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TEXAS REGISTER

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TEXAS DOCUMENTS

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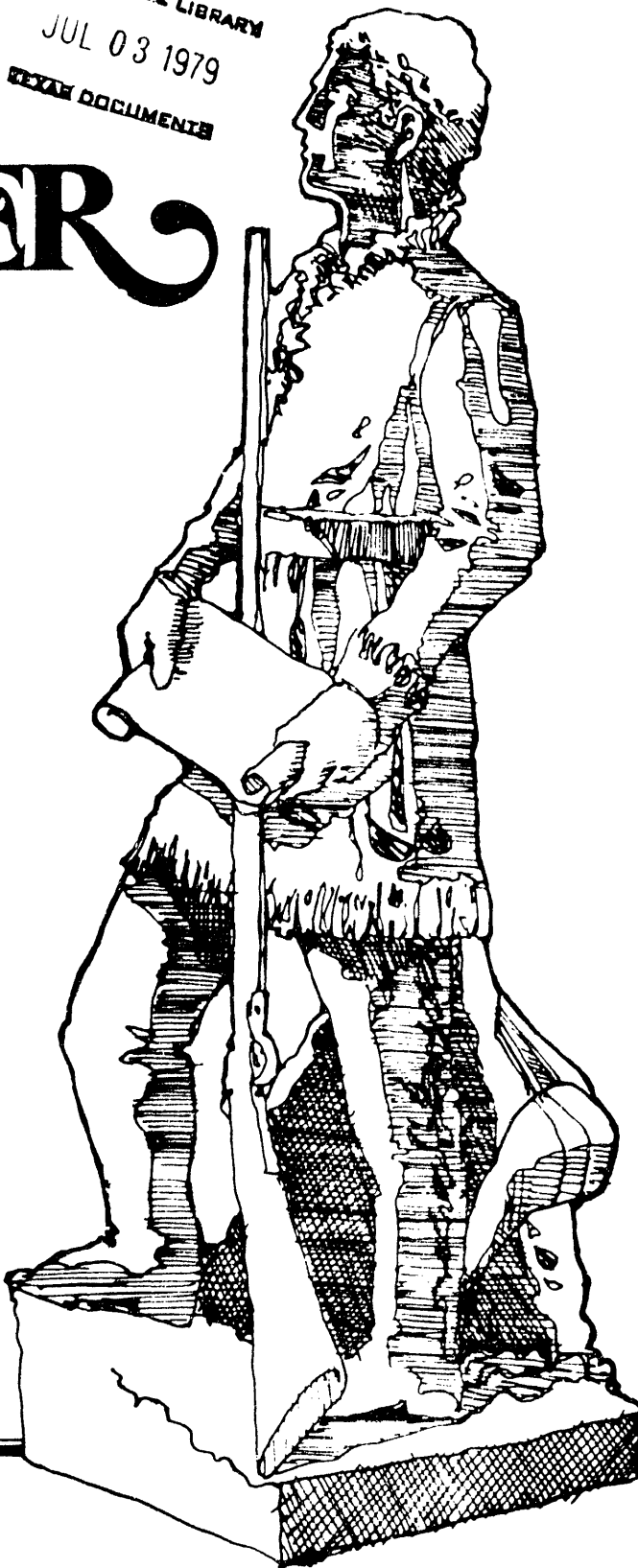
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Office of the Secretary of State

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The Texas Department of Agriculture has adopted an emergency rule which provides a method for selling retail gasoline at a price greater than \$.999 per gallon. Most gasoline pumps cannot register prices per gallon in excess of \$.999. This fact, coupled with the reality of rapidly escalating gasoline prices, lead TDA to approve the pricing of gasoline in increments of one-half gallon instead of the current one-gallon pricing method. To reduce consumer confusion, the rule also establishes a uniform system for displaying prices on the pumps. The emergency rule became effective June 26.

The Texas Parks and Wildlife Department proposes new rules which set out requirements for filing affidavits necessary to obtain commercial fishing licenses. State law provides that applicants for commercial red drum or commercial finfish fisherman's licenses must file affidavits with the department stating that not less than 50% of their gainful employment is devoted to commercial fishing and that they have no other full-time occupations. Also, applicants for commercial finfish licenses must indicate their intentions to fish in salt water, fresh water, or both.

To comply with updated policies, procedures, and interdepartmental agreements concerning vocational/rehabilitation services, the Texas Department of Human Services has adopted several changes in its rehabilitation and self-support services rules. Effective July 16, all AFDC and blind or disabled SSI clients will be eligible for the rehabilitation and self-support services offered by DHR. In addition, certain disabled youth who need vocational education employment services may be served. This represents a redefinition of those persons eligible for the services. Previously, clients were required to meet the eligibility criteria set by the Texas Rehabilitation Commission.

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

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Appointments**State Commission for the Blind**

Pursuant to Senate Bill 1243, 66th Legislature, Regular Session

For a six year term to expire January 1, 1981:

Susan Fischer
12562 Burning Log Lane
Dallas, Texas 75243

For a six year term to expire January 1, 1985:

Emmett E. Moore
P.O. Box 36329
Houston, Texas 77036

Mrs. Fischer and Mr. Moore are being appointed to new positions as citizen members.

14th Supreme Judicial District of Texas

To be associate justice of the Court of Civil Appeals until the next general election and until his successor shall be duly elected and qualified:

William E. Junell
5039 Tangle Lane
Houston, Texas 77056

Mr. Junell is replacing Judge George E. Cire of Houston, Harris County, who retired

Issued in Austin, Texas, on June 21, 1979.

Doc No 793966 William P. Clements, Jr.
Governor of Texas

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

Article 4399, Vernon's Texas Civil Statutes, requires the attorney general to give written opinions to certain public officials. The Texas Open Records Act, Article 6252-17a, Section 7, Vernon's Texas Civil Statutes, requires that a governmental body which receives a request for release of records seek a decision of the attorney general if the governmental body determines that the information may be withheld from public disclosure. Opinions and open records decisions issued under the authority of these two statutes, as well as the request for opinions and decisions, are required to be summarized in the *Texas Register*.

Copies of requests, opinions, and open records decisions may be obtained from the Opinion Committee, Attorney General's Office, Supreme Court Building, Austin, Texas 78701, telephone (512) 475-5445.



Opinions

Summary of Opinion MW-26

Request from Bob Bullock, comptroller of public accounts, Austin, concerning eligibility standards for the tax exemption provided disabled persons by Article VIII, Section 1-b(b), of the Texas Constitution.

Summary of Opinion: The residence homestead tax exemption authorized by Article VIII, Section 1-b(b), of the Texas Constitution may be provided persons who are under a disability as defined by the Federal Old Age, Survivors, and Disability Insurance Act or its successors. The disabled taxpayer need not receive benefits under the federal act in order to qualify for the homestead tax exemption.

Issued in Austin, Texas, on June 22, 1979.

Doc. No. 793928

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.

AGRICULTURE



Texas Department of Agriculture Rural-Urban Business Standards Division Method of Sale of Retail Petroleum Fuels 176.44.10

The Texas Department of Agriculture adopts on an emergency basis Rule 176.44.10.011, concerning the method of sale of retail petroleum fuel products. The Texas Department of Agriculture has determined that the majority of retail petroleum fuel dispensers are incapable of indicating prices per gallon in excess of \$.999 per gallon and that rapidly escalating petroleum prices dictate an emergency rule to provide for a uniform method of sales on incapable devices. This rule will reduce, as far as practicable, potential consumer confusion. The rule will allow petroleum fuel products to be priced in increments per one-half gallon and prescribes a uniform system of indicating the method of sale to the consumer.

