551d of the Revised Civil Statutes of Texas as amended.

**.001. Definition and Permitted Duties.** A dental assistant is one who is employed by and works in the office of a licensed, registered, and practicing dentist, and who performs one or more of the following acts or services for such dentist under his general supervision, direction, and responsibility, to wit:

(1)-(18) (No change.)

**Note A:** The fitting, adaptation, seating, and cementation of any fixed dental appliance or restoration, including but not limited to inlays, crowns, bands, space maintainers or retainers, habit devices, or splints, whether temporary or permanent, shall only be done by the dentist.

**Note B:** *Pit and fissure sealants may only be applied by the dentist and by a dental hygienist who has successfully completed a course of instruction approved by the Texas State Board of Dental Examiners.*

Issued in Austin, Texas, on February 6, 1979.

Doc. No. 790829      Carl C. Hardin, Jr.  
Executive Director  
Texas State Board of Dental Examiners

Effective Date: February 7, 1979

Expiration Date: April 8, 1979

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

## State Board of Insurance

### Rating and Policy Forms

#### Fixing Rate of Automobile Insurance 059.05.01

The State Board of Insurance is renewing the effectiveness of the emergency amendment of Rule 059.05.01.001, Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements, for a period of 60 days, effective March 1, 1979. The text of the rule was published in the November 7, 1979, issue of the *Texas Register* (3 TexReg 3881).

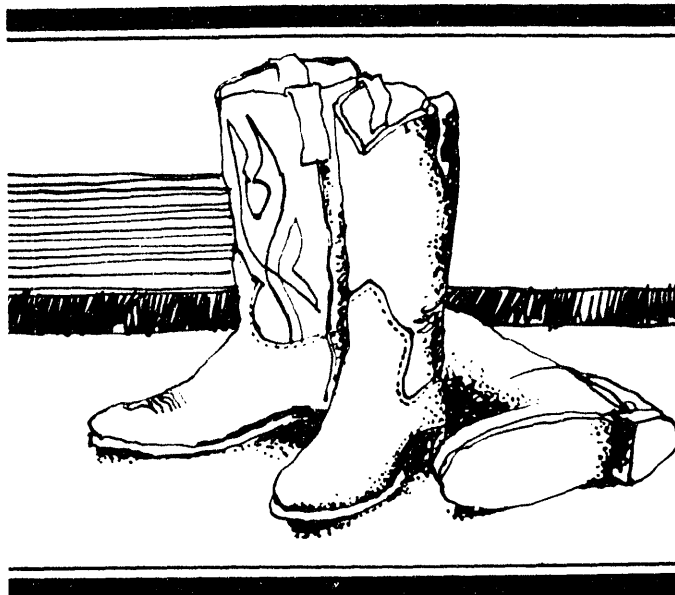
Issued in Austin, Texas, on February 2, 1979.

Doc. No. 790815      Pat Wagner  
                         Chief Clerk  
                         State Board of Insurance

Effective Date: March 1, 1979

Expiration Date: April 30, 1979

For further information, please call (512) 475-3486.



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.

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## Texas Aeronautics Commission

### Aviation Facilities Development 105.03.00

The Texas Aeronautics Commission proposes to amend Rules 105.03.00.103, .106-.109, .111, and .117 and to add Rule .121. The revised texts of the rules follow. Proposed amendments to Rules .103 and .106-.109 will define more clearly certain procedural requirements of the Texas Airport Aid Program and will make the grant process less burdensome and costly to applicants. Under existing rules, the grant process commences with the submission of a grant application. Although Rule .106(d) states in part that submission of a grant application does not obligate the applicant to perform any services or expend any funds, this is not always a reality. Applicants often are required to obtain costly legal and technical assistance to answer questions presented in the grant application. Since submission of a grant application does not ensure inclusion of the proposed airport project in the program but often requires an applicant to obtain costly legal and technical assistance, it would be premature and injudicious for an applicant to incur costly legal and technical assistance only to be informed that the proposed airport project was rejected or could not be funded.

In order to resolve the problem caused by current rules, the Texas Aeronautics Commission will require that all applicants submit a request for aid. A request for aid is a simple preliminary statement which indicates an applicant's desire to be included in the Texas Airport Aid Program and provides a basis for programming available funds and approving grants. No legal or technical assistance is needed to complete a request for aid. Requests for aid neither ensure inclusion of the proposed airport project in the program nor obligate the applicant to perform any services or to expend any funds. Thus, if an applicant's proposed project is rejected or unable to be funded, the applicant incurs no expense.

Rule .111, which pertains to grant agreements, will undergo several changes. Section (b)(4) of Rule .111 provides that the sponsor shall make the airport or air navigational facility available to all users and shall provide public access to the airport or air navigational facility. The amendment will be broadened to require that the sponsor make the airport available to all types, kinds, and classes of aeronautical use without discrimination between such types, kinds, and classes. Section (b)(5) of Rule .111, which lists a number of activities that are considered aeronautical activities, will be amended to include the sale of aviation petroleum products as an aeronautical activity, since aviation petroleum products are necessary for the operation and safety of aircraft. Section (b)(9), which requires that all fees collected for use of an airport or navigational facility constructed with state funds shall be used solely for the operation, development, and maintenance of the airport or navigational facility, will be amended to clarify that proceeds from the mineral estate may be used for purposes other than the operation, development, and maintenance of the airport or air navigational facility unless state funds were used to acquire the mineral estate or a portion thereof. Section (b)(11), which relates to airport lighting, will be amended to clarify that airport lighting may be operated manually or by radio control. Section (b)(13) is a new provision which relates to airport zoning and acquisition of certain property interests. Zoning and acquisition of certain property interests are necessary to protect the airport from hazards to aviation.

Rule .117 pertains to land used in an airport project. Section (b) of Rule .117 discusses eligible land costs. Currently, this section allows an applicant to be reimbursed for the cost of the land acquired subsequent to May 13, 1946. This cutoff date, which is used by the federal government in airport aid programs, serves no discernible purpose for state purposes, and the provision restricting eligible land costs to land acquired subsequent to May 13, 1946, will be deleted.

Rule .121 will be a new rule. This rule is necessitated by Executive Order D.B. Number 34-A. This executive order requires that flood hazards be evaluated by all state agencies when administering construction programs supported by state grants, loans, or mortgage insurance, or when administering programs involving land-use planning. The main objective of the order is to reduce the risk of flood losses by implementing a broad state effort to preclude the uneconomic, hazardous, or unnecessary use of floodplains along streams and coastal areas. Section 7 of the order directs the head of state agencies to issue appropriate rules to comply with the order. To comply with the order, the Texas Aeronautics Commission will add Rule .121, which provides that the commission will follow the flood hazard evaluation guidelines for state agencies as set forth by the Texas Department of Water Resources.

These proposed rule changes are anticipated to have no state or local level fiscal implications (source: commission staff).

Public comment on the proposed amendments is invited. Comments may be submitted in writing to Sam A. Lindsay, staff attorney, Texas Aeronautics Commission, P.O. Box 12607, Austin, Texas 78711. Comments will be accepted until March 23, 1979.

These amendments and this new rule are proposed under the authority of Texas Revised Civil Statutes Annotated, Article 46c.

**.103. Definitions.** As used in these rules, unless expressly stated otherwise:

(1)-(12) (No change.)

(13) *"Request for aid" means a preliminary statement submitted by an applicant to indicate the applicant's desire to be included in the program and to provide a basis for programming available funds and approving grants.*

(14)(13) *"Sponsor" means an applicant who has accepted a grant offer from the agency and has executed a grant agreement.*

(15)(14) *"Staff" means employees of the agency.*

**.106. Requests for Aid (Grant Applications).** *Prior to the approval of any grant by the commission, the applicant shall submit a request for aid in the form promulgated by the staff. The submission of a request for aid neither ensures inclusion of the proposed project in the program nor obligates the applicant to perform any services or to expend any funds. A request for aid indicates an applicant's desire to be included in the program and provides a basis for programming available funds and approving grants. Requests for aid remain current for an indefinite period unless the applicant indicates it no longer seeks state funds. New or updated requests for aid may be submitted at any time.*

(a) Prior to the approval of any grant by the commission, the applicant shall submit a grant application in the form promulgated by the staff. The application shall contain covenants that, if a grant is approved and a grant offer is accepted:

(1) the airport or air navigational facility will remain under applicant's control for at least 20 years;

(2) at least 50 percent of the total project cost will be provided from sources other than the State of Texas; and

(3) the applicant has the ability to finance and operate the airport or air navigational facility.

(b) The application shall include a general description of the proposed project, the amount of state aid requested, the estimated total cost of the project, the source and availability of funds, and the estimated date that the project will begin.

(c) To ensure adequate planning, the application shall also include:

(1) the location and a general description of land involved, including present ownership and the expected means of acquisition if not now owned;

(2) a narrative statement of how the project is to be accomplished;

(3) a narrative statement of planned aviation promotion and development after completion of the proposed project; and

(4) a narrative statement of expected community action to preserve the completed project for long-term aviation use.

(d) The submission of an application neither ensures inclusion of the proposed project in the program nor obligates the applicant to perform any services or to expend any funds. An application indicates an applicant's desire to be included in the program and provides a basis for programming available funds and approving grants.]

**.107. Evaluation and Determination of Need.**

(a) Upon receipt of a *request for aid* [grant application], the staff shall initiate an investigation to evaluate all facts pertinent to the proposed project. After such investigation, the staff shall make a preliminary determination as to whether or not a need exists for the project, including a determination of what priority, if any, the *request for aid* [application] should have over other *requests* [applications] for state aid.

(b) (No change.)

**.108. Programming.** Prior to any commission meeting at which the allocation of program funds and the approval of grants will be considered, the staff shall provide to the commission and make available to all applicants (1) a list of all current *requests for aid* [grant applications] with a brief description and explanation of each *request* [application], and (2) staff recommendations as to the allocation of funds and approval of grants based upon the evaluations and determinations made pursuant to Rule .107 of these rules. [Only current applications will be considered for grants. Applications remain current for a period of one year from the filing thereof. New or updated applications may be submitted at any time.]

**.109. Approval of Grants, [and] Allocation of Funds, and Grant Applications.**

(a) A two-thirds vote of the entire commission is required for the approval of a grant under the act. Once a grant has been approved, the funds for such grant will be encumbered until disbursed to the sponsor or until the grant is cancelled or the project completed. *After a request for aid has been approved by the commission, the staff shall send each selected applicant an application for grant in the form promulgated by the staff. Applicant shall complete and return said grant application to the agency within 90 days. Upon a showing of good cause, the chief engineer may allow the applicant additional time to complete and return said grant application.*

(b) *The grant application shall contain covenants that the applicant agrees (1) that the airport or air navigational facility will remain under applicant's control for at least 20 years, (2) that at least 50 percent of the total project cost will be provided from sources other than the State of Texas, and (3) that applicant has the ability to finance and operate the airport or air navigational facility. Additionally, the grant application shall include a general description of the proposed project, the amount of state aid requested, the estimated date that the project will commence and will be completed, the estimated total cost of the project, the source and availability of funds, and a general description of land involved for the project, including present ownership and the expected means of acquisition if not presently owned.*

**.111. Grant Agreements.**

(a) Procedure.

(1) After a grant *application has been completed and returned to the agency* [has been authorized by the commission] and all requirements imposed on the applicant have been satisfied, including the submission and approval of plans and specifications, a grant offer will be issued by the director. Prior to the disbursement of any funds by the agency, the applicant must accept the grant offer. Acceptance

shall be in the manner provided by law for entering into binding contractual agreements.

(2) (No change.)

(b) Terms and conditions. In addition to all other requirements imposed by law or by these rules, all grants by the commission shall be subject to the following terms and conditions *and any additional terms and conditions necessary to effectuate the program*:

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

(4) Consistent with safety and security requirements, a sponsor shall make the airport or navigational facility available to all *types, kinds, and classes of aeronautical use without discrimination between such types, kinds, and classes* [users] and shall provide adequate public access during the period of this agreement.

(5) Sponsor shall not grant or permit anyone to exercise an exclusive right for the conduct of any aeronautical activity on or about an airport project landing area. Aeronautical activities include but are not limited to scheduled airline flights; charter flights; flight instruction; aircraft sales, rental and repair, *sale of aviation petroleum products*; and aerial application. The landing area consists of runways or landing strips, taxiways, parking aprons, roads, airport lighting, and navigational aids.

(6)-(8) (No change.)

(9) All fees collected for use of an airport or navigational facility constructed with funds granted under the program shall be reasonable and nondiscriminatory. The proceeds of such fees shall be used solely for the development, operation, and maintenance of the airport or navigational facility. *Sponsor, however, shall not be required to pledge income received from the mineral estate to airport use unless state funds were used to acquire the mineral estate or any interest thereof.*

(10) (No change.)

(11) When airport lighting is part of a project, sponsor shall operate such lighting from sunset to sunrise following completion of the project *either manually or by radio control.*

(12) (No change.)