This rule is promulgated under the authority of Articles 5708, 5714, and 5726(a), Title 93, Chapter 7, Texas Civil Statutes.

011. Method of Sale of Retail Petroleum Fuels.

(a) This regulation will only apply to, and automatically becomes effective on, retail petroleum fuel dispensers which are incapable of indicating a selling price per gallon in excess of \$.999 and where the selling price per gallon exceeds that amount.

(b) Adhesive labels of a durable material must be securely attached on the face of the dispenser, inside the glass cover on each side of the dispenser, and clearly indicate that the unit price indicated on the pump is per one-half gallon, and that the total price indicated is one-half the actual amount to be paid by the consumer. In addition, an adhesive label of durable material must be securely attached on the face of the dispenser, inside the glass cover, on each side of this dispenser stating the unit price per gallon. The actual price per half gallon will not exceed three numerical digits. The size and character of the letters expressing units of monetary value, as well as the units of quantity measurement, shall be the same as, and in no case smaller than, those placed on the dispenser by the manufacturer. The color of the letters shall be clearly contrasted with the background to provide clear recognition by the consumer.

(c) In addition to the adhesive labels described above, a sealed, weatherproof poster measuring not less than 12 inches by 12 inches with lettering clearly visible on both sides of the dispenser shall be securely fastened to each dispenser and shall contain the following notice: "This pump indicates price per one-half gallon. The total dollar and cent value to be paid by the consumer shall be two times the actual amount indicated on the pump" or words of similar import.

(d) Posters or billboards advertising prices of petroleum fuel products shall continue to be expressed in values per gallon.

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

Doc. No. 793963 Reagan V. Brown
Commissioner of Agriculture

Effective Date: June 26, 1979

Expiration Date: October 24, 1979

For further information, please call (512) 475-6577.

Texas Water Development Board Grants Administration

Pursuant to the authority of Sections 5.131 and 5.132, Texas Water Code, the Texas Water Development Board has previously adopted and published rules for the administration of the Federal Construction Grant Program. The Texas Water Development Board has resolved that due to the recent adoption of final regulations by the Environmental Protection Agency pursuant to the Federal Clean Water Act of 1977 and the need to have effective rules for the administration of the State Project Priority System, which is part of the Federal Construction Grant Program, to prepare the fiscal year 1980 project priority list, adoption of rules for the State Project Priority System on fewer than 30 days' notice is necessary.

The Texas Water Development Board repeals Rules 156.15.05.010-.100 and adopts in lieu emergency Rules .101-.315 relating to the State Project Priority System to be effective immediately for a period of not longer than 120 days.

**Federal Construction Grant Program
156.15.05.010-.100**

(Editor's note: The Texas Water Development Board adopts on an emergency basis the subchapter of rules indicated above. Notice of the proposed repeal of these rules appeared in the Proposed Rules section of the June 12, 1979, issue (4 TexReg 2139).)

Rules 156.15.05.010-100 are repealed under the authority of Sections 5.131 and 5.132, Texas Water Code.

Doc. No 793929

**State Project Priority System
156.15.05.101-.315**

(Editor's note: The Texas Water Development Board adopts on an emergency basis the above subchapter of rules. Previously proposed, the new rules appeared in the Proposed Rules section of the June 8, 1979, issue (4 TexReg 2053).)

Rules 156.15.05.101-315 are adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

Issued in Austin, Texas, on June 19, 1979.

Doc No 793930 Bruce Bigelow
 General Counsel
 Texas Department of Water Resources

Effective Date June 25, 1979

Expiration Date October 23, 1979

For further information, please call (512) 475-4338.

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

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

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

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

Texas Department of Agriculture Agricultural and Environmental Sciences Division

Nursery Regulations 176.24.10.101-.103

(Editor's note: The texts of the following rules proposed for repeal will not be published. The rules may be examined in the office of the Texas Department of Agriculture, Stephen F. Austin Building, Austin, or in the office of the Texas Register Division, 503E Sam Houston Building, Austin.)

The Texas Department of Agriculture is proposing to repeal Rules 176.24.10.101-103, governing traffic, growing, shipping, and selling nursery and floral products authorized in Articles 119-135.1, inclusive, Texas Civil Statutes.

The proposed repeal is necessary in order to promulgate new Rules .104-.107 to take effect by approximately September 1, 1979.

The department has determined that the proposed repeal has little fiscal change.

Written comments are invited and may be sent to David Ivie, director, Agricultural and Environmental Sciences Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

This repeal is proposed under the authority of Texas Civil Statutes, Article 119-135.1.

- .101. *Nursery Grower.*
- .102. *Nursery Dealer.*
- .103. *Floral.*

Doc. No. 793988

176.24.10.104-.107

The Texas Department of Agriculture proposes new rules governing the traffic, growing, shipping, and selling of nursery and floral products authorized in Articles 119-135.1, inclusive, Texas Civil Statutes. These new rules are necessary because current methods of classification are ambiguous and confusing to the general public and to those involved in the enforcement activities. Existing policy requires one inspection to be made at a time of the year when very little nursery stock is being marketed and requires the inspectors to collect inspection fees which must be transmitted through a district office to Austin before a certificate can be issued. Each person who handles these fees must make records to provide assurance that proper procedures were followed.

The proposed new rules will reduce the total number of nursery and floral classifications from 16 to five. The definitions have been simplified and written to cover newly developed methods of merchandising. They provide for submission of an application and inspection fees directly to Austin, and change the procedure for issuing certificates so that inspections can be made during the time of year when most nursery and floral stock is being sold.

By removing the responsibility of classification and fee handling by the inspector and changing the inspection times, it is estimated that the number of plants inspected could be increased 100% over current levels without an increase in the cost of the program. These changes will not require any additional personnel nor will they result in a significant change in revenue collected (source: department staff).

Overall, these amendments should provide the Texas Department of Agriculture with a better means to control the movement of nursery and florist items in order to prevent the transmission of injurious plant pest and provide the consumer with a higher quality product.

Written comments are invited and may be sent to David Ivie, director, Agricultural and Environmental Sciences Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

The following rules are proposed under the authority of Article 119-135, Texas Civil Statutes.

.104. *Examination.*

(a) Each location where nursery and/or floral stock, as defined by statute, is sold, offered for sale, grown for the purpose of sale, or offered as an enticement to promote the sale of other items must be inspected at least once each year by the Texas Department of Agriculture. The purpose of this inspection is to ascertain whether or not these items or premises are free of injurious pests and if the stock is being maintained in a good viable condition.

(b) If the commissioner determines that the stock and premises meet these requirements, he will authorize the issuance of an "official nursery and/or floral inspection certificate" upon payment of the proper fees by the applicant.

(c) If the stock and premises do not meet the inspection requirements, the commissioner may refuse to authorize the issuance of the inspection certificate and may suspend any existing inspection certificate until the conditions are corrected and brought into compliance.

(d) When applicable, infested or devitalized stock may be placed under a "stop sale order" prohibiting their distribu-

tion but permitting the sale of other healthy items on the premises.

.105. Certificate.

(a) It shall be unlawful for any person to sell or offer for sale any nursery or floral stock without a valid certificate of inspection issued for the proper classification of the nursery or floral stock being handled.

(b) Persons desiring a new or renewal inspection certificate must make application on forms prescribed by the commissioner and submit the appropriate annual inspection fee for the classification required by these regulations.

(c) Any person who willfully falsifies an application is subject to certificate revocation as provided in Article 129, Texas Civil Statutes.

(d) Applicants for a new certificate will be inspected as provided in Rule 104 of these regulations, as soon as practicable after nursery or floral stock is available for inspection.

(e) Persons who hold a valid inspection certificate may have it renewed if an inspection has been made within 12 months of the date of renewal, provided that an inspection will be made before the expiration of the renewal certificate.

(f) All inspection certificates shall expire on August 31 each year, beginning in 1980. Renewal applications submitted after October 1 must be accompanied with a late fee of \$10.

106. Nursery/Floral Inspection Fees.

(a) Class 1—\$10. Includes permanently located businesses that do not grow nursery or floral stock, such as garden centers, stores, landscape contractors, floral shops, interior decorators, truckers, etc.

(b) Class 2—\$15. Includes permanently located businesses who sell nursery and floral stock and have a growing area of 10 acres or less.

(c) Class 3—\$20. Includes permanently located businesses who sell nursery and floral stock and have a growing area of 11 to 20 acres.

(d) Class 4—\$25. Includes permanently located businesses who sell nursery and floral stock and have a growing area of more than 20 acres.

(e) Class 5—\$5.00. Includes individuals or businesses who sell nursery or floral stock from temporary locations. Temporary locations as referred to in these rules mean selling from one location for no more than three consecutive calendar days or for no more than 12 days in a single calendar month. Each location from which such sales are made must have a certificate. Such certificate must be present at each sales outlet, such as plant or flower shows, flea markets, street vendors, etc.

(f) Each applicant will be responsible for declaring their proper classification and submitting the appropriate fee to the Texas Department of Agriculture. The inspector will verify the classification when the first inspection is made.

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

Doc. No. 793989 Reagan V. Brown
 Commissioner
 Texas Department of Agriculture

Proposed Date of Adoption: August 3, 1979
 For further information, please call (512) 475-4457.

Comptroller of Public Accounts

Central Administration

Practice and Procedure 026.01.01

The comptroller of public accounts proposes to amend 20 of its 43 rules of practice and procedure. Rules .026.01.01.001-.043, to conform them with legislation passed by the 66th Legislature and to generally clarify and improve them prior to reprinting a booklet containing the rules.

Rule .004 is amended to make it clear where the forms are available. Rule .005 is amended in accordance with Senate Bill 556 to indicate that claims for refund of taxes other than sales, excise, and use tax will, after August 27, 1979, be treated the same as sales tax and have the same chance for judicial review. Rule .007 is amended at the suggestion of persons dealing with this office to indicate that communications from this office regarding contested cases will be with either the individual taxpayer or the authorized representative of the taxpayer. Rules .013, .014, and .017 are amended for clarity and simplicity and to be consistent with the motion form to be used. Rule .018 is amended to eliminate unnecessary paperwork. Rules .015 and .021 are amended to make it clear that the administrative law judge may question any party or witness without restriction and to assure that he has complete control over the record—the making of the record, going on or off the record, holding the record open for stated times or purposes, and similar matters affecting the record. Rules .019, .022, and .023 are amended simply to delete references to particular volumes and supplements of Vernons. Rules .026, .031, and .033 are amended for purposes of simplification and clarification. Rules .029 and .030 are amended in light of legislation passed this session to track the language and content of pertinent (referenced) statutes and to adequately inform taxpayers of the means of gaining access to the courts. Rule .035 is amended to increase the mileage and per-day amounts for witnesses. Rule .040 is amended for simplicity and clarity, and Rule .043 definitions have been amended for consistency and clarity.

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

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

The amendments are proposed under the authority of Texas Taxation—General Annotated, Article 1.10 (Vernon 1969).

.004. Petition for Redetermination. Petitions asking for redetermination of a tax deficiency that has not been paid must be filed within the time period shown on the determination, should state the taxpayer's name and taxpayer number, the type of tax and the audit number, and should briefly set out the reasons the taxpayer does not agree with the determination. Petition forms are available *at any comptroller's office*. When a petition for redetermination has not been timely filed, the petitioner is not entitled to a redetermination but must pay such determination and may request a refund.

.005. Petition (or Claim) for Refund. Petitions claiming a refund of taxes paid must *be filed within the time period provided in (3) of Texas Taxation—General Annotated, Article 1.11A. The petition should state the taxpayer's name and taxpayer number, the type of tax, and should briefly set out the reasons the taxpayer feels the taxes should not have been paid* [enumerate each and every ground upon which the claim is founded]. Petition forms are available *at any comptroller's office*. [To ensure access to the courts of Texas on a claim for refund of a tax other than sales, excise, and use tax, the claim for refund must be in the form of a written protest (petition) with each and every ground stated, must accompany the payment of the tax, and suit must be filed in a district court of Travis County within 90 days from the date the protest (petition) and payment are filed regardless of when a decision by the comptroller on the claim for refund is issued (Texas Taxation—General Annotated, Article 1.05 (Vernon 1969), and Texas Revised Civil Statutes Annotated, Article 7057b (Vernon 1960)). To ensure access to the courts of Texas on a claim for refund of sales, excise, and use tax, it is not necessary to pay the tax and to file the petition simultaneously. Instead, a petition claiming a refund of such tax may be filed at any time after payment is made, so long as it is filed within the limitation period provided in Texas Taxation—General Annotated, Article 20.10(B) (Vernon 1969). Suit must be filed on the denial of a claim for refund of sales tax within 90 days after the mailing of the comptroller's decision (Texas Taxation—General Annotated, Article 20.10(H) (Vernon 1969)).]

.007. Hearings Attorney and Request for Statement of Grounds. Once a case has been numbered and docketed, a hearings attorney from within the agency will be assigned to it. For cases commenced by petition, the comptroller will write the petitioner giving the name of the hearings attorney, setting out other pertinent information, and requesting a statement of grounds by a certain date. [Any] Communications *with this office* [in a case prior to notice of setting] should be directed to the hearings attorney *prior to acceptance or rejection of the position letter. Communications from this office, at any stage, will be directed to the individual petitioner or to the authorized representative of a petitioner.*

.013. Acceptance or Rejection of Position (Motion to Dismiss Petition or to Set for Hearing). Petitioner must accept or reject, in whole or in part, the position letter within 15 days after the day the letter is dated. A form for this purpose will be enclosed with the letter. Acceptance shall be indicated by signing the motion to dismiss portion and mailing *to the administrative law judges*; rejection shall be indicated by completing and signing the motion to set portion and *so* mailing. Expiration of the 15-day period *without receipt of the completed form* [with no response] from petitioner shall be deemed to be acceptance of the tax division's position. The 15-day period for acceptance or rejection may be extended by agreement of the parties to accommodate any modification in the position letter. *Any* [All] modifications of the position letter and any extensions of the time period shall be reduced to writing by the hearings attorney and sent to petitioner. The 15-day period for acceptance or rejection shall begin on the day the last such modification is dated.