(13) *Sponsor shall adopt and enforce comprehensive zoning regulations to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities compatible with normal airport operations. Sponsor shall also acquire and retain aviation easements or other interests in or rights to the use of land or airspace, unless sponsor can show that acquisition and retention of such interest will be impractical or will result in undue hardship to sponsor. No sponsor shall be eligible for a subsequent grant under the program unless sponsor has adopted and passed an airport hazard zoning ordinance/order.*

(c) (No change.)

#### 117. Land.

(a) (No change.)

(b) Eligible costs. Only the cost of land needed for present and future development of an airport or air navigational facility and the reasonable cost of removal of an airport hazard are eligible costs under the program. [The cost of land acquired subsequent to May 13, 1946, but prior to the approval of a grant, and considered necessary for the project is an eligible cost under the program.]

(c)-(d) (No change.)

121. *Compliance with Flood Hazard Evaluation Guidelines.* When administering any proposed project involving construction or land-use planning where state funds are involved, the agency shall comply with all flood hazard evaluation guidelines for state agencies published by the Texas Department of Water Resources.

Issued in Austin, Texas, on February 9, 1979.

Doc. No. 790871

Sam A. Lindsay  
Staff Attorney  
Texas Aeronautics Commission

Proposed Date of Adoption March 19, 1979

For further information, please call (512) 475-4768.

## AGRICULTURE



## Texas Department of Agriculture

### Agricultural and Environmental Sciences

#### Herbicide Regulations 176.26.10

The Texas Department of Agriculture is proposing to amend Rules 176.26.10 .001 and .002(p). The proposal to amend Rule .001 should delete the county of Cooke and add Borden County to the regulations of the Texas Herbicide Law as per order of the respective county commissioners courts. The proposal to amend Rule .002(p) would delete the special provisions pertaining to Cooke County.

The Texas Department of Agriculture has determined that the proposed amendments to Rules .001 and .002(p) will cause no fiscal implications for units of local government of the state.

Public comment on the proposed amendments to Rules .001 and .002(p) is invited. Comments may be submitted by telephoning David Ivie at (512) 475-6133 or by writing the Agricultural and Environmental Sciences Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

Amendments to Rules .001 and .002(p) are proposed under the authority of Article 135b-4, Texas Civil Statutes.

**.001. Counties Regulated. Use of hormone-type herbicides is regulated under the authority of Article 135b-4 in the following counties:** Aransas, Austin, Bell, Bexar, Borden, Brazoria, Brazos, Burleson, Calhoun, Cochran, Collin, Collingsworth, Colorado, [Cooke,] Culberson, Dallas, Dawson, Delta, Denton, Dickens, Donley, El Paso, Falls, Fannin, Fort Bend, Franklin, Gaines, Galveston, Grayson, Hall, Hardin, Harris, Hidalgo, Houston, Hudspeth, Hunt, Jackson, Jefferson, Karnes, Kaufman, King, Knox, Lamar, Lamb, Liberty, Loving, Lynn, McLennan, Martin, Matagorda, Midland, Milam, Newton, Orange, Palo Pinto, Parmer, Rains, Red River, Reeves, Refugio, Robertson, Rockwall, Runnels, San Patricio, Titus, Travis, Tyler, Van Zandt, Waller, Ward, Washington, Wharton, Williamson, Wilson, and Wood.

**.002. County Special Provisions.**

(a)-(o) (No change.)

(p) Cooke. That portion of Cooke County lying south and east of the following described line shall remain under regulation of the Texas Herbicide Law and regulation pertaining thereto, the dividing line described as follows:

(1) Beginning north of FM 1630 where 1630 joins Montague County; thence east to intersection of FM 1630 and FM 373; thence north to Big Elm Creek; thence east along the north side of Elm Creek to where Elm Creek intersects FM 1198 south of Myra; thence north to the old railroad (being the south line of Precinct No. 4); just north of Myra; thence easterly along the south boundary of Precinct No. 4 to its intersection with the eastern boundary of Precinct No. 4; thence north along the east boundary of Precinct No. 4 to its intersection with the Red River.

(2) All of Precinct No. 4 and that portion of Precinct No. 3 described above shall be exempt from regulations of the Texas Herbicide Law and regulations pertaining thereto.

(p)(q) Hidalgo. That portion of Hidalgo County regulated as follows:

(1) Beginning at north county line and U.S. 281; thence south to FM 495; thence west to State Highway 107 (Conway Drive); thence south to U.S. 83 Expressway; thence west along U.S. 83 to west county line.

(2) All other lands in Hidalgo County are exempt from House Bill 402, Texas Herbicide Law, and regulations pertaining thereto.

(q)(r) Parmer. No permit or permit fee is required in Parmer County for spraying hormone-type herbicides between November 1 and March 31 each year.

(r)(s) Runnels. That portion of Runnels County beginning at junction of State Highway 384 with Oak Creek southerly along Oak Creek to its junction with the Colorado River; down the Colorado River to its junction with FM 3115; thence northerly along FM 3115 to its junction with State Highway 158; thence easterly southeasterly to State Highway 158 to its junction with Valley Creek; thence northerly along Valley Creek some 6.5 miles to its junction with a county road; thence easterly along said county road 1.75 miles to its junction with FM 2111; thence north along FM 2111 3 miles to intersection of a county road; thence easterly along said county road .125 mile to a 90° left turn; thence northerly 1.0 mile to its intersection with FM 384; thence easterly along FM 1677; thence northerly along FM 1677 to Pumpfrey Community to continue northerly along a county road 2.25 miles to its intersection with FM 2595; thence

westerly and southwesterly along FM 2595 to its intersection with FM 53; thence south along FM 53 approximately 0.5 mile to intersection of a county road at north edge of Wingate; thence southwesterly along the county road 2.0 miles; thence southerly 1.0 mile; thence northwesterly 1.0 mile; thence southerly 2.5 miles; thence southwesterly 1.5 miles; thence southerly 1.25 miles to the intersection with FM 384; thence southwesterly along FM 384 2.0 miles to Oak Creek to point of beginning, is regulated by the Texas Herbicide Law. Persons within the regulated area who use regulated herbicides between May 10 and September 1 must obtain a spraying permit from the Texas Department of Agriculture prior to such use.

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

Doc. No. 790821

Reagan V. Brown  
Commissioner

Texas Department of Agriculture

Proposed Date of Adoption March 19, 1979

For further information, please call (512) 475-6133.

## Texas State Board of Dental Examiners

### Conduct 382.19

(Editor's note: The Texas State Board of Dental Examiners is proposing for permanent adoption the emergency amendments and new rules it adopts in this issue. Subchapters include: Professional Signs, Rule 382.19.01.001; Fair Dealing, Rule 382.19.15.004; Anesthesia and Anesthetic Agents, Rule 382.19.18.008; and Advertising, Rules 382.19.20.001 and .002. The texts of the rules appear in the Emergency Rules section.)

The Texas State Board of Dental Examiners held an open meeting in Dallas on January 27, 1979, and the following rules were proposed for adoption.

The amendment to Rule 382.19.18.008 is necessary because in the present rule, the use of the word "mortality" and the reference to "hospitalization" has created confusion, and for clarity the word death is substituted for mortality and the word "hospitalization" is stricken; thus, any injury to a dental patient must be reported by the attending dentist for the protection of the public.

The addition of Section (b) to Rule 382.19.15.004 preserves continuity of access to records and requires the board to be notified of the location of all records and prohibits claimed ownership of records by nondentists.

The amendment to Rule 382.19.01.001 clarifies the definition of a professional sign. It is believed that this addition will protect the public by aiding those needing dental care to find a dentist for regular or emergency service.

The addition of the new subchapter, Advertising, and the two new rules, 382.19.20.001 and .002, are deemed reasonable and necessary to comply with federal decisions and to ensure the using public that an advertised fee will not be changed before the service can be completed. It is the position of the board that this is necessary for the protection of the public health and welfare.

The board has determined that these rules and amendments will have no fiscal implications for the state or for units of local government.

Those desiring to comment upon these proposals should direct their comments in writing to the Texas State Board of Dental Examiners, 718 Southwest Tower, 7th and Brazos, Austin, Texas 78701.

These rules and amendments are proposed under the authority of Article 4551d of the Revised Civil Statutes of Texas as amended.

Doc. No. 790830-790833

## Extension of Duties of Auxiliary Personnel 382.31

(Editor's note: The Texas State Board of Dental Examiners is proposing for permanent adoption the emergency amendments it adopts in this issue. Subchapters include Dental Hygiene, Rule 382.31.01.002, and Dental Assistants, Rule 382.31.02.001. The texts of the rules appear in the Emergency Rules section.)

The Texas State Board of Dental Examiners held an open meeting in Dallas on January 27, 1979, and the following rules were proposed for adoption.

In Rule 382.31.01.002, the addition of the language to the list of permitted duties of a dental hygienist (application of pit and fissure sealants) has been discussed by the board over several years and is necessary to be adopted at this time so that the 13 dental hygiene schools may include instruction in this new area for their 1979 graduates and will protect the dental health of those patients who receive this dental treatment at the direction of the dentist. This applies only to those dental hygienists who have successfully completed a course approved by the Texas State Board of Dental Examiners, the guidelines of which will be issued.

The amendment to Rule 382.31.02.001 is necessary to not be in conflict with the dental hygiene area (Rule 382.31.01.002) of the rules.

The board has determined that these rules and amendments will have no fiscal implications for the state or for units of local government.

Those desiring to comment upon these proposals should direct their comments in writing to the Texas State Board of Dental Examiners, 718 Southwest Tower, 7th and Brazos, Austin, Texas 78701.

These amendments are proposed under the authority of Article 4551d of the Revised Civil Statutes of Texas as amended.

Issued in Austin, Texas, on February 6, 1979.

Doc. No. 790834- Carl C. Hardin  
790835 Executive Director  
Texas State Board of Dental Examiners

Proposed Date of Adoption: March 19, 1979

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

## Texas Department of Human Resources

### Medicaid Eligibility

#### Resources for Individuals Related to the SSI Program 326.25.33

The Department of Human Resources proposes to amend Rules 326.25.33.003-.004 about resource limitations of individuals related to the SSI Program in its Medicaid Eligibility rules. The proposed amendments revise department policy so that resources of an ineligible spouse are deemed to the applicant/recipient only if they are living together in a household. If the applicant/recipient lives apart from the ineligible spouse, only that individual's own resources, including half of any community property, are considered and compared to the \$1,500 resource limitation.

The department has determined that the proposed amendments will have no fiscal implications for the state or units of local government. Currently, applicants for medical assistance have little problem in meeting resource restrictions because they are free to transfer resources. The proposed amendments do not restrict that option.

Written comments are invited and may be sent to Susan Johnson, assistant chief, Systems and Procedures Bureau—011, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

The following amendments are proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes.

*.003. Resource Limitations. In order for an individual or couple to be eligible under SSI Program criteria, the value of all countable resources must not exceed the following limitations:*

- (1) *individual—\$1,500;*
- (2) *eligible couple—\$2,250 (combined resources of the couple);*
- (3) *individual with ineligible spouse living in the same household—\$2,250 (combined resources of the individual and spouse);*
- (4) *individual with ineligible spouse not living in the same household—\$1,500 (individual's own resources plus half of any community property);*
- (5) *child—\$1,500 (child's own resources plus certain deemed resources of parents with whom child lives).*

[(a) An aged, blind, or disabled individual may be eligible for SSI if the individual's countable resources do not exceed \$1,500. An individual and eligible or ineligible spouse may not have countable resources, including the resources of the spouse, in excess of \$2,250.]

*.004. Deeming of Resources.*

(a) In the case of a married individual living in the same household with an ineligible spouse, the ineligible spouse's resources are **counted together with** [considered as] the individual's own, regardless of whether the **spouse's** resources are **actually** available to the individual, unless the ineligible spouse is an AFDC caretaker. The resource limita-

tion of \$2,250 is applied to the combined countable resources of the couple.

(b) *Deeming does not apply if the individual is not living in a household with the ineligible spouse. (Residing together in a nursing facility does not constitute "living in a household" for deeming purposes.) In this situation, only the individual's own resources are counted against the \$1,500 resource limit. The individual's own resources include the total amount of checking and savings accounts to which the individual has access and half of any community property obtained during the marriage. Any separate resources of the ineligible spouse are excluded from consideration.*

(c)(b) In the case of a blind or disabled child under age 18 or under age 21 and a student, the child's resources are deemed to include any resources of the child's parent if the parent lives in the same household, regardless of whether the resources are available to the child, unless the parent is an AFDC caretaker or second recipient.

(d)(c) A parent is defined as a child's natural or adoptive parent or the spouse of the natural or adoptive parent.

(e)(d) To determine the amount of resources deemed to an eligible child, the following principles apply:

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

Issued in Austin, Texas, on February 8, 1979.

Doc. No. 790860 Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: March 19, 1979

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

## State Board of Insurance Rating and Policy Forms

### Fixing Rate of Automobile Insurance 059.05.01

The State Board of Insurance proposes to amend on a permanent basis Rule 059.05.01.001, which adopted by reference the Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements. The amendment is attached to and incorporated herein by reference.

The proposed amendment has no known fiscal effects for the state or for units of local government (source: State Board of Insurance staff).

On September 6, 1978, the board prescribed statewide automobile insurance rate adjustments to be effective on and after November 1, 1978. The November 1, 1978, rate changes were based on revised loss and loss adjustment ratios and expense provisions. Revision of the Texas Expected Loss Ratios set out in paragraph 9(c)(a) of Texas Automobile Manual Rule 132, Composite Rating Plan, is necessary to track the revision of the expected loss ratios upon which the November 1, 1978, rate changes were based. This proposed amendment was previously adopted by the State Board of Insurance on an emergency basis to be effective November 1, 1978.

Public comment on the proposed amendment to Rule .001 is invited and may be submitted in writing to D. E. O'Brien,

State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

The amendment is proposed under the authority of Article 5.01 of the Texas Insurance Code.

.001. *Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements.* The State Board of Insurance adopts by reference the attached Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements as amended in April [March] 1979. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West Sixth Street, Austin, Texas 78701.

Doc. No. 790816

### Premium Rating Plans 059.05.77

The State Board of Insurance proposes to amend on a permanent basis Rule 059.05.77.003, which adopted by reference the Retrospective Rating Plan D Rating Supplement for Texas Automobile Liability and Physical Damage Insurance.

The proposed amendment has no known fiscal effects for the state or for units of local government (source: State Board of Insurance staff).

On September 6, 1978, the State Board of Insurance prescribed statewide automobile insurance rate adjustments to be effective on and after November 1, 1978. The November 1, 1978, rate changes were based on revised loss and loss adjustment ratios and expense provisions. Revision of the expected loss ratios, expense ratios, and the loss conversion factor in the Retrospective Rating Plan D Rating Supplement for Texas Automobile Liability and Physical Damage Insurance is necessary to track the changes upon which the November 1, 1978, rate changes were based. These proposed changes were previously adopted by the State Board of Insurance on an emergency basis to be effective November 1, 1978.

Public comment on the proposed amendment to Rule .003 is invited and may be submitted in writing to D. E. O'Brien, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

This amendment is proposed under the authority of Article 5.77 of the Texas Insurance Code.

.003. *Retrospective Rating Plan D Rating Supplement for Texas Automobile Liability and Physical Damage Insurance.* The State Board of Insurance adopts by reference the attached Retrospective Rating Plan D Rating Supplement for Texas Automobile Liability and Physical Damage Insurance as amended April 1979. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West Sixth Street, [P.O. Box 788,] Austin, Texas 78701 [78767].

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

Doc. No. 790819 Pat Wagner  
Chief Clerk  
State Board of Insurance

Proposed Date of Adoption: March 19, 1979

For further information, please call (512) 475-3486.

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.

## State Board of Barber Examiners

### Practice and Procedure

#### Barber Colleges, Schools, and Students 378.01.02

The State Board of Barber Examiners, on February 5, 1979, adopted amended Rule 378.01.02.028, under the authority of Articles 8401-8407 and 8407a, Texas Civil Statutes, to read as follows:

.028. *Progress Report Barber School Monthly Records of Student Hours.* Progress Report Barber School Monthly Records of Student Hours will include:

- (1) the words "Progress Report Barber School Monthly Records of Student Hours";
- (2) licensed teachers' names and license numbers;
- (3) instructors' names and license numbers;
- (4) name of school and address;
- (5) month and year;
- (6) student names in alphabetical order (10 per page);
- (7) a graph comprised of:
  - (A) a vertical heading of days of the month (1-31);
  - (B) student certificate number;
  - (C) monthly hours acquired;
  - (D) previous hours;
  - (E) grand total hours;
  - (F) course;
- (8) student's signature;
- (9) signed by instructor or school owner and notarized.

Issued in Austin, Texas, on February 8, 1979.

Doc. No. 790862      Charles F. Blackburn  
Executive Secretary  
State Board of Barber Examiners

Effective Date: March 2, 1979

For further information, please call (512) 458-2241.

## Texas State Board of Dental Examiners

### Dentistry

#### Conduct-Grading 382.01.04

This new rule is promulgated under the authority of Article 4551d of the Revised Civil Statutes of Texas as amended.

.004. *Failures.* An applicant who has failed an examination and who desires specific reasons for his failing in any subject or procedure shall file a written request addressed and mailed to the board's central office within 30 days of the date of the official notice mailed to the applicant from the board office advising of his failure and received in the board's central office within 40 days from the date of the official notice.

Doc. No. 790836

### Conduct

#### Newspaper and Professional Card Listings 382.19.02

The Texas State Board of Dental Examiners has withdrawn from consideration the proposed amendment to Rule 382.19.02.002, Size and Publication. The text of the rule was published in the December 22, 1978, issue of the *Texas Register* (3 TexReg 4468).

Doc. No. 790837

#### Special Announcements 382.19.03

This new rule is promulgated under the authority of Article 4551d of the Revised Civil Statutes of Texas as amended.

.003. *Advising Dental Patients.* A dentist may advise his current dental patients of record, by sealed letter mailed or delivered to such dental patients, of scientifically accepted dental health advice or information where the content of such letter is not otherwise prohibited.

Doc. No. 790838

#### Telephone Directory Listings 382.19.04

This rule amendment is promulgated under the authority of Article 4551d of the Revised Civil Statutes of Texas as amended.

.001. *Requirements.* A dental licensee may have not more than three professional listings such as are usually contained in a telephone book, one in the white and two in the yellow section, and such listings shall be in regularly used small size type and not be printed in large or boldface type, or be multicolored or set in a heavy border. Such listings may contain only the name, the earned dental degree or degrees conferred on such licensee, the address(es), and the telephone numbers of the practitioner at such address(es). Where a practitioner limits his practice, he may add after the earned dental degrees) or the word "Dentist" or "Dentistry," im-

mediately following his alphabetical listing in the white section, such limitation of practice or specialty as provided in these rules. In the yellow or classified section of the telephone directories regularly published by the telephone company or companies serving the trade area where the dental office is located, each dentist may properly list under general alphabetical listing of all dentists and under one of the following permitted headings in the yellow pages: (1) General Dentistry, (2) Endodontics, (3) Oral Surgery or Oral and Maxillofacial Surgery, (4) Orthodontics, (5) Pedodontics and/or Children's Dentistry, (6) Periodontics, (7) Prosthodontics—Complete and/or Partial Dentures; provided, however, a Texas dental licensee who has two or more earned related dental degrees and/or certificates in different specialties may apply to the board and be granted permission to announce and practice in such specialties. A practitioner shall not list or permit the listing of his name or address to appear at any address at which he is not practicing. Listings permitted hereby shall be limited to not more than three telephone directories published and serving the trade area where the dental office or the dentist's home is located. The listing of "if no answer call" or other words of similar import are permitted; provided, however, such representation(s) of services shall not be false or misleading in any manner whatsoever or tend to create a false or misleading impression.

Doc No. 790839

## Anesthesia and Anesthetic Agents

382.19.18.002

This rule amendment is promulgated under the authority of Article 4551d of the Revised Civil Statutes of Texas as amended.

### 002. Professional Requirements.

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

(c) The inducing and administering of any anesthesia or anesthetic agent producing anesthesia, general anesthesia, analgesia, narcotical analgesia, relative analgesia, or conscious sedation, whether for the control of anxiety or pain or to induce relaxation or cooperation of a dental patient, shall only be induced and administered as provided in the rules governing anesthesia and anesthetic agents.

Doc No 790840

382.19.18.013

This new rule is promulgated under the authority of Article 4551d of the Revised Civil Statutes of Texas as amended.

013. Guidelines for  $N_2O/O_2$  Conscious Sedation. It is recognized that many dental practitioners have acquired a high degree of competency in the use of  $N_2O/O_2$  conscious sedation by a combination of short courses and experience. Except for such dental practitioners who have been licensed in Texas prior to January 1, 1980, and who have filed the required anesthesia report with the Texas State Board of Dental Examiners, the board will require the following beginning January 1, 1980:

(1) After January 1, 1980, dentists who are licensed to practice dentistry in Texas and who desire to use  $N_2O/O_2$  must produce satisfactory evidence of completion of a didactic and clinical course of instruction in  $N_2O/O_2$  conscious sedation. Such courses of instruction shall be directed by qualified instructors with advanced education in comprehensive pain control and with broad clinical experience in  $N_2O/O_2$  conscious sedation. All such courses of instruction must be approved by the Texas State Board of Dental Examiners.

(2) The minimum requirements after January 1, 1980, shall be:

(A) Cardiopulmonary resuscitation (CPR)—four hours

(B) Continuing education course in the prevention and management of emergencies in dental practice. Such eight-hour course must be approved by the Texas State Board of Dental Examiners—eight hours

(C) Didactic—Pharmacodynamics of  $N_2O/O_2$  conscious sedation—four hours

(D) Clinical experience under direct supervision—six hours

Issued in Austin, Texas, on February 6, 1979.

Doc. No. 790841

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

Effective Date February 28, 1979

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

## Texas Department of Human Resources

### Child Support Collection

#### Child Support Collection Services 326.20.21

The Department of Human Resources adopts the amendment to its rule regarding applicants for child support services who are not recipients of Aid to Families with Dependent Children (AFDC). This amendment was published in the November 24, 1978, issue of the *Texas Register* (3 TexReg 4115). The following rule explains the requirement that non-AFDC applicants have an appropriate identification number in order to receive a state warrant. If child support is collected and paid through the department, a state warrant is written by the Comptroller's Office for the collection. The Comptroller's Office must have an identification number on file for the applicant before a warrant can be issued. No comments were received on the proposed revision. Minor editorial changes have been made to the proposed text.

This amendment has been approved by the Texas Board of Human Resources and is adopted under the authority of Article 695c, Texas Revised Civil Statutes.

### 003. Other Applicants.

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

(c) The child support staff must explain to the non-AFDC applicant that if child support is collected and paid through the department, a state warrant is written for the collection minus allowable costs recovered. These state warrants are written by the comptroller. Before the comptroller

can write a state warrant, a vendor identification number must be on file in the Comptroller's Office. For non-AFDC child support payments, this number may be either the applicant's social security number or a special number assigned by the comptroller. Child support units must maintain a supply of vendor number applications and assist the applicant in completing the form.

(d) Provide any individual making application for child support services information about the probable cost of providing services.

Issued in Austin, Texas, on February 7, 1979.

Doc. No. 790823      Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Effective Date February 28, 1979

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

## State Board of Insurance Rating and Policy Forms

### Fixing Rate of Automobile Insurance 059.05.01

The State Board of Insurance has amended Rule 059.05.01.001, which adopted by reference Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements. The amendment is attached hereto and incorporated herein by reference.

The amendment eliminates all references to bumper discounts where they appear in the Texas Automobile Manual. Deletion of such references and discounts is necessary since the automobile collision coverage premiums prescribed by the State Board of Insurance to be effective November 1, 1978, for private passenger automobiles, to be displayed in the rate section of the manual, have been adjusted to recognize average credits for improved bumper systems. These amendments were previously adopted on an emergency basis to be effective November 1, 1978.

This amendment is adopted under the authority of Article 5.01 of the Texas Insurance Code.

*.001 Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements* The State Board of Insurance adopts by reference the attached Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements as amended in January 1979. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West Sixth Street, Austin, Texas 78701.

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

Doc. No. 790817      Pat Wagner  
Chief Clerk  
State Board of Insurance

Effective Date February 28, 1979

For further information, please call (512) 475-3486.

The State Board of Insurance has amended effective March 1, 1979, Rule 059.05.01.001, which adopted by reference the Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements. The amendment is attached and incorporated herein by reference for all intents and purposes.

The amendment modifies Texas Automobile Manual Rule 115—Automobile Schools and Automobiles Used in Driver Training Programs—to allow a 10 percent reduction in automobile liability insurance premiums for motorcycles, motorscooters, and motorbikes used for driver-training purposes provided such vehicles are used only in parking lots or blocked-off streets.

This amendment is adopted under the authority of Article 5.01 of the Texas Insurance Code.

*.001 Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements* The State Board of Insurance adopts by reference the attached Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements as amended in March 1979. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West Sixth Street, Austin, Texas 78701.

Doc No 790818

The State Board of Insurance has amended effective March 1, 1979, Rule 059.05.01.001, which adopted by reference the Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements. The amendment is attached and incorporated herein by reference for all intents and purposes.

The amendment is to adopt a new optional mechanical breakdown broad form coverage endorsement for use with the prescribed mechanical breakdown policy. The proposed broad form coverage endorsement extends the standard mechanical breakdown coverage to include certain additional parts, to increase the rental reimbursement limits, and to increase the maximum permitted mileage. This amendment also includes amendments to Texas Automobile Manual Rule 138—Mechanical Breakdown—to include an additional rule and rating procedure for the proposed broad form coverage endorsement.

This amendment is adopted under the authority of Articles 5.01 and 5.06 of the Texas Insurance Code.