.014. Notice of Setting. Upon receipt of a motion to set, the clerk of the administrative law judges shall acknowledge receipt of the motion by sending notice to the parties giving:

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

(5) the date *any* [the] reply to the position letter is due, if petitioner has indicated a desire to file one in the motion to set].

.015. Administrative Law Judge to Hear Case. Hearings will be conducted by an administrative law judge who shall have authority to examine witnesses, to rule on motions, and to rule upon the admissibility of evidence. He shall have the authority to continue or recess any hearing, to *control* [keep] the record [open for the submission of additional evidence], and to propose decisions to the comptroller of public accounts. If for any reason an administrative law judge cannot continue on a contested case, another administrative law judge will become familiar with the record and perform any function remaining to be performed without the necessity of repeating any previous proceedings in the case.

.017. Petitioner's Reply to the Position Letter. *If a* [Where] petitioner [has indicated in the motion to set that he] desires to present additional facts or legal arguments with respect to an issue or wishes to raise new issues, *a* [the] reply to the position letter must be filed by the date specified [by the administrative law judge] in the notice of setting, and must be in the format of the position letter. If any issues are raised or presented for the first time at hearing, a party may plead surprise and move for a continuance.

.018. Response of Tax Division. If petitioner files a reply to the position letter, the hearings attorney shall file *any* [a] response within 20 days after the day the reply is dated. The response will state the legal position of the tax division and any factual disagreement with respect to each new issue or argument raised by the petitioner.

.019. Inspection of File. Each party to a contested case, any authorized representative of a party, and any person authorized under the Open Records Act, Texas Revised Civil Statutes Annotated, Article 6252-17a [(Vernon Supplement 1978-1979)], shall be permitted to inspect and copy, at their own expense and in the offices of the administrative law judges, all documents on file in the case permitted by law to be inspected and copied.

.021. Conduct of Hearing. The hearing will be convened by the administrative law judge, appearances will be noted, any motions or preliminary matters will be taken up, and then each party shall have opportunity to present its case, generally on an issue-by-issue basis, by calling and examining witnesses and introducing documentary evidence. Each party shall also have opportunity to cross-examine opposing witnesses on any matter relevant to the issues even though the matter was not covered in direct examination. Any objection to testimony or evidentiary offers should be made, and the basis of the objection stated. The administrative law judge may question any party or any witness [for the purpose of clarifying his understanding or to clarify the record]. The administrative law judge shall establish the order of proceeding, but regardless of the order, a petitioner is entitled to close. The administrative law judge is responsible for closing the record *and may hold it open for stated purposes*. Parties may submit proposed findings of fact anytime after notice of setting and prior to closing of the record.

.022. Rules of Evidence. The rules of evidence set forth in the Administrative Procedure and Texas Register Act, Texas Revised Civil Statutes Annotated, Article 6252-13a [(Vernon Supplement 1978-1979)], shall apply in all contested cases. Section 14 of that Act provides, in part:

(a) In contested cases, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in nonjury civil cases in the District Courts of this State shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, if a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

.023. Oral Evidence, Witnesses, and Penalty for False Statements. Any party may request an administrative law judge to subpoena witnesses or require the production of documents related to the subject matter of the hearing, or the administrative law judge may do so on his own motion. An administrative law judge may require the parties in a case to indicate the persons they expect to call as witnesses. The testimony of witnesses shall be made under oath or affirmation pursuant to authority granted by Section 14(b) of the Administrative Procedure and Texas Register Act, and the making of false statements may subject a person to criminal prosecution under Sections 37.02 and 37.03 of Texas Penal Code Annotated [(Vernon 1974)]. Further, the testimony of a petitioner or respondent shall be deemed to be part of his claim with the agency within the meaning of Article 1.12 of Texas Taxation—General Annotated [(Vernon 1969)].

.026. Transcription of Oral Hearing. All contested cases heard by an administrative law judge will be recorded. A copy of the recording will be furnished to any party to the proceeding upon written request to the administrative law judge and payment of a reasonable fee. If one or more parties desire the hearing transcribed by a [certified] court reporter, they must make the necessary arrangements with the reporter and bear the cost.

.029. Motion for Rehearing. A motion for rehearing may be filed by any party, but must be filed with the clerk of the administrative law judges within 15 days from the date the comptroller's decision is rendered to be timely. The motion must state *each specified ground upon which the party believes the comptroller's decision is erroneous* [the grounds upon which it is based]. Any reply to a motion for rehearing must be filed within 25 days after the date the decision is rendered. If the motion is not acted on within 45 days after the date the decision is rendered, it will be overruled by operation of law. These times may be varied only in accordance with Section 16, subsections (e) and (f), of the Administrative Procedure and Texas Register Act. If a rehearing is granted, a notice will be issued to the parties setting out all pertinent information.

.030. Court Suit for Refund. To gain access to the courts of Texas, *the total amount of tax, penalty, and interest in question* [any amount found due in the comptroller's decision] must be paid and suit timely filed for its refund in a district court of Travis County, Texas, under the provisions of Texas Taxation—General Annotated, Article 1.05, *Texas Revised Civil Statutes Annotated, Article 7057b, or Texas Taxation—General Annotated, Article 1.11A* [or, in the case of sales tax, under Texas Taxation—General Annotated, Article 20.10 (Vernon 1969)]. *To properly invoke the court's jurisdiction under either Article 1.05 or Article 7057b, it is not necessary to pursue any administrative remedies with the agency; however, the taxpayer is required to accompany his payment with a protest letter that sets out in detail every ground the taxpayer intends to raise in his lawsuit; the suit must be filed within 90 days thereafter; and the comptroller, the state treasurer, and the attorney general must be named as party defendants. To properly invoke the court's jurisdiction under Article 1.11A, the taxpayer is required to timely petition the agency for a refund* (See Rule .005 above, in this subchapter.) *and to timely file a motion for a rehearing of the comptroller's decision denying such refund* (see Rule .029 above, in this subchapter). *The motion for rehearing must state in detail every ground the taxpayer intends to raise in his lawsuit, and suit against the comptroller must be filed within 30 days from the date the motion for rehearing is overruled.*

.031. Computation of Time. In computing any period of time prescribed or allowed by these rules, by order of *an administrative law judge* [the agency], or by any applicable statute, the period shall begin on the day after the act, event, or default identified and shall conclude on the last day of such computed period, unless it be a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday. Documents required to be filed or served are filed or served when actually received or are deemed filed or served when deposited with the United States Postal Service, postage paid. The date indicated on a document shall be presumed to be the date of mailing but is a rebuttable presumption.

.033. Service. When any document is required to be served on other parties, this may be accomplished by personal delivery or by the mailing of such document addressed to the party or his authorized representative at the last known address, postage paid. The document should *indicate on its face* [bear a signed certification] that copies have been served on parties of record[, stating the names and addresses of those served and the date and manner of service].

.035. Witness Fees. Any witness who is not a party and who is subpoenaed or otherwise compelled to attend any proceeding is entitled to receive \$.20 [\$.18] a mile for going to and from any place more than 25 miles from the witness' place of residence and a fee of \$30 [\$25] a day, or any part of a day. If two or more witnesses travel in a single automobile, only one may receive mileage reimbursement. At the time the request for a witness' attendance is filed, the requesting party is required to deposit the estimated amount to which the witness will be entitled with the clerk of the administrative law judges. Such deposit is not required when the agency is the requesting party.