*.001 Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements* The State Board of Insurance adopts by reference the attached Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements as amended in March 1979. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West Sixth Street, Austin, Texas 78701.

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

Doc. No. 790820      Pat Wagner  
Chief Clerk  
State Board of Insurance

Effective Date March 1, 1979

For further information, please call (512) 475-3486.

## State Board of Veterinary Medical Examiners

### Professional Conduct 405.02.00

Under the authority granted in Section 12 of Article 7465(a) of Vernon's Annotated Texas Statutes, the Texas State Board of Veterinary Medical Examiners has adopted Rule 405.02.00.028 to read as follows:

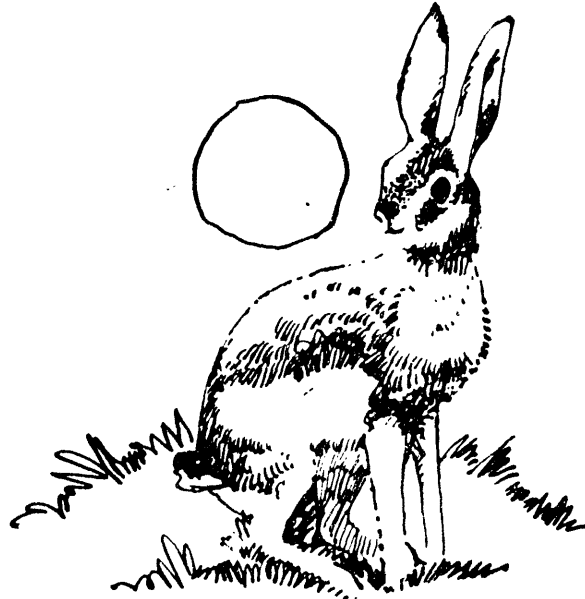
*028 Controlled Substances Prescribing or Dispensing.* It is unprofessional conduct for a licensed veterinarian to prescribe or dispense, deliver, or order delivered any controlled substance without first having established a patient-veterinarian relationship by having personally examined the individual animal, herd, or a representative segment or a consignment lot thereof, and determined that such controlled substance is therapeutically indicated following said examination.

Issued in Austin, Texas, on February 7, 1979.

Doc No 790822      T. D. Weaver  
Executive Secretary  
State Board of Veterinary Medical  
Examiners

Effective Date: February 28, 1979

For further information, please call (512) 475-3933.



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

**Wednesday, February 21, 1979, 8:30 a.m.** The Texas Air Control Board Medical Resources Advisory Panel will meet at the U.T. School of Public Health, 6905 Bertner Street, Houston. The summarized agenda topics for discussion include basis for control of volatile organic compounds (panel discussion); control versus substitution—current and proposed Texas Air Control Board Regulation V exemptions; and future meetings of the Medical Resources Advisory Panel.

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

Filed February 9, 1979, 3:37 p.m.  
Doc. No. 790874

## Texas Commission on Alcoholism

**Sunday, February 11, 1979, 2 p.m.** Commission members of the Texas Commission on Alcoholism met in emergency session in Room 812 of the Sam Houston Building, Austin. As summarized, agenda items included certification of agencies to receive court commitments on behalf of the commission; designation of a commission representative for the Alcoholism Advisory Council; and an executive session to discuss personnel.

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

Filed February 9, 1979, 9:01 a.m.  
Doc. No. 790855

## State Board of Control

**Friday, February 23, 1979, 10 a.m.** The State Board of Control will meet in Room 916 of the LBJ Building, 111 East 17th

Street, Austin. As summarized on the agenda, the board will consider proposed rule changes on state leases and proposed rule changes relating to use of conference rooms; review uniform general terms and conditions for state construction contracts; and will consider the following information items: promotion of Bill Corbell to senior buyer position, review of proposed bill relating to state telecommunication authority, first annual contract for small vehicles, and auctioneering services to be bid on competitive basis. This meeting was rescheduled from February 16, 1979.

Additional information may be obtained from Homer A. Foerster, P.O. Box 13047, Austin, Texas 78711, telephone (512) 475-2211.

Filed February 8, 1979, 4:07 p.m.  
Doc. No. 790852

## Texas County and District Retirement System

**Friday, February 16, 1979, 9 a.m.** The Board of Trustees of the Texas County and District Retirement System will conduct an emergency meeting at the Sheraton Crest Inn, 111 East 1st, Austin. Agenda items include consideration of draft of legislation providing program of optional supplemental death benefits; consideration of possible additional amendments to the TCDRS Act; and reports from director, legal counsel, and actuary.

Additional information may be obtained from Texas County and District Retirement System, 802 Perry-Brooks Building, Austin, Texas, telephone (512) 476-6651.

Filed February 9, 1979, 1:35 p.m.  
Doc. No. 790872

## Texas Department of Health

**Saturday, February 17, 1979, 9:30 a.m.** The Texas Board of Health of the Texas Department of Health will meet in the board room, 1100 West 49th Street, Austin. As summarized, the meetings will include the following: commissioner's report; board permission for vending machine in rental space; appointments to the Advisory Committee to the Hemophilia Assistance Program; citizen comments concerning nursing home; report on vision screening services in Texas; proposed rules concerning minimum licensing standards for personal care homes; and report on nutritionist conference.

Additional information may be obtained from Phillip Montgomery, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7488.

Filed February 9, 1979, 4:04 p.m.  
Doc. No. 790876

**Friday, February 23, 1979.** The hearing regarding the repeal of the department rule on the preservation of bodies has been postponed indefinitely because of proposed legislation in the present session of the Texas Legislature which could affect this rule. When the hearing is rescheduled, the date, time, and place will be published in the *Texas Register*.

Additional information may be obtained from Dan LaFleur, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7236.

Filed February 9, 1979, 4:04 p.m.  
Doc No. 790877



## Midwestern State University

**Thursday, February 15, 1979, 4 p.m.** The Board of Regents of Midwestern State University has made an emergency addition to the agenda of a meeting to be held in the board room, Hardin Administration Building, Midwestern State University, Wichita Falls. The addition is an executive session to discuss personnel matters.

Additional information may be obtained from John G. Barker, president of Midwestern State University, 3400 Taft, Wichita Falls, Texas 76308, telephone (817) 692-6611, extension 211.

Filed February 12, 1979, 11:58 a.m.  
Doc No. 790882

## North Texas State University

**Thursday, February 22, 1979, 9:30 a.m.** The Budget and Finance Committee of the Board of Regents of North Texas State University will meet in the eighth floor conference room, North Texas State University Health Sciences Center/Texas College of Osteopathic Medicine in Fort Worth. As summarized, the agenda includes budget requests and a report on biennial budget requests.

For more information, contact Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed February 12, 1979, 11:58 a.m.  
Doc No. 790884

**Thursday, February 22, 1979, 10 a.m.** The Role and Scope Committee of the North Texas State University Board of Regents will meet in the eighth floor conference room, North Texas State University Health Sciences Center/Texas College of Osteopathic Medicine in Fort Worth. The summarized agenda includes an executive session on legal, real estate, and personnel matters, as authorized by Section 2, paragraphs (e)-(g), Vernon's Civil Statutes, and consideration of unexpended balances for tutorial services, NTSU/TCOM Joint Committee Progress, athletic report, broadcast projects, SREB faculty evaluation project, free enterprise program, policy on outside activities, and the Research Foundation.

For more information, contact Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed February 12, 1979, 11:58 a.m.  
Doc No. 790885

**Thursday, February 22, 1979, noon.** The Facilities Committee of the North Texas State University Board of Regents will meet in the eighth floor conference room, North Texas State University Health Sciences Center/Texas College of Osteopathic Medicine in Fort Worth. The summarized agenda includes an executive session on legal, real estate, and personnel matters, as authorized by Section 2, paragraphs (e)-(g), Vernon's Civil Statutes. Also being considered are the following topics: sale of real estate, fifth floor, General Academic Building; report of Computer Task Force; air conditioning and heating in Masters Hall; Athletic Building, Phase II; coliseum concourse; space utilization; construction status report; and minor alterations and remodeling.

For more information, contact Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed February 12, 1979, 11:58 a.m.  
Doc No. 790886

**Thursday, February 22, 1979, 1 p.m.** The North Texas State University Board of Regents will meet in the eighth floor conference room, North Texas State University Health Sciences Center/Texas College of Osteopathic Medicine in Fort Worth. The summarized agenda includes an executive session on legal, real estate, and personnel matters, as authorized by Section 2, paragraphs (e)-(g), Vernon's Civil Statutes.

For more information, contact Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed February 12, 1979, 11:58 a.m.  
Doc No. 790887

**Thursday, February 22, 1979, 4 p.m.** The Student Affairs Committee of the North Texas State University Board of Regents will meet in the eighth floor conference room, North Texas State University Health Sciences Center/Texas College of Osteopathic Medicine in Fort Worth. The summarized

agenda includes consideration of married student housing and contingency plans for Iranian students.

For more information, contact Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed February 12, 1979, 11:58 a.m.

Doc. No. 790888

**Friday, February 23, 1979, 9 a.m.** The Board of Regents of North Texas State University will meet in the eighth floor conference room, North Texas State University Health Sciences Center/Texas College of Osteopathic Medicine in Fort Worth. As summarized on the agenda, the board will consider the following topics: personnel, budget adjustments and corrections, Joshua C. Chilton Society, NTSU Development Board, name change for speech and hearing clinic, leaves of absences, degree in anthropology, and degree in music history and literature.

For more information, contact Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed February 12, 1979, 11:58 a.m.

Doc. No. 790889

**Friday, February 23, 1979, 9 a.m.** The Board of Regents of the North Texas State University Health Sciences Center/Texas College of Osteopathic Medicine will meet in the eighth floor conference room, North Texas State University Health Sciences Center/Texas College of Osteopathic Medicine in Fort Worth. As summarized on the agenda, the board will consider the following topics: personnel, signature authorization, federal Social Security Program, name change for Department of Microbiology, resolution in memory of Mrs. George F. McQueen, and naming of the conference room.

For more information, contact Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed February 12, 1979, 11:58 a.m.

Doc. No. 790890

## Texas Parks and Wildlife Department

**Wednesday and Thursday, February 21-22, 1979, 10 a.m. Wednesday and 9 a.m. Thursday.** The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the department headquarters complex, Building B, 4200 Smith School Road, Austin. The summarized agenda includes the following items: Galveston Bay oyster closure; Temple-Eastex public use area administration (wildlife); Gene Howe Wildlife Management Area gas pooling agreement; Jose Antonio Navarro State Historic Site, Bexar County; Goliad State Historical Park church ventilation system, Goliad County; Magoffin Home State Historic Site bid review/final funding, El Paso County; capital improvements programs, Galveston Island State Park, Galveston County/Cleburne State Recreation Area, Johnson County;

Port Lavaca State Fishing Pier concession contract award, Calhoun County; Lake Mineral Wells State Park proposed gas gathering pipeline, Parker County; Goliad State Historical Park acquisition project, Goliad County; Garner State Park water system development funding, Uvalde County; facilities development fundings, Lake Mineral Wells State Park, Parker County/Goose Island State Recreation Area, Aransas County; fiscal year 1979 park major repairs; San Antonio River Authority development agreement, Goliad State Historical Park, Goliad County; provision of department photographs to the public; and the executive office budget.

Additional information may be obtained from Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4954.

Filed February 12, 1979, 9:29 a.m.

Doc. No. 790881

**Thursday, February 22, 1979, following February 21-22 public hearing.** The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the department headquarters complex, Building B, 4200 Smith School Road, Austin. The summarized agenda includes the following items: Bryan Beach State Recreation Area Concept Development Plan, Brazoria County; Mustang Island State Park Special Rules Regulations 127-40.14-001-003, Nueces County; park maintenance buildings, design criteria; Hale Ranch State Park Road improvements, red drum commercial harvest quota, proposed 1979-80 hunting, fishing, and trapping proclamation changes.

Additional information may be obtained from Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4954.

Filed February 12, 1979, 9:29 a.m.

Doc. No. 790880

## Texas Department of Public Safety

**Monday, February 19, 1979, 10 a.m.** The Public Safety Commission of the Texas Department of Public Safety will meet at 10110 Northwest Freeway in Houston to consider budget matters, personnel matters, the Building Program, and any other unfinished business.

Additional information may be obtained from Wilson E. Speir, 5805 North Lamar, Austin, Texas, telephone (512) 452-0331, station 3700.

Filed February 9, 1979, 10:23 a.m.

Doc. No. 790861

## Public Utility Commission of Texas

**Friday, February 23, 1979, 1:30 p.m.** The Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin. As summarized on the

agenda, the hearing concerns Docket Nos. 2148 and 2172—application of Sparta Oaks Water Corporation for a certificate of convenience and necessity and a rate/tariff change within Bell County and application of Sparta Oaks Home Owners Association for a certificate of convenience and necessity within Bell County.

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

Filed: February 9, 1979, 3:38 p.m.  
Doc. No. 790875

**Friday, March 9, 1979, 1:30 p.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin. As summarized on the agenda, the hearing concerns Docket No. 2144—application of Twin Oaks Water Company for a rate increase within Henderson County.

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

Filed: February 9, 1979, 9:46 a.m.  
Doc. No. 790857



## Railroad Commission of Texas

**Monday, February 12, 1979, 9 a.m.** An emergency addition was made to the meeting of the Gas Utilities Division of the Railroad Commission of Texas. The division met at the E. O. Thompson Building, 10th and Colorado, Austin. The addition, as summarized, was the consideration of Dockets 1660, 1668, and 1890.

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

Filed: February 9, 1979, 11:44 a.m.  
Doc. No. 790869

**Monday, February 12, 1979, 9 a.m.** An emergency addition was made to the agenda of a meeting of the Oil and Gas Division of the Railroad Commission of Texas. The division met at the E. O. Thompson Building, 10th and Colorado, Austin. The addition, as summarized, was the consideration of the Advisory Committee's report on Rule 051.02.99.001, Determination of Gas Market Demand. This was considered at a conference on January 29, 1979, and consideration was not completed. Consideration on less than seven days' notice was due to imminent public necessity.

Additional information may be obtained from J. Brooks Peden, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-3256.

Filed: February 9, 1979, 11:44 a.m.  
Doc. No. 790870

**Tuesday, February 20, 1979, 10 a.m.** The Gas Utilities Division of the Railroad Commission of Texas will meet at the E. O. Thompson Building, 10th and Colorado, Austin. The agenda, as summarized, includes consideration of Dockets 1675, 1731, 1879, and 1789, word processing matters; and the director's report. An executive session 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 9, 1979, 11:45 a.m.  
Doc. No. 790865

**Tuesday, February 20, 1979, 10 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet at the E. O. Thompson Building, 10th and Colorado, Austin. The agenda, as summarized, includes consideration of the following: field rules and determination of productive acreages, amendment of water injection permit, special allowable, unitization and secondary recovery, injection of fluid, Rule 37 cases, proper pluggings, amendment of rules, adoption of gas field rules, determination of effectiveness of temporary field rules; and administrative: suspensions of allocation formulas, new oil and gas discoveries, exception to Statewide Rules 23, 14(B)(2), 11, and 8(c), plugging with state funds, permission to flare gas, and consideration of revision of form T-2A.

Additional information may be obtained from Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-3003.

Filed: February 9, 1979, 11:46 a.m.  
Doc. No. 790863

**Tuesday, February 20, 1979, 10 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet at the E. O. Thompson Building, 10th and Colorado, Austin. The agenda, as summarized, includes consideration of category determinations under Sections 102(c)(1)(B) and (C), 130, 107, and 108 of the Natural Gas Policy Act of 1978.

Additional information may be obtained from Linda D. Carr, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-4686.

Filed: February 9, 1979, 11:45 a.m.  
Doc. No. 790867

**Tuesday, February 20, 1979, 10 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting to be held in the 10th floor conference room of the E. O. Thompson Building, 10th and Colorado, Austin. The addition is the consideration of proposed rules for category determinations under the Natural Gas Policy Act of 1978.

Additional information may be obtained from James P. Grove IV, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-4686.

Filed February 9, 1979, 11:44 a.m.  
Doc. No. 790868

**Tuesday, February 20, 1979, 10 a.m.** The Surface Mining Division of the Railroad Commission of Texas will meet in the 10th floor conference room of the E. O. Thompson Building, 10th and Colorado, Austin. The agenda includes consideration of the performance bond submitted for approval by Amistad Fuel Company and issuance of a permit for Amistad's sub-bituminous surface mining operation.

Additional information may be obtained from Carmen Ramos, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-6520.

Filed February 9, 1979, 11:46 a.m.  
Doc. No. 790864

**Tuesday, February 20, 1979, 10 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, Austin. The summarized agenda includes consideration of the following applications: clearance deviation, amend authority, bus rate, motor brokers license, consolidate authority, divide authority, lease authority, new authority, change name, rail rate, reinstatement, sell authority, truck rate, transfer authority, 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 9, 1979, 11:45 a.m.  
Doc. No. 790866

## Structural Pest Control Board

**Tuesday, February 27, 1979, 8:30 a.m.** The Structural Pest Control Board will meet in Suite 123, 5555 North Lamar, Building H, Austin. As summarized, agenda items include the executive director's report; appearance before the board by Henry Grady Griffin, doing business as Griffin Pest Control, and Nolan Griffin, certified applicator, Griffin Pest Control (10 a.m.); discussion of legislation pertaining to the Structural Pest Control Board; setting dates for next examination and board meeting; and miscellaneous matters.

Additional information may be obtained from Charlie Chapman, 5555 North Lamar, Building H, Suite 123, Austin, Texas 78751, telephone (512) 454-3617.

Filed February 9, 1979, 9:58 a.m.  
Doc. No. 790858

## Teacher Retirement System of Texas

**Friday, February 23, 1979, 10 a.m.** The Investment Advisory Committee of the Teacher Retirement System of Texas will meet in the offices of Harold Achziger, Texas American Investments Services, Inc., Fort Worth National Bank, Fort Worth. The agenda includes an update on investments for current quarter, a status report on securities issued in book entry form and general legislation affecting investments, additions and deletion to approved common stock list, general discussion on economic outlook and market conditions, allocation of cash flow for next quarter, and discussion of appointment to committee.

Additional information may be obtained from Clark Manning, 1001 Trinity, Austin, Texas 78701, telephone (512) 477-9711, extension 271.

Filed February 12, 1979, 11:58 a.m.  
Doc. No. 790883

## Texas Water Commission

**Monday, February 12, 1979, 10 a.m.** Emergency additions were made to the agenda of a meeting of the Texas Water Commission held at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. As summarized on the agenda, the additions included consideration of petitions for creations of water districts and consideration of the conversion of the Municipal Utility District of Harris County to a district operating under Chapter 54 of the Texas Water Code.

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

Filed February 9, 1979, 2:43 p.m.  
Doc. No. 790873

**Wednesday, February 21, 1979, 10 a.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized on the agenda, the commission will consider applications for bond issues; use of surplus funds; escrow release; water quality permits and amendments; voluntary suspension and cancellation of water quality permits; proposed renewal of water quality permits; final decisions on water rights applications and amendments; voluntary cancellation of a water rights claim; contract permit application; filing and setting hearing dates; and consideration of exceptions to final determination of claims on the San Saba Watershed.

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

Filed February 8, 1979, 3:17 p.m.

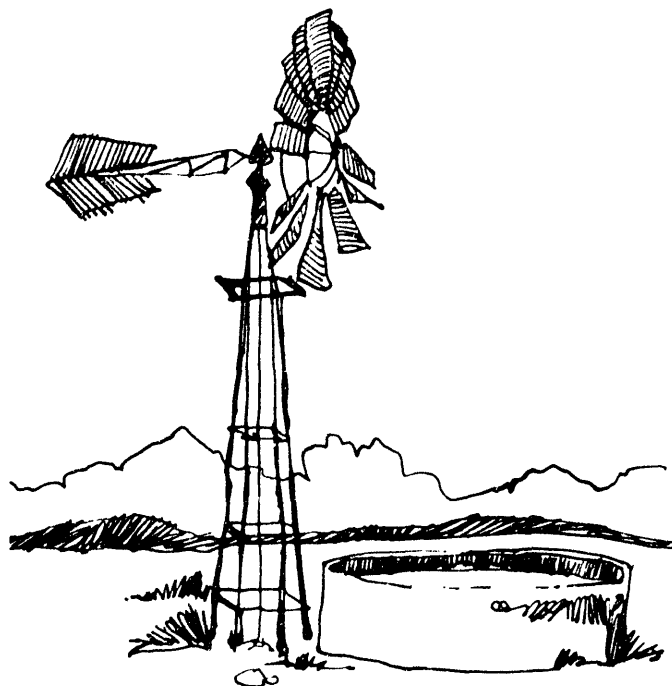
Doc No. 790849

**Tuesday, March 6, 1979, 10 a.m.** The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized on the agenda, the hearing concerns the petition for conversion of Oak Manor Municipal Utility District of Brazoria County into a municipality utility district operating under the provisions of Section 54.030, Texas Water Code.

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

Filed February 8, 1979, 3:17 p.m.

Doc No. 790848



## Texas Water Development Board

**Tuesday, February 20, 1979, 8:30 a.m.** The Texas Water Development Board will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress, Austin. The board will consider: present status of the development fund; financial assistance to the City of Bullard; request of Brown Coun-

ty WID No. 1 for a change in the dating of \$1,500,000 bonds to be purchased by the board; final adoption of amendments to Rules 156.10.01.001, 156.10.05.001-.002, 156.10.10.001-.003, and 156.10.20.001-.013; authorizing executive director to appoint an attorney to conduct public hearings on revised waste discharge permit rules; approving or disapproving the feasibility of the U.S. COE Lake Wichita-Holiday Creek Flood Control Project; certification on Killeen-Temple 208 reports; and certification of four documents which analyze segment boundaries, etc., for the Guadalupe, Lavaca-Tres Palacios, Nueces and Mission-Aransas, and Trinity-San Jacinto estuaries.

Additional information may be obtained from Harvey Davis, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-3187.

Filed February 9, 1979, 4:24 p.m.

Doc No. 790878

## Regional Agencies

### Meetings Filed February 8, 1979

**The Angelina and Neches River Authority**, Board of Directors, rescheduled a meeting to February 12, 1979, at 11 a.m. The board met in the T.V. Room at the Rex Club, Angelina Hotel, Lufkin. Further information may be obtained from William A. Elmore, P.O. Box 387, Lufkin, Texas 75901, telephone (713) 632-7795.

**The Austin-Travis County MH/MR Center**, Board of Trustees, met in the board room, 1430 Collier, Austin, on February 12, 1979, at noon. Further information may be obtained from Daniel Dierschke, 1430 Collier, Austin, Texas 78704, telephone (512) 447-4141.

Doc No. 790847

### Meetings Filed February 9, 1979

**The Panhandle Regional Planning Commission**, Criminal Justice Advisory Board, met in Room 216, Amarillo Building, 3rd and Polk, Amarillo, on February 13, 1979, at 1:30 p.m. Further information may be obtained from Melanie Kenderdine, P.O. Box 9257, Amarillo, Texas, telephone (806) 372-3381.

**The Pecan Valley MH/MR Region**, Board of Trustees, will meet at 202 West Pearl, Granbury, on February 15, 1979, at 7:30 p.m. Further information may be obtained from Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, telephone (817) 968-4181.

Doc No. 790859

### Meetings Filed February 12, 1979

**The Capital Area Planning Council**, Executive Committee, will meet in the conference room of Suite 400, 611 South Congress, Austin, on February 20, 1979, at 2 p.m. Further information may be obtained from Richard G. Bean, 611 South Congress, Austin, Texas 78704, telephone (512) 443-7653.

*The Houston-Galveston Area Council*, Air Quality Technical Advisory Committee, will meet at 3701 West Alabama, Houston, on February 22, 1979, at 2 p.m. Further information may be obtained from Larry Aker, P.O. Box 22777, Houston, Texas 77027, telephone (713) 627-3200.

*The Lower Neches Valley Authority*, Board of Directors, will meet in the conference room at 7850 Eastex Freeway, Beaumont, on February 20, 1979, at 10:30 a.m. Further information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704.

*The San Antonio River Authority*, Board of Directors, will meet in the conference room at 100 East Guenther, San Antonio, on February 21, 1979, at 2 p.m. Further information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, Guilbeau Station, San Antonio, Texas 78204, telephone (512) 227-1373.

*The Trinity River Authority of Texas*, Utility Services Committee, will meet in emergency session in the Executive Conference Room, 2723 Avenue E. East, Arlington, on February 16, 1979, at 10 a.m. Further information may be obtained from Geri Elliott, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

*The West Central Texas Municipal Water District* will meet in the third floor conference room, 174 Cypress Street, Abilene, on February 20, 1979, at 9:30 a.m. Further information may be obtained from Victor Jaeggli, P.O. Box 2362, Abilene, Texas 79604, telephone (915) 673-8254.

*The West Texas Council of Governments*, Board of Directors, will meet in emergency session in Suite 700 of the Mills Building, 303 North Oregon, El Paso, on February 16, 1979, at 9 a.m. Further information may be obtained from Eleanor Bode, Suite 700, 303 North Oregon, El Paso, Texas 79901, telephone (915) 532-2910.

Doc. No. 790891

## 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, along with committee referrals. 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.

Lists of bills introduced and meeting notices from both houses appear in this issue. In addition, this section also includes gubernatorial appointees confirmed on February 8. In the legislative report, please note that committees to which bills were referred usually appear in parentheses following the bill number.

### Education

HB 905 (Public Education) would require proficiency tests in basic reading and writing skills as a requirement for graduation from high school. Other bills introduced regarding proficiency testing of students are HB 764, HB 526, and HB 519, all referred to the Public Education Committee.

### Insurance

HB 709, requiring conversion privileges for spouses under group accident and sickness insurance policies, was referred to subcommittee by the Insurance Committee on February 7.