.040. Dismissal of Case. Motion to dismiss may be filed by a petitioner based upon agreement reached among the parties or upon his decision to abandon his case, [such motion to dismiss will constitute a motion to dismiss with prejudice,] and a decision will be rendered which conforms with the position *letter* [last taken by the tax division]. A tax division, acting through a hearings attorney, may move to dismiss a case based upon agreement reached among the parties or for want of prosecution, including failure to submit a statement of grounds; but such motion shall be *sent to parties or their authorized representatives at* [served upon the parties by sending it to] their last known address by certified mail. The chief administrative law judge may on his own motion move to dismiss a case, notifying the parties by certified mail. If there is no reply from the petitioner within 15 days, a decision will be rendered dismissing the case [with prejudice] and fixing the deficiency as the amount determined by the tax division or otherwise disposing of the case according to the position last taken by the tax division.

.043. Definitions.

(a)-(d) (No change.)

(e) "Contested case" or "case" means a proceeding in which the legal rights, duties, or privileges of a party are to be determined by the agency after an opportunity for adjudicative hearing. It includes a request for redetermination, refund, exemption, or special reporting procedure, as well as any [license or] permit revocation action initiated by the agency. It does not include forfeitures of rights to do business, of certificates of authority, or of articles of incorporation.

(f)-(g) (No change.)

(h) "*Permit*" ["License"] means the whole or any part of a *license*, [permit,] certificate, approval, registration, or similar form of permission, the issuance, renewal, amendment, suspension, or revocation of which is within the jurisdiction of the agency.

(i) "Licensing" means the agency process respecting the granting, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a *permit* [license].

(j)-(n) (No change.)

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

Doc. No. 793990 Bob Bullock
Comptroller of Public Accounts

Proposed Date of Adoption: August 3, 1979
For further information, please call (512) 475-1938.

Tax Administration

Motor Vehicle Division 026.02.06

The comptroller of public accounts is proposing to amend Rule 026.02.06.034. Subsection (c) of the rule presently defines a vehicle "designed to carry more than six passengers" as one with at least "three seats as wide as the interior of the vehicle." Since there are vehicles designed to carry more than six passengers that have center aisles rather than seats as wide as the interior, the above definition is an unnecessary and impractical limitation on a statutory exemption. The statutory language "designed to carry more than six passengers" is felt to be self-explanatory; therefore, the proposed amendment would eliminate subsection (c) entirely.

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

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

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

.034. Exemption for Churches or Religious Societies.

(a) There are exempted from motor vehicle sales and use taxes the receipts from the sale or rental and the use of a motor vehicle that is designed to carry more than six passengers, is sold to or used by a church or religious society, and is used primarily for the purpose of providing transportation to and from church or religious services or meetings. This exemption does not apply to a vehicle registered as a passenger vehicle and the primary use of which is for the personal or official needs or duties of a minister.

(b) A "church or religious society" is a regularly organized group of people associating for the sole purpose of holding, conducting, and sponsoring, according to the rites of the sect, religious worship. An organization supporting and encouraging religion as an incidental purpose or an organization with the general purpose of furthering religious work or instilling its membership with a religious understanding is not sufficient to qualify such an entity as a church or religious society.

(c) A motor vehicle "designed to carry more than six passengers" means a vehicle with at least three seats as wide as the interior of the vehicle, including such vehicles as station wagons, vans, and buses.

(c)(d) The "primary use" means a use of a motor vehicle for at least 80% of the vehicle's operating time.

Issued in Austin, Texas, on June 22, 1979.

Doc. No. 793909 Bob Bullock
Comptroller of Public Accounts

Proposed Date of Adoption: August 3, 1979
For further information, please call (512) 475-1935.

Texas Department of Mental Health and Mental Retardation

Client (Patient) Care

Employment of Independent Contractors (Consultants) 302.04.01

The Texas Department of Mental Health and Mental Retardation has revised the form that it uses for contracts with independent contractors and consultants. The contract form was revised as of June 8, 1979. The form has been revised to include signature spaces for the appropriate deputy commissioner and for the commissioner. The approval and signature of the appropriate deputy commissioner are required prior to the performance of services if the fees to be paid to the independent contractor or consultant exceed \$50 per hour or \$250 in any 24-hour period. The approval and signature of the commissioner are required prior to the performance of services if the contract for consultant services is in an amount

over \$1,000 and if the services are required to study an existing or a proposed operation or project of a departmental facility.

Since the form used by the department has been revised, the department is proposing to amend Rules 302.04.01.004 and .007, both of which make reference to the consultant contract form. The proposed amendments would add language to the rules to indicate that the consultant contract form has been revised as of June 8, 1979. The effect of the proposed amendments would be to make clear that the form has been revised and to specify which is the most current consultant contract form.

Promulgation of the proposed amendments to Rules .004 and .007 will have no known fiscal implications for the state or for units of local government (source: Legal and Claims Division).

Public comment on the proposed amendments is invited. Persons may submit their comments by writing to John J. Kavanagh, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, or by telephone at (512) 454-3761.

The amendments to Rules .004 and .007 are proposed under the authority of Section 2.11(b) of Article 5547-202, Texas Civil Statutes.

.004. Employment of an Independent Contractor (Consultant). No independent contractor (consultant) will be employed by any facility of this department without written approval by the head of the facility prior to the rendition of any services; provided, however, that services may be rendered without the prior written approval of the head of the facility in emergency situations in which the well-being of a client or clients or the best interest of the State of Texas would be adversely affected by a failure to take immediate action; provided further, however, that if the services of a consultant are necessary in such an emergency, the contractual approval should be obtained as soon as practicable after the services have been rendered. Approval by the head of the facility shall be evidenced by a "Contract for Consultant Services" (Texas Department of Mental Health and Mental Retardation Form No. P-11 as revised *June 8, 1979* [May 28, 1976]), illustrated by Exhibit A—.04.01.004, which is attached to and made a part of these rules, or in appropriate situations by an interagency contract between this department, acting through its individual facility, and the independent contractor (consultant). An interagency contract used to evidence approval for consultant services must meet all of the requirements of these rules. The "Contract for Consultant Services" or the interagency contract, as the case may be, is to be signed by the head of the facility employing such consultant, provided that any such contract for consultant services in an amount over \$1,000 shall be approved in advance by the commissioner if such services are required to study an existing or a proposed operation or project of the facility. In the case of the Central Office, the commissioner will sign the contract, and it will be forwarded to the chief of budgets and finance. This contract responsibility may not be delegated without written approval of the commissioner. All existing agreements through which independent contractors (consultants) are providing services to a facility of this department will, as soon as possible, be reduced to writing on Form No. P-11 (revised *June 8, 1979* [May 28, 1976]) or on an interagency contract form, as appropriate.

.007. Retention Period for Records. Texas Department of Mental Health and Mental Retardation Form No. P-11 (revised *June 8, 1979* [November 1, 1974]) dealt with in Rule .004 of these rules and Form No. P-11(A) (revised March 15, 1975) dealt with in Rule .005 of these rules will be retained for five years. These forms have been produced and stocked in Central Office, subject to requisition. Forms on hand, altered as necessary, should be used before requisitioning new ones.