### Taxes

Two bills regarding taxation of intangible property (HB 573 and HB 658) were considered in public hearing by the Ways and Means Committee on February 7. HB 3, allowing voters to hold elections to reduce increases in local property taxes, was referred to subcommittee by the Intergovernmental Affairs Committee on February 6.

Another proposal prohibiting a state income tax (HJR 75) has been referred to the Constitutional Amendments Committee. Other resolutions concerning state income taxes are: HJR 10 and HJR 11 (prohibiting personal income tax); HJR 7 (prohibiting personal and corporate income tax); and SJR 4 (requiring popular vote to approve either personal or corporate income tax).

### Criminal Justice

A bill (SB 92) legalizing bingo for nonprofit organizations was considered in public hearing by the State Affairs Committee on February 7. HB 590, allowing certain former convicts to obtain occupational licenses, was referred to subcommittee by the State Affairs Committee on February 7.

HB 903 (Criminal Jurisprudence) and SB 500 (Jurisprudence) would reclassify rape as a crime of assault and eliminate the "cohabitation defense" which prevents rape charges against husbands and boyfriends. Statutory rape, in which victims are juveniles, would retain its present name.

Another bill (HB 879) providing for compensation to certain victims of crime was introduced and has been referred to the Criminal Jurisprudence Committee. Three other bills have proposed compensation to crime victims: HB 203 (Criminal Jurisprudence); SB 21 (Jurisprudence Subcommittee on Civil Matters); and HB 366 (subcommittee of State Affairs).

## State and Local Government

Three more bills have been introduced regarding organization of state agencies. HB 893 (Government Organization) calls for the consolidation of the State Board of Registration for Public Surveyors and the Board of Examiners for Licensed State Land Surveyors. SB 486 (Natural Resources), similar to HB 781 (Government Organization), amends membership requirements for the Structural Pest Control Board and calls for coordination between that agency and the Texas Department of Agriculture. SB 522 (Human Resources), similar to HB 797 (State Affairs), would create the Texas Board of Examiners in Social Work.

SB 508 (State Affairs), like HB 847 (Energy Resources), would allow state agencies to use competitive bidding in purchasing electricity for state buildings. SB 493 (State Affairs), similar to HB 460 (Employment Practices), sets out provisions for collective bargaining for firemen and policemen.

## Elections

HJR 74 (Constitutional Amendments) and HB 888 (Elections) call for the selection of certain elective judges in non-partisan elections held in odd-numbered years. HJR 15 (Constitutional Amendments) and SJR 10 (State Affairs), requiring similar arrangements, were introduced earlier in the session.

## Constitutional Revision

SJR 18, legalizing bingo for certain charitable or nonprofit organizations, was reported favorably from the State Affairs Committee on February 8. SJR 14, forbidding discrimination in employment regarding membership or nonmembership in a labor organization, was referred to subcommittee by the State Affairs Committee on February 7.

## Consumer Affairs

HB 699, setting the penalty for making false statements to obtain property or credit, was considered in public hearing on February 6 by the Criminal Jurisprudence Committee. SB 318, establishing a program providing financial assistance for utility expenses to certain consumers, was reported favorably from the Human Resources Committee on February 8.

# 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 13 G. Hill—Granting permission to the Boy Scouts to use the House chamber on February 10, 1979.

HR 44 Berlanga, et al.—Designating February 11, through February 17, 1979, as "LULAC Week".

HCR 3 Grant—Memorializing Congress to take affirmative action to induce the IRS to speed up the processing of estate tax returns.

HCR 56 Glossbrenner, et al.—Commending Raul Velasco and associates for the excellent filming and production of "Siempre en Domingo."

HCR 55 A. Edwards—Inviting Reverend Jesse Jackson to address a joint session of the Texas House of Representatives and Senate. (Rules)

HCR 57 Denton—Requesting the Central Education Agency, the Air Control Board, and the Texas Department of Health to investigate the extent of health risks from asbestos in public schools. (Rules)

HB 869 W. N. Hall—Relating to the importation of liquor in small containers for personal use. (Liquor Regulation)

HB 870 W. N. Hall—Relating to the notation of a person's death on his or her birth certificate. (Health Services)

HB 871 W. N. Hall—Relating to the application of the nepotism law to school districts. (State Affairs)

HB 872 A. Edwards—Relating to regional planning commissions. (Intergovernmental Affairs)

HB 873 Laney—Relating to group insurance coverage for employees of certain legislative agencies. (House Administration)

HB 874 Watson and Criss—Relating to courtroom and office space for justices of the peace. (Intergovernmental Affairs)

HB 875 J. A. Clark—Relating to the reimbursement paid to a nonresident witness in a criminal case for travel and living expenses. (Criminal Jurisprudence)

HB 876 Hendricks et al.—Relating to special license plates for former prisoners of war. (Transportation)

HB 877 Craddick—Relating to consideration of certain speeding violations in determining driver's license suspensions and insurance availability and premiums. (Transportation)

HB 878 Craddick—Relating to temporary speed limits set by the State Highway and Public Transportation Commission. (Transportation)

HB 879 Blythe—Relating to state compensation to certain victims of crime. (Criminal Jurisprudence)

HB 880 Simpson et al.—Relating to exemption of the property owned by The Opportunity Plan, Inc., from ad valorem taxation. (Ways and Means)

HB 881 Simpson and Crawford—Relating to the authority of a life insurance company to make loans secured by first liens on real estate. (Insurance)

HB 882 Simpson—Relating to salaries, compensation, and emoluments paid by certain domestic insurance companies. (Insurance)

HB 883 Simpson—Relating to the liability of officers and judgment creditors for execution of a writ of a court. (Judiciary)

HB 884 Simpson—Relating to the licensing and regulation of the practice of dentistry and dental hygiene. (Health Services)

HB 885 Tejeda and Madla—Relating to family practice residency training conducted by the Texas Board of Health. (Health Services)

HB 886 Cain—Relating to the boundaries of single-member districts of political subdivisions located in Dallas County. (Regions, Compacts, and Districts)

HB 887 Caraway—Relating to working hours for firemen in certain cities. (Intergovernmental Affairs)

HB 888 Untermeyer—Relating to nonpartisan election of certain judicial officers. (Elections)

HB 889 Waters—Relating to attendance of and participation in conventions of political parties. (Elections)

HB 890 Waters—Relating to the method of determining the ballot order in a general election. (Elections)

HB 891 Waters—Relating to reporting of campaign contributions in the form of loans. (Elections)

HB 892 Blythe and Smith—Relating to obsolete public pension laws. (Employment Practices)

HB 893 Bock—Relating to consolidation of the State Board of Registration for Public Surveyors and the Board of Examiners for Licensed State Land Surveyors. (Government Organization)

HB 894 Hudson—Relating to the right of a proposed mental patient or mental patient to refuse electroconvulsive therapy, insulin coma therapy, or all other therapies which require the occurrence of a convulsion and that any such therapies received shall only be received when the proposed mental patient or mental patient is duly informed and consenting of the therapy. (Health Services)

HB 895 Polumbo—Relating to provision of medical or hospital care by a political subdivision for residents of another political subdivision. (Intergovernmental Affairs)

HB 896 Polumbo—Relating to a criminal offense for leaving a child unattended in a motor vehicle. (Criminal Jurisprudence)

HB 897 Polumbo—Relating to development of trade between businesses in this state and those in foreign countries. (Business and Industry)

HB 898 Von Dohlen—Amending the Medical Liability and Insurance Improvement Act, relating to bad faith cause of action. (Insurance)

HB 899 Von Dohlen—Amending the Medical Liability and Insurance Improvement Act, relating to emergency care. (Health Services)

HB 900 G. Green—Relating to membership stabilization for state employee associations. (State Affairs)

HB 901 G. Green—Relating to the penalties for assault on teachers and other school personnel. (Criminal Jurisprudence)

HB 902 Evans—Relating to the liability of a trustee or personal representative of the estate of a decedent who continues a partnership in the place of the deceased partner. (Judiciary)

HB 903 Berlanga—Relating to offenses involving rape, sexual abuse, or assault. (Criminal Jurisprudence)

HB 904 Schlueter—Relating to the liability of the state for damages caused by juveniles committed to the Texas Youth Council. (Securities and Sanctions)

HB 905 Schlueter—Relating to the demonstration of proficiency in reading and writing as a prerequisite for the receipt of a high school diploma or equivalency certificate. (Public Education)

HB 906 McFarland—Relating to the combined mandatory student services fees to be charged a student registering at more than one institution within a system of higher education. (Higher Education)

HB 907 Polumbo—Relating to the sale of preparations containing butyl nitrite or isobutyl nitrite. (Criminal Jurisprudence)

HB 908 Mayes—Relating to the compensation of members of the Johnson County Juvenile Board. (Intergovernmental Affairs)

HB 909 Hendricks—Relating to a criminal offense of theft by coin-operated machine. (Criminal Jurisprudence)

HB 910 Hendricks—Relating to the qualifications of appellate justices and judges. (Criminal Jurisprudence)

HB 911 Ceverha—Relating to identification marks on vehicles used in transporting certain loose materials. (Transportation)

HB 912 Blythe, Smith, and Watson—Relating to actuarial reports of public retirement systems. (Employment Practices)

HB 913 Blythe, Smith, and Watson—Relating to annual municipal financial statements. (Employment Practices)

HB 914 Brown—Permitting the use of book entry procedure of the Federal Reserve Bank by the Comptroller of Public Accounts, the State Treasurer, or any disbursing officer of an agency authorized to invest its funds directly and eliminating certain time requirements on securities. (Financial Institutions)

HB 915 Tejeda et al.—Relating to training requirements for private security officers. (Security and Sanctions)

HB 916 Tejeda et al.—Relating to psychological testing of applicants for private security officer commissions. (Security and Sanctions)

HB 917 Tejeda et al.—Relating to uniforms worn by private security officers. (Security and Sanctions)

HB 918 Pierce—Relating to procedures for filing as an independent candidate in an election. (Elections)

HB 919 Valles—Relating to hunting and fishing licenses for disabled residents. (Environmental Affairs)

HB 920 Schlueter and Jackson—Relating to exemptions from the inheritance tax for spouses of decedents. (Ways and Means)

HB 921 Delco—Relating to courses of instruction offered in public schools. (Public Education)

HB 922 Rains—Relating to the physician's certification of sickness or physical disability for absentee voting. (Elections)

HB 923 Rains—Relating to procedures for accounting for ballots supplied for absentee voting. (Elections)

HB 924 Keller—Relating to a practitioner prescribing or dispensing a controlled substance. (Criminal Jurisprudence)

HB 925 Blythe and Caraway—Relating to lists of owners of certain water district bonds. (Natural Resources)

HJR 74 Untermeyer—Relating to the nonpartisan election of judges. (Constitutional Amendments)

HJR 75 Schlueter—Proposing a constitutional amendment prohibiting the imposition of income taxes. (Constitutional Amendments)

HJR 76 Polumbo—Proposing a constitutional amendment relating to the division of counties into precincts for the election of justices of the peace, constables, and county commissioners. (Constitutional Amendments)

HJR 77 Hendricks—Proposing a constitutional amendment relating to the qualifications of justices and judges of the appellate courts of this state

**Transportation Subcommittee on Appropriative Matters**, 9:30 a.m., Room 345, State Capitol, to review the proposed budget for the Department of Highways and Public Transportation.

**Public Education Subcommittee on Appropriative Matters**, 10 a.m., Old Supreme Court Room, State Capitol, to discuss the Texas Education Agency programs.

**Ways and Means**, 10 a.m., Room E, John H. Reagan Building, to consider HB 380 (Sharp), HB 389 (Salinas), HB 402 (S. Thompson), HB 609 (Jim Clark), HB 610 (Jim Clark), and HB 394 (Benedict).

**House Administration**, 11 a.m., Speaker's Committee Room, State Capitol, to consider SCR 23 (Braecklein).

**Appropriations, Subcommittee on HB 391**, 1 p.m., Room 309, State Capitol, to consider HB 391 (Blythe).

**Business and Industry**, 2 p.m., Speaker's Committee Room, State Capitol, to consider HB 17 (G. Green), HB 18 (G. Green), and HB 613 (Laubhoff).

**Employment Practices**, 2 p.m., Room D, John H. Reagan Building, to consider HB 286 (Simpson), HB 495 (Brown), HB 514 (Waters), HB 532 (Nowlin), and HB 639 (Waters).

**Financial Institutions**, 2 p.m., House floor, State Capitol, to consider HB 409 (Donaldson).

**Government Organization**, 2 p.m., Room C, John H. Reagan Building, to consider HB 515 (Ezzell), HB 712 (Ceverha), HB 713 (Ceverha), HB 716 (Ceverha), and HB 781 (Laney).

**Intergovernmental Affairs Subcommittee on Appropriative Matters**, 2 p.m. or upon adjournment, Room F, John H. Reagan Building, to consider budgets for Texas Advisory Commission on Intergovernmental Relations, Tax Assessor Examiners, and School Tax Assessment Practices Board.

**Elections**, 3 p.m. or upon adjournment, Room GB, John H. Reagan Building, to consider HB 114 (Keller), HB 297 (Close), HB 411 (Coody), HB 647 (McLeod), HB 408 (Willis), HB 685 (Collazo), and HB 436 (McBee).

**Health Services Subcommittee on Appropriative Matters**, 30 minutes after adjournment, Room 309, State Capitol, to conduct mark-up session.

**Higher Education**, 3 p.m., Room GA, John H. Reagan Building, to consider HB 2 (Evans), HB 59 (Waters), HB 65 (Head), HB 66 (Head), HB 67 (Head), and HB 169 (Semos).

**Judiciary Subcommittee on Appropriative Matters**, 3 p.m., Room B, John H. Reagan Building, to conduct mark-up session regarding Secretary of State (UCC), Office of the Court Administration, Texas Judicial Council, and State Law Library.

**Employment Practices Subcommittee on Appropriative Matters**, 4 p.m., Room D, John H. Reagan Building, to discuss budget for Department of Labor and Standards.

**Security and Sanctions**, 4 p.m., Room 346, State Capitol, to consider HB 39 (Chavez), HB 40 (Chavez), and HB 618 (J. Edwards).

**State Affairs**, 7:30 p.m., Room B, John H. Reagan Building, to consider HB 772 (Polumbo), HB 779 (Looney), HB 702-146 (Hollowell), HB 580 (G. Green), HB 637 (Delco), HB 250 (Hudson), HB 253 (Hudson), and HB 719 (Mayes).

## Weekly Committee Schedule

Monday, February 12, 1979

**Natural Resources Subcommittee on Appropriative Matters**, 9 a.m., Room 346, State Capitol, to discuss the budget for the Department of Water Resources.

## Tuesday, February 13, 1979

**Human Services Subcommittee on Appropriative Matters**, 9 a.m. or upon adjournment, Room 309, State Capitol, to consider budgets for Veterans Affairs Commission, Commission for the Deaf, and Rehabilitation Commission.

**Ways and Means Subcommittee on Appropriative Matters**, upon adjournment, Room D, John H. Reagan Building, to discuss budget for the comptroller of public accounts.

**Appropriations**, 2 p.m., Room 309, State Capitol, to consider HB 558 (Presnal) and SB 317 (Jones).

**Energy Resources**, 2 p.m., Room C, John H. Reagan Building, to consider HB 226 (Evans) and HB 821 (Mayes).

**Energy Resources Subcommittee on Appropriative Matters**, upon adjournment of full committee meeting, Room C, John H. Reagan Building, to discuss budget requests from Texas Energy Advisory Council and Southern Interstate Nuclear Board (same as Southern States Energy Board).

**Financial Institutions Subcommittee on Appropriative Matters**, 2 p.m., Room 346, State Capitol, to consider budgets for Department of Banking, Savings and Loan Department, Consumer Credit Commissioner, State Finance Commission, Credit Union Commissioner, Treasury, and State Depository Board.

**Insurance Subcommittee on Appropriative Matters**, 2 p.m., Room E, John H. Reagan Building, to discuss budget for State Board of Insurance.

**Intergovernmental Affairs**, 2 p.m., Speaker's Committee Room, State Capitol, to consider HB 158 (Evans), HB 283 (Uher), HB 396 (Evans), HB 421 (Cartwright), HB 503 (Lauhoff), HB 607 (Keller), HB 619 (J. Edwards), HB 653 (Madla), HB 684 (G. Green), HB 765 (Smith), and HB 790 (Evans).

**Judiciary Subcommittee on Probate Matters**, 2 p.m., Room 345, State Capitol, to consider HB 482 (Bird), HB 483 (Bird), HB 21 (G. Green), HB 577 (Simpson), HB 323 (Grant), and HB 329 (Grant).

**Public Education**, 2 p.m., Room B, John H. Reagan Building, to consider HB 455 (Peveto), HB 782 (Rudd), HB 679 (Glossbrenner), HB 771 (Peveto), and HB 804 (Lyon).

**State Affairs Subcommittee on Appropriative Matters I**, 2 p.m., Room GB, John H. Reagan Building, to conduct mark-up session.

**Environmental Affairs Subcommittee on Appropriative Matters**, 2:30 p.m., Room F, John H. Reagan Building, to conduct mark-up session on the Air Control Board.

**Criminal Jurisprudence**, 3 p.m., Old Supreme Court, State Capitol, to consider HB 410 (J. Clark and Caraway), HB 525 (Close), HB 588 (Hill), SB 216 (Longoria-Rangel), and HB 680 (Hernandez).

**Insurance**, 4 p.m., Room E, John H. Reagan Building, to consider HB 452 (D. Hill), HB 529 (Collazo), and HB 40 (Browder).

**Judicial Affairs**, 7 p.m., Room GB, John H. Reagan Building, to consider HB 118 (Grant), HB 596 (Donaldson), HB 621 (J. Edwards), HB 738 (Presnal), HB 750 (Jerry Clark), HB 761 (Craddick), and HB 796 (Mayes).

## Wednesday, February 14, 1979

**Elections Subcommittee on HB 542**, 9 a.m., Room 346, State Capitol, to consider HB 542 (Waters).

**Security and Sanctions Subcommittee on Appropriative Matters**, 1 p.m., Room F, John H. Reagan Building, to discuss budget request from Texas Adult Probation Commission.

**Agriculture and Livestock**, 2 p.m., Speaker's Committee Room, State Capitol, to consider HB 1 (Close) and appropriate matters subcommittee reports on the following: Cooperative Meat Inspection (Department of Health), Soil and Water Conservation Board, Natural Fibers and Food Protein Committee, Structural Pest Control Board, Texas Veterinary Medical Diagnostic Laboratory, Texas Forest Service, Rodent and Predatory Animal Control Service, and Board of Veterinary Medical Examiners.

**Appropriations**, 2 p.m., Room 309, State Capitol, to consider HB 558 (Presnal).

**Health Services**, 2 p.m., Room GB, John H. Reagan Building, to consider HB 427 (Ezzell), HB 428 (Ezzell), HB 548 (Keller), and HB 686 (B. Hall).

**Human Services**, 2 p.m., Room D, John H. Reagan Building, to consider HB 110 (Hudson), HB 199 (Hudson), HB 202 (Hudson), and a presentation regarding Hill Country Senior Citizens' Activity Center.

**Liquor Regulation**, 2 p.m. or upon adjournment, Room C, John H. Reagan Building, to consider SB 51 (Traeger/Bock).

**Regions, Compacts, and Districts Subcommittee on Appropriative Matters**, 2 p.m., Old Supreme Court Room, State Capitol, to discuss budgets for Office of State-Federal Relations, Good Neighbor Commission, Governor's Office of Migrant Affairs, and Greater South Texas Cultural Basin Commission.

**Ways and Means**, 2 p.m., Room E, John H. Reagan Building, to consider HB 651 (Henderson).

**Environmental Affairs Subcommittee on Appropriative Matters**, 3:30 p.m., Room B, John H. Reagan Building, to discuss budget of General Land Office.

**Ways and Means Subcommittee on Revenue Administration**, 4 p.m., Room GA, John H. Reagan Building, to consider HB 770 (Peveto) and HB 351 (Gilley).

**Ways and Means Subcommittee on State Finance**, 4 p.m., Room E, John H. Reagan Building, to consider HB 369 (Lewis), HB 512 (Pulumbo), and HB 806 (Nowlin and Brown).

**Judiciary**, 7 p.m., Old Supreme Court Room, State Capitol, to consider HB 540 (Evans), HB 426 (Ezzell), HB 339 (Bode), SCR 3 (Braecklein Semos), HB 15 (Jackson), HB 567 (Bock), HB 412 (Simpson), HB 553, HB 34 (Grant), HB 811 (Grant), HB 814 (Grant), HB 815 (Grant and Close), and HB 816 (Grant).

**Natural Resources**, 7:30 p.m., Speaker's Committee Room, State Capitol, to consider HB 650 (Collazo), HB 780 (Looney), and appropriate matters subcommittee report on Water Well Drillers Board.

**State Affairs**, 7:30 p.m., Room B, John H. Reagan Building, to consider HB 288 (Simpson), HB 289 (Simpson), HB 313 (Hudson), HB 413 (McLeod), HB 546 (Rains), and HB 669 (Bock).

**Transportation**, 7:30 p.m., Room E, John H. Reagan Building, to consider HB 179 (Hudson), HB 308 (Coleman), HB 476 (Head), and HCR 30 (Allred).

## Thursday, February 15, 1979

**Health Services Subcommittee on Appropriative Matters**, 30 minutes after adjournment, Old Supreme Court Room, State Capitol, to discuss budget proposal for the Texas Department of Mental Health and Mental Retardation.

**Security and Sanctions Subcommittee on Appropriative Matters**, 11 a.m., Room F, John H. Reagan Building, to discuss budget for Board of Pardons and Paroles.

**Transportation Subcommittee on Appropriative Matters**, upon adjournment, Room 345, State Capitol, to conduct review of the proposed budget for the State Department of Highways and Public Transportation.

SR 106 Jones of Harris—Honoring Darren Burns as Mascot of the Senate.

SR 107 Jones of Harris—Honoring Collin Burns as Mascot of the Senate.

SR 108 Mauzy—Extending welcome to students from Carter High School.

SR 109 Moore—Extending congratulations to the Sealy High School Tiger football team.

SR 110 Truan—Congratulating the League of United Latin American Citizens on its 50th Anniversary.

SR 111 Meier—Amending Senate Rules of 66th Legislature relating to giving notice of bills and joint resolutions expected to be considered for testimony or vote.

SR 112 Doggett—Extending welcome to Murchison Junior High School eighth grade social studies classes, Austin.

SR 113 Snelson—Memorial resolution for Frank Stringer.

SR 114 Doggett—Extending welcome to Burnet High School government classes, Burnet.

SR 115 Sanhastian—Extending congratulations to Anne Hinnant, Miss Texas.

SR 116 Andujar—Extending congratulations to The Honorable Abraham Lincoln.

SCR 25 Brooks and Truan—Requesting the Department of Human Resources to make payments to rural health clinics for health care services legally provided by them to Medicaid recipients. (Human Resources)

SB 444 Schwartz—Amending the Texas Water Code by deleting the reference to coastal water or area and making the provisions of that subchapter applicable statewide and providing additionally for the cleanup of discharges or spills of other pollutants which may reasonably be anticipated to present an imminent and substantial danger to the public health or welfare. (Natural Resources)

SB 445 Schwartz—Relating to yearly harvest limits of red drum. (Natural Resources)

SB 446 Schwartz—Providing for the appointment and compensation of public defenders in certain counties. (Intergovernmental Relations)

SB 447 Sanhastian—Relating to issuance, countersignature, and delivery of insurance policies of certain insurance companies by certain agents. (Economic Development)

SB 482 Harris—Relating to regulation of barbers. (State Affairs)

SB 483 Schwartz—Relating to lease of public school and Gulf land. (Natural Resources)

SB 484 Andujar—Relating to the licensing and regulation of the practice of dentistry and dental hygiene. (Human Resources)

SB 485 Brooks, Mauzy, Parker—Relating to the delay in payment of initial unemployment compensation benefits. (Economic Development)

SB 486 Jones of Harris—Relating to regulation of persons who engage in structural pest control. (Natural Resources)

SB 487 Meier—Relating to determination of school district index values under Title 2, Education Code. (Education)

SB 488 Parker—Relating to issuance of information contained in driver's license records. (State Affairs)

SB 489 Parker—Relating to conduct of persons engaged in the sale of beer at retail declared to be lewd, immoral or offensive to public decency. (State Affairs)

SB 490 Parker—Relating to longevity pay for investigators who are employed by district attorneys, criminal district attorneys, or county attorneys and who are designated as peace officers under Article 2.12, Code of Criminal Procedure, 1965, as amended. (Intergovernmental Relations)

## 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(s) 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.

SR 98 Parker—Extending congratulations to the Winfree and Hankamer families.

SR 99 Howard—Honoring Jennifer Leigh Stremmel as Sweetheart of the Senate.

SR 100 Howard—Honoring April Lee McRay as Sweetheart of the Senate.

SR 101 Jones of Harris—Honoring William Joshua Meier as Mascot of the Senate.

SR 102 Jones of Harris—Honoring Lee Christopher Whittenton as Mascot of the Senate.

SR 103 Jones of Harris—Honoring Jason Joseph Schwartz as Mascot of the Senate.

SR 104 Jones of Harris—Honoring Carrie Taylor as Sweetheart of the Senate.

SR 105 Jones of Harris—Honoring Clay Taylor as Mascot of the Senate.