Doc. No. 793910

Administration of Medications 302.04.02

The Texas Department of Mental Health and Mental Retardation is proposing to amend Rule 302.04.02.011(a), which requires the head of each departmental facility to establish a medication profile committee, the purpose of which is to review the overall medical and treatment plan for each patient or resident to determine the appropriateness and effectiveness of the plan. Subsection (a) presently provides that a record of the medication profile committee's review will be maintained in the pharmacy and in the resident's or patient's medical record. The department is of the opinion that it is not appropriate to place a record of the medication profile committee's review in the medical record of each patient or resident. Therefore, the proposed amendment to subsection (a) would delete from the rule that language which requires a record of the medication profile committee's review to be maintained in the resident's or patient's medical record.

Promulgation of the proposed amendment to Rule .011(a) will have no known fiscal implications for the state or for units of local government (source: Legal and Claims Division).

Public comment on the proposed amendment is invited. Persons may submit their comments by writing to John J. Kavanagh, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, or by telephone at (512) 454-3761.

The amendment to Rule .011(a) is proposed under the authority of Section 2.11(b) of Article 5547-202, Texas Civil Statutes.

.011. Medication Profile Committee; Medication Use and Prescribing Practices; Committee for Formulation of System-wide Standards.

(a) An individual medication profile record for each resident or patient will be maintained in the pharmacy of the facility serving the resident or patient. The superintendent or director of each facility will appoint a medication profile committee composed of but not limited to a staff physician, a staff pharmacist, a staff registered nurse, and other appropriate staff members deemed necessary. The medication profile committee will periodically review the overall medication and treatment plan for appropriateness and effectiveness and will notify treatment staff of their findings and considered alternatives. A record of the committee's review will be maintained in the pharmacy [and in the resident's or patient's medical record]. The pharmacist will be responsible for notifying the prescribing physician, the superintendent, and the profile committee should the pharmacist see erratic or deviant profiles developing.

(b) (No change.)

Doc. No. 793911

Internal Management of Facilities of the Department

Volunteer Services 302.05.24

The Texas Department of Mental Health and Mental Retardation is proposing to amend Rule 302.05.24.003, which contains the department's statement of philosophy with regard to volunteer services. The proposed amendment to Rule .003 would designate the present text of the rule as subsection (a) and would add subsection (b) to the rule. The new subsection would contain language to make clear that it is essential for the Volunteer Council and the departmental facility's administration and staff to fully coordinate and cooperate with each other, that the superintendent of the departmental facility must retain full authority over all functions and projects concerning the institution, and that since the Volunteer Council is a private organization, the expenditure of state funds or the general use of state resources for activities of the council is prohibited.

Promulgation of the proposed amendment to Rule .003 will have no known fiscal implications for the state or for units of local government (source: Legal and Claims Division).

Public comment on the proposed amendment is invited. Persons may submit their comments by writing to John J. Kavanagh, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, or by telephone at (512) 454-3761.

The amendment to Rule .003 is proposed under the authority of Section 2.11(b) of Article 5547-202, Texas Civil Statutes.

.003. Statement of Philosophy.

(a) Volunteers in the Texas Department of Mental Health and Mental Retardation are highly valued as an essential component of its programs. They provide goods, services, and personal attention for clients which enhance and enrich the best care and treatment the state can provide. While volunteers' roles and functions differ from those of paid staff members, their goal is the same: to provide the most beneficial environment for therapeutic care and treatment. Volunteers need and are entitled to receive basic and advanced training. Volunteers' efforts are in harmony with the department's treatment objectives. They supplement staff efforts but do not supplant or replace the staff. They are partners with staff in working to benefit clients. Volunteers respect the rights of staff members and the rights of clients equally. By freely contributing their remarkable talents, resources, creativity, and energy in response to human needs, volunteers consistently support the department in its efforts to meet its obligations to the mentally disabled.

(b) *Since the superintendent is responsible for the overall operation of the facility in order to provide the best care and treatment for the clients, it is essential that the Volunteer Council fully coordinate its activities with the facility administration. The superintendent must retain full authority over all functions and projects concerning the institution, its clients, and employees. It is also essential that the administration and staff cooperate fully with the Volunteer Council and the volunteers who provide the services. Since the Volunteer Council is a private organization, the expenditure of state funds or the*

general use of state resources for activities of the council is prohibited.

Issued in Austin, Texas, on June 22, 1979.

Doc. No. 793912

John J. Kavanagh, M.D.

Commissioner

Texas Department of Mental Health and
Mental Retardation

Proposed Date of Adoption: August 3, 1979

For further information, please call (512) 454-3761, ext. 241.

Texas Parks and Wildlife Department

Fisheries

Commercial Fishing Licenses 127.30.27

The Texas Parks and Wildlife Commission proposes to adopt Rules 127.30.27.001-.002, which relate to the affidavit requirement for obtaining commercial fishing licenses. Rules .001 and .002 require the submission of a certified copy obtained from the Internal Revenue Service of relevant portions of the previous year's federal income tax return showing all sources of employment and amounts earned from each source with the commercial red drum and the commercial finfish fisherman's license application affidavit. The Red Drum Conservation Act of the 65th Legislature (Section 47.020, Texas Parks and Wildlife Code) and Senate Bill 580 of the 66th Legislature (Section 47.003, Texas Parks and Wildlife Code) provide that no person may be issued a commercial red drum or a commercial finfish fisherman's license unless the person files with the department an affidavit stating that not less than 50% of the applicant's gainful employment is devoted to commercial fishing and that the applicant is not employed at any full-time occupation other than commercial fishing. The department is required to revoke a commercial red drum or a commercial finfish fisherman's license if the holder engages in any full-time employment other than commercial fishing, or if the required affidavit contains a false statement.

In order to validate an affidavit filed by a commercial red drum or a commercial finfish license applicant and to effectuate the legislature's intent that such licenses be issued only to persons who devote not less than 50% of their gainful employment to commercial fishing and are not employed at any other full-time occupations, the burden of proof is placed on the applicant at the time of application to provide evidence that he or she is a full-time commercial fisherman. A certified copy of the relevant portions of the previous year's federal income tax return would be required as proof. Senate Bill 580 requires both saltwater and freshwater finfish fishermen to purchase a commercial finfish fisherman's license. Section 61.061 of the Texas Parks and Wildlife Code requires the department to continuously research the factors of the finfish supply and the marketing, harvesting, processing, and catching of fish landed in this state. Rule .002(a)(1)(D) would provide information on the number of commercial finfish fishermen fishing in salt water and fresh water by requiring the applicant of a commercial finfish fishing license to indicate his or her intention to fish in salt water, fresh water, or both.

The administrative and enforcement responsibilities of the proposed rules will not involve local agencies. A review of the

Parks and Wildlife Department budget indicates that no additional funding or personnel will be required to administer or enforce this proposed rule (source: department staff).

Public comment on the proposed adoption of Rules .001-.002 is invited. A public hearing will be scheduled in Austin on July 24, 1979. Additional comments may be submitted by telephoning (512) 475-4835 or by writing to Gary Matlock, director of finfish programs, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744. Comments must be received by July 24, 1979.

These rules are proposed under the authority of Chapters 47 and 61, Subchapter C-1, Texas Parks and Wildlife Code.

.001. Affidavit for Commercial Red Drum License.