SB 491 Parker—Relating to hunting in Sea Rim State Park (Natural Resources)

SB 492 Parker—Relating to the dates on which incorporated cities and towns may hold elections (State Affairs)

SB 493 Parker—Relating to collective bargaining for firemen and policemen (State Affairs)

SB 494 Mauzy—Relating to a plaintiff's dismissal of condemnation proceedings and recovery of expenses by a landowner (Jurisprudence)

SB 495 Mauzy—Relating to the payment of workers' compensation benefits pending an appeal from a decision of the Industrial Accident Board (Jurisprudence)

SB 496 Jones of Harris—Authorizing the creation of a hospital district to be known as Sugar Land Community Hospital District (Intergovernmental Relations)

SB 497 Mengden—Relating to certain precinct maps furnished to the secretary of state by the county clerk (State Affairs)

SB 498 Ogg—Allowing private physicians to report voluntarily drivers having certain specified disorders or disabilities (State Affairs)

SB 499 Schwartz—Relating to the creation and administration of the non-nuclear industrial perpetual care solid waste fund (Natural Resources)

SB 500 Jones of Harris—Relating to offenses involving rape, sexual abuse, or assault (Jurisprudence)

SB 501 Ogg—Relating to the hemophilia assistance program (Human Resources)

SB 502 Ogg—Relating to the establishment of a licensing procedure for food, drug, device, and cosmetic salvage brokers and establishments in the State of Texas (Human Resources)

SB 503 Ogg—Relating to the manufacture, repair, germicidal treatment, and/or sale of bedding and upholstered furniture (Human Resources)

SB 504 Ogg—Relating to false entries and fraudulent conduct concerning information required by the Vital Statistics Act (Human Resources)

SB 505 Ogg—Relating to minimum standards of sanitation and health protection measures (Human Resources)

SB 506 Ogg—Relating to the Solid Waste Disposal Act (Human Resources)

SB 507 Braecklein—Relating to the rights, privileges, duties, and powers of parents, conservators, and children, the suit affecting the parent-child relationship, and enforcement of support (Jurisprudence)

SB 508 Jones of Taylor—Relating to the purchase of electricity for use in state buildings (State Affairs)

SB 509 Meier—Relating to the membership, liability of members, and powers of a partnership (Jurisprudence)

SB 510 Price—Relating to exemption of the property owned by The Opportunity Plan, Inc., from ad valorem taxation (Finance)

SB 511 Meier—Relating to the qualification of a charitable remainder unitrust, annuity trust, or pooled income fund for a federal tax deduction

SB 512 Vale and Traeger—Amending the Certificate of Obligation Act of 1971, relating to the definition of county (Intergovernmental Relations)

SB 513 Moore—Relating to the prevailing wage paid on public works construction (Economic Development)

SB 514 Longoria and Schwartz—Relating to maintenance of the public beaches (Natural Resources)

SB 515 Harris—Permitting loans to students provided that the principal amount of the loan is insured by the federal government (Economic Development)

SB 516 Harris—Amending the Insurance Code, prescribing a procedure by which reinsurance with a nonlicensed insurance company may be taken as credit in the accounting and financial statements of the reinsuring company (Economic Development)

SB 517 Ogg—Relating to the requirement that school bus drivers give bond (Education)

SB 518 Ogg—Relating to an appeal bond in an appeal from a conviction in a justice or municipal court (Jurisprudence)

SB 519 Ogg—Relating to the continuing legal education of municipal court judges (Jurisprudence)

SB 520 Ogg—Relating to the creation of special funds in the state treasury to be used for the education of justices of the peace in the performance of their duties and the continuing legal education of municipal court judges (Jurisprudence)

SB 521 Santiesteban—Relating to approval of plans for construction and maintenance of levees and other improvements (Natural Resources)

SB 522 Santiesteban—Relating to regulation of the practice of social work (Human Resources)

SB 523 Jones of Taylor—Relating to the amount that a state bank may invest in another state bank (Economic Development)

SB 524 Jones of Taylor—Relating to the acquisition of a bank by another bank or a bank holding company (Economic Development)

## Meetings

### Notices Filed February 8, 1979

*Senate Subcommittee on Criminal Matters*, Tuesday, February 13, 1979, 7 p.m., Lieutenant Governor's Committee Room, State Capitol, to consider SB 2 (Andujar), SB 27 (Mengden), SB 70 (Mengden), SB 71 (Mengden), SB 72 (Mengden), SB 145 (Mengden), SB 168 (Williams), and SB 176 (Parker).

*Senate Finance Committee*, Monday, February 12, 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.

*Senate Committee on Intergovernmental Relations*, Tuesday, February 13, 1979, 3 p.m., Lieutenant Governor's Committee Room, State Capitol, to consider HB 372 (Healy Farabee), HB 300 (Wilson of Fayette-Patman), SB 256 (McKnight), SB 375 (Braecklein), SB 74 (Mengden), and SB 310 (Clower).

*Senate Committee on Intergovernmental Relations*, Thursday, February 15, 1979, 9 a.m., Lieutenant Governor's Committee Room, State Capitol, to consider SB 130 (Parker), SB 405 (Longoria), SB 294 (Doggett), and SB 213 (Short).

*Senate Jurisprudence Committee*, Tuesday, February 13, 1979, 2 p.m., Senate Chamber, State Capitol, to consider SB 209 (Mauzy), SB 228 (Farabee), SB 249 (Brooks), SB 146 (Mengden), SB 291 (Farabee), SB 292 (Farabee), SB 427 (Mauzy), SB 450 (Santiesteban), SB 452 (Santiesteban), SB 455 (Ogg), and SB 475 (Farabee).

*Senate Committee on Natural Resources*, Wednesday, February 14, 1979, 2 p.m., Lieutenant Governor's Committee Room, State Capitol, to consider SB 469 (Farabee), SB 311 (Price), SB 300 (Schwartz), SB 301 (Schwartz), and SB 416 (Doggett).

## Notices Filed February 9, 1979

**Senate State Affairs Committee**, Monday, February 12, 1979, 2 p.m., Senate Chamber, State Capitol, to consider SJR 14 (Mengden), SB 348 (Andujar), SB 399 (Moore), SB 418 (Moore), SB 367 (Short), SB 384 (Harris, Santiesteban), SB 387 (Harris), SB 414 (Clower)

**Senate Education Committee**, Wednesday, February 14, 1979, 9:30 a.m., Lieutenant Governor's Committee Room, State Capitol, to consider SB 224 (Mauzy), SB 225 (Mauzy), SB 350 (Mauzy), SB 413 (Short and Howard), SB 217 (Longoria), SB 86 (Doggett), SB 190 (Mauzy), SB 191 (Mauzy), and SB 192 (Mauzy).

**Senate Committee on Human Resources**, Monday, February 12, 1979, 4 p.m., Lieutenant Governor's Committee Room, State Capitol, to consider SB 193 (Farabee), SB 194 (Farabee), and SCR 25 (Brooks).

## Confirmation of Gubernatorial Appointments

### Confirmed February 8, 1979

The following is a list of gubernatorial appointments confirmed by the Texas Senate on February 8, 1979.

Listed are the agencies or offices, the appointees, and the counties of residence of the appointees.

#### *Teachers Professional Practices Commission*

Dolores F. Valadez, Hidalgo  
Charles Felix Gibson, Lamar  
Christine Odom, Bell  
Pamela Horton, Travis  
Carolyn Harrell, Gonzales  
Dr. John F. Townley, Dallas

#### *Texas Woman's University, Board of Regents*

Mrs. Ben Carpenter, Dallas  
Mrs. LaVonne D. Unsell, Denton  
Mrs. C. T. Matthew, Lavaca

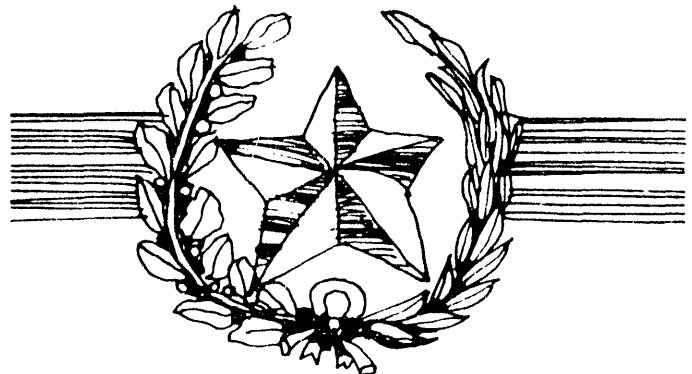
## Legislative Information System of Texas

### 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 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 30, 1979, through February 5, 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 dating 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 15023, 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 4418h, Vernon's Annotated Civil Statutes, and Rules 315.17.04.010-.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.

Arlington Memorial Hospital, Arlington  
AH79-0130-005

EC—Acquire diagnostic ultrasound and ultrasonic real-time sequential scanner unit with accessories and make minor renovation to radiology department

Visiting Nurse Association of Houston, Inc., Wharton County  
Subunit, Wharton  
AS79-0202-011

EC—Relocate offices from county-owned donated space at 116 East Burleson in Wharton to lease space at 403 North Richmond in Wharton

Oak Cliff Medical-Surgical Hospital, Inc., Dallas  
AH75-0929-078T (020279)

EC Transfer—Request by Hospital Affiliates International, Inc., for the transfer of 3.02(a)(4) Exemption Certificate AH75-0929-078, authorizing construction of a two-story addition to house the facility's 90 licensed beds and for remodeling existing structures, to Universal Health Services, Inc.

Texas Home Health, Inc., Silsbee  
AS79-0205-025

EC—Relocate offices in Kirbyville from 1611 South Margaret to 313 East Main due to loss of rental of present offices.

Wysong Hospital, Inc., McKinney  
AH77-0606-024T (020579)

EC Transfer—Request by Wysong Hospital, Inc., to transfer 3.02(a)(4) Exemption Certificate AH77-0606-024, which authorizes construction of a 72-bed replacement facility to the Wysong Foundation

Issued in Austin, Texas, on February 8, 1979

Doc No 790853      Dan R. McNery  
General Counsel  
Texas Health Facilities Commission

Filed February 8, 1979, 4 21 p.m.

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

## Texas Department of Human Resources

### Title XX Family Planning Benefits of the Social Services Branch

#### Delay of Implementation

The Department of Human Resources announces the delay of the implementation of its new rule amendments and repeals regarding authorized Title XX family planning benefits for sterilization under the Social Services Family Planning Program. These regulations appeared in the *Texas Register* on January 23, 1979 (4 TexReg 218), as adopted amendments to agency Rule 326.53.62.002 and as repeals to Rules .001 and .003. As specified in the federal regulations on which these agency rules are 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, on all regulations except those dealing with the prohibition of the use of federal funds for elective, nontherapeutic hysterectomies (performed for the sole purpose of sterilizing an individual). This prohibition remains effective as of February 6, 1979. Therefore, the Department of Human Resources must also delay the implementation of related state regulations except those dealing with elective, nontherapeutic hysterectomies until March 8, 1979.

For further information, please contact Beth Weber, section director, Family Planning, Texas Department of Human

Resources, John H. Reagan Building, Austin, Texas 78701,  
telephone (512) 475-7946

Issued in Austin, Texas, on February 8, 1979.

Doc. No. 790854      Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Filed February 8, 1979 4:27 p.m.

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

## Texas Rehabilitation Commission

### Consultant Contract Award

**Description and Name of Consultant.** The Texas Rehabilitation Commission has entered into a contract with ARBEC, Inc., of Austin for consulting services to design and conduct training programs. The training workshops will instruct vocational rehabilitation counselors in the use of eight packaged instructional programs dealing with sensitizing co-workers of the severely disabled to problems faced by the disabled worker. In addition, the consultant will design and conduct training for vocational rehabilitation staff development personnel in the use of the same materials.

**Due Date of Project and Reports.** Training must be accomplished and evaluation reports submitted by October 31, 1979.

**Amount of Contract.** The amount of this contract is \$9,800.

Issued in Austin, Texas, on February 7, 1979.

Doc. No. 790851      Vernon H. Newman  
General Counsel  
Texas Rehabilitation Commission

Filed February 8, 1979, 3:34 p.m.

For further information, please call (512) 447-0271

## Texas Register

### Notice to Complimentary Subscribers

The Texas Register Division is currently updating its listing of complimentary subscribers. If you are now receiving or are eligible to receive a complimentary subscription, please contact this office before March 1, 1979.

The following are eligible to receive a subscription to the *Register* free on request: each board, commission, and department having statewide jurisdiction, the governor, the lieutenant governor, the attorney general, each member of the legislature, each county clerk, the supreme court, the court of criminal appeals, and each court of civil appeals, and each state depository library. If you are no longer eligible to receive a complimentary subscription, you may renew your subscription by sending \$25 to the address below.

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Austin, Texas 78711

If you are not currently receiving a complimentary subscription and wish to do so, please send a request stating your eligibility and mailing address to the address above.

Please refer any questions regarding subscriptions to Charlotte Scroggins at (512) 475-7886.

Doc. No. 31A20

### Correction of Error

Adopted Rule 326.36.03.004 of the *Texas Department of Human Resources* appeared in the January 16, 1979, issue of the *Texas Register* (4 TexReg 143) with an error in subclause (6)(A)(iii)(VII). That portion of the rule should have read: "advice that the sterilization will not be performed for at least 30 days, except under the circumstances specified in paragraph (C) below."