(a) No person may be issued a red drum license unless:

(1) the person files with the department at the time he applies for the license an affidavit containing statements that:

(A) not less than 50% of the applicant's gainful employment is devoted to commercial fishing;

(B) the applicant is not employed at any full-time occupation other than commercial fishing;

(C) during the period of validity of the commercial red drum license the applicant does not intend to engage in any full-time occupation other than commercial fishing; and

(D) the applicant possesses a general commercial fisherman's license;

(2) the applicant submits a certified copy obtained from the Internal Revenue Service of relevant portions of the previous year's federal income tax return showing all sources of employment and amounts earned from each source with the affidavit at the time of application.

.002. Affidavit for Commercial Finfish Fisherman's License.

(a) No person may be issued a commercial finfish fisherman's license unless:

(1) the person files with the department at the time he applies for the license an affidavit containing the following statements:

(A) not less than 50% of the applicant's gainful employment is devoted to commercial fishing;

(B) the applicant is not employed at any full-time occupation other than commercial fishing;

(C) during the period of validity of the commercial finfish fisherman's license the applicant does not intend to engage in any full-time occupation other than commercial fishing; and

(D) whether the applicant intends to fish in salt water only, fresh water only, or both salt water and fresh water;

(2) the applicant submits a certified copy obtained from the Internal Revenue Service of relevant portions of the previous year's federal income tax return showing all sources of employment and amounts earned from each source with the affidavit at the time of application.

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

Doc. No. 793970 Maurine Ray
 Administrative Assistant
 Texas Parks and Wildlife Department

Proposed Date of Adoption: July 24, 1979
For further information, please call (512) 475-4835.

Texas Department of Public Safety

Traffic Law Enforcement

Requirements for Displaying Vehicle Inspection Certificates 201.02.05

The Texas Department of Public Safety is proposing to amend Rule 201.02.05.002 by changing the rule title from Acceptance of Out-of-State Vehicle Inspection Certificates to Texas Vehicles Returning without Valid Vehicle Inspection Certificates. Proposed amendment 1 would delete the statement of legal authority from the rule as it appears immediately preceding the text of the rule. Proposed amendment 2 would delete subsections (a) and (c) of the rule relating to acceptance of inspection certificates issued outside the State of Texas and a list of states deemed to have an inspection law similar to that of the State of Texas. These amendments are based on recently enacted legislation regarding titling and verification of vehicle identification numbers on out-of-state vehicles.

The staff of the Texas Department of Public Safety has determined there are no fiscal implications involved in the proposed amendments relating to enforcement guidelines.

Comments on the proposed amendments are invited. Comments may be submitted by contacting Norman V. Suarez, Texas Department of Public Safety, Box 4087, Austin, Texas 78773, telephone (512) 452-0331. Comments must be received within 30 days of the publication of this proposal in the *Register*.

The amendments are proposed pursuant to the authority of Vernon's Civil Statutes 6701d, Section 140.

.002. Texas Vehicles Returning without Valid Vehicle Inspection Certificates. *Acceptance of Out-of-State Vehicle Inspection Certificates.* The following rule is promulgated under Vernon's Civil Statutes 6701d, Section 140.

(a) Acceptance of inspection certificates issued outside the State of Texas. A valid certificate of inspection issued in the District of Columbia or in another state of the United States having an inspection law similar to that of the State of Texas is acceptable on a Texas-registered vehicle provided the inspection certificate was obtained while the owner or operator of the vehicle was residing in the other jurisdiction and the vehicle was regularly assigned, garaged, or stationed outside of the State of Texas. This acceptance does not extend to owners and operators who have resided continuously in Texas.

(b) Time allowed to acquire inspection certificate. The Department of Public Safety extends the time within which a certificate of inspection shall be obtained by a resident owner or operator of a Texas-registered vehicle, when the vehicle has no valid inspection certificate. The extension will be granted only on the first occasion of operation in this state during an inspection year and only until the resident owner or operator of the vehicle has arrived at his home, station, or destination in this state and for three days thereafter.

(c) States with similar inspection law. The following states and the District of Columbia are deemed to have an inspection law similar to that of the State of Texas: Arkansas, Colorado, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, Missouri, Nebraska, New

Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, West Virginia, Wyoming.]

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

Doc. No. 793964 Wilson E. Speir
Director
Texas Department of Public Safety

Proposed Date of Adoption: August 3, 1979
For further information, please call (512) 452-0331.



An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, and the adoption may go into effect no sooner than 20 days after filing, except where a federal statute or regulation requires implementation of a rule on shorter notice.

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

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

Texas State Board of Control

Central Purchasing Division

Purchasing 028.12.01.051

The Texas State Board of Control at its stated meeting on June 22, 1979, adopted an amendment to Rule 028.12.01.051, relating to a definition of "spot purchases," in order to reflect a previously approved change in the spot purchase limit from \$200 to \$500. This amendment was proposed in the May 22, 1979, issue of the *Texas Register* (4 TexReg 1857). No comments have been received regarding the proposed amendment.

After consideration of the above, the following amendment was adopted under the authority of Article 664-3, Vernon's Texas Civil Statutes.

.051. Definitions.

(a)-(aa) (No change.)

(bb) "Spot purchase"—a purchase of supplies or material which may be made by state agencies through local purchase procedures, provided the purchase does not exceed a total of \$500 and is in compliance with board rules and regulations.

(cc)-(ii) (No change.)

Doc. No. 793978

028.12.01.052

At its stated meeting on June 22, 1979, the Texas State Board of Control adopted an amendment to Rule 028.12.01.052, relating to requisition processing, by adding subsection (c). This new subsection authorizes the board, to include an assignment clause to the mandatory terms and conditions of state contracts under Article 664-3, Vernon's Texas Civil Statutes, requiring suppliers to the board to assign any and all claims for overcharging arising under the antitrust laws of the United States. This amendment was proposed in the May 22, 1979, issue of the *Texas Register* (4 TexReg 1858). No comments have been received regarding the proposed additions to board rules.

After consideration of the above, the following amendment was adopted under the authority of Article 664-3, Vernon's Texas Civil Statutes.

.052. Requisition Processing.

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

(c) In addition to other mandatory terms and conditions included in the invitation to bid used by the board in open market or annual contracts, the board shall also include the following: "Vendor hereby assigns to purchaser any and all claims for overcharges associated with his contract which arise under the antitrust laws of the United States, 15 USCA, Section 1, et seq. (1973)."

Doc. No. 793979

028.12.01.055

At its stated meeting on June 22, 1979, the Texas State Board of Control adopted an amendment to Rule 028.12.01.055, relating to bid evaluation and award of contracts, by deleting the last sentence of paragraph (4) of subsection (b), concerning the constitutional signatures formerly required by Section 21 of Article 16 of the Texas Constitution. This constitutional requirement was removed by the amendment approved in November 1978. This proposed rule change was published in the May 22, 1979, issue of the *Texas Register* (4 TexReg 1858). No comments have been received regarding the proposed deletion.

After consideration of the above, the following amendment was adopted by the board as proposed pursuant to the authority of Article 664-3, Vernon's Texas Civil Statutes.

.055. Bid Evaluation and Award, Conditions Applicable to Both Open Market and Contract.

(a) (No change.)

(b) Award.

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

(4) Awards do not become an official act of the board until they have been approved by the purchasing administration and the orders signed by the director for purchasing or a designated board employee.

(5) (No change.)

Doc. No. 793980

028.12.01.059

At its stated meeting on June 22, 1979, the Texas State Board of Control adopted amendments to Rule 028.12.01.059, relating to delegated purchases, by deleting subparagraph (E) of paragraph (1) concerning the requirement for constitutional signatures (this requirement from Section 21 of Article 16 of the Texas Constitution was removed through constitutional amendment approved in November 1978), and by amending subparagraphs (A) and (B) of paragraph (2) by raising the limits related to emergency purchasing to correspond with an earlier rule change raising spot purchase limits to \$500. This proposed amendment was published in the issue of the *Texas Register* dated May 22, 1979 (4 TexReg 1858). No comments were received on the amendment deleting subparagraph (E) of paragraph (1) concerning the requirements for constitutional signatures.

Comments were received from purchasing officers at two state agencies concerning the wording of the proposed amendment to subparagraphs (A) and (B) of paragraph (2). The board agreed with their comments that the wording, when read with paragraph (1) of the rule, created possible confusion. The two paragraphs are not to be construed together for any relevant purpose but should be constructed using similar language and structure.

After consideration of the above, the following amendment was adopted pursuant to the authority of Article 664-3, Vernon's Texas Civil Statutes.

.059. Delegated Purchases. By the authority granted under Article 664-3, Vernon's Civil Statutes, the board has delegated certain purchasing functions to agencies of the state.

(1) Spot purchases. Agencies may obtain competitive bids and purchase or rent needed supplies provided the acquisition does not exceed the \$500 limitation specified by the board and is made in accordance with the following conditions:

(A)-(D) (No change.)

(2) Emergency purchases. State agencies have been delegated the authority to make emergency purchases of needed equipment and supplies provided an emergency exists and the purchase is made in accordance with the following conditions:

(A) If the purchase exceeds \$500, written competitive bids must be obtained, whenever possible. A signed written bid must always be obtained from the source of the purchase.

(B) If the purchase exceeds \$1,000, the agency must immediately call or wire the board for advice and assistance in handling of such purchase.

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

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

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

Doc. No. 793981 Homer A. Foerster
Executive Director
Texas State Board of Control

Effective Date: July 17, 1979
Proposal Publication Date: May 22, 1979
For further information, please call (512) 475-5966.

Texas Department of Human Resources

Food Stamps

Support Documents 326.15.99

The Department of Human Resources adopts the following amendment to its rule which adopts by reference the federal regulations that determine the maximum income eligibility standards and basis of issuance tables for the Food Stamp Program. These regulations appear in *Federal Register* Document No. 79-14799, and have a federally mandated effective date of July 1, 1979. The Food Stamp Act of 1977 requires that the maximum allotments and maximum net incomes by household size be adjusted semiannually to reflect food price changes.

The Food Stamp Act also requires that a standard deduction be used in computing household income which is to be adjusted each July 1 and January 1 to reflect changes in the Consumer Price Index for items other than food. Therefore, the standard deduction given to all households is being increased to \$70. Households are also entitled to a dependent care/excess shelter deduction as a result of the Food Stamp Act of 1977 which required that the amount of excess shelter deduction or dependent care deduction or a combination of both be adjusted annually each July 1 to reflect changes in the shelter, fuel, and utilities costs. In accordance with the Act, the dependent care/excess shelter deduction is being increased to \$90.

This amendment is adopted under the authority of Article 695c, Texas Revised Civil Statutes, effective July 1, 1979, pursuant to federal requirements.

.002. Federal Register Document No. 79-14799. The Department of Human Resources adopts by reference the food stamp rules and appendix contained in *Federal Register* Document No. 79-14799, Volume 44, No. 93, pages 27641-27643, which amends 7 Code of Federal Regulations, Part 273.

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

Doc. No. 793984 Jerome Chapman
Commissioner
Texas Department of Human Resources

Effective Date: July 1, 1979
Proposal Publication Date: N/A
For further information, please call (512) 475-4601.

The Department of Human Resources adopts amendments, repeals, and additions to its rules regarding rehabilitation and self-support services as published in the March 20, 1979, issue of the *Texas Register* (4 TexReg 918). Those rules found in Chapter .55, Department of Public Welfare-Vocational Rehabilitation (DPW-VR), are being repealed, and the policy and procedure they include are being revised and moved to Chapter .54, Rehabilitation and Self-Support Services. These changes are made to comply with updated policies, procedures, and interdepartmental agreements concerning vocational/rehabilitation services.

In addition to consolidating rules which apply to the same program, these changes result in a redefinition of the client population now eligible for rehabilitation and self-support services offered by the department. Previously, clients were required to meet eligibility criteria established by the Texas Rehabilitation Commission (TRC). With this new policy, all AFDC and blind or disabled SSI clients will be considered eligible for DHR rehabilitation and self-support services. In addition, certain income-eligible disabled youth who need vocational education employment services may be served.

Comments which were received during the comment period included the suggestion that DHR staff make verbal referrals to the Texas Rehabilitation Commission instead of using referral forms. Further review of this matter by department staff supports the use of a referral form as was originally proposed. Rules 326.54.84.002 and .003 were altered as a result of comments to further define the meaning of economically disadvantaged and to substitute a new name for the CETA Summer Program. In addition, minor technical changes in wording were made for clarification purposes.

Rehabilitation and Self-Support Services

Overview 326.54.81.001

The amendment of Rule .001 is adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

.001. Overview of Rehabilitation and Self-Support Services.

(a) Rehabilitation and self-support services are designed to enable individuals to reach a higher level of personal self-sufficiency and to secure paid employment. The Department of Human Resources participates in several programs designed to accomplish these purposes. The department administers rehabilitation services programs and the Work Incentive (WIN) Program in cooperation with other agencies. The department also cooperates with the Comprehensive Employment and Training Act (CETA) Program as a resource for DHR recipients.

(b) The rehabilitation services programs are cooperative programs between the department and the Texas Rehabilitation Commission (TRC), the State Commission for the Blind (SCB), the Texas Commission for the Deaf (TCD), and other agencies providing vocational and social rehabilitation services. The programs are designed to provide comprehensive vocational and social rehabilitation services to disabled, blind or visually handicapped, and other disadvantaged recipients of AFDC or SSI, and some income-eligible persons.

(c) (No change.)

(d) The Comprehensive Employment and Training Act (CETA) Program is a federal manpower program administered and operated by cities and counties with a population of 100,000 or greater and by the Texas Department of Community Affairs for rural areas. The CETA program provides training, job placement, and support services to economically disadvantaged, unemployed, and underemployed persons in Texas. CETA agencies frequently provide job training and employment resources to persons served by the rehabilitation services programs and the Work Incentive Program.

Doc. No. 793934

326.54.81.002

The addition of Rule .002, Program Definition, is adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

.002. Program Definition. Rehabilitation services programs assist AFDC recipients, disabled and blind or visually handicapped SSI recipients, and some disabled and blind or visually handicapped income-eligible individuals in obtaining vocational and social rehabilitation services leading to full or partial self-support and self-sufficiency. Rehabilitation services programs include:

(1) The Vocational Rehabilitation (DHR-VR) Program. The Vocational Rehabilitation (DHR-VR) Program is aimed primarily at assisting individuals to become self-supporting through employment. The DHR-VR Program involves ongoing working relationships between DHR and

agencies responsible for providing rehabilitation, vocational training, and employment services such as the Texas Rehabilitation Commission (TRC), the State Commission for the Blind (SCB), and CETA agencies. In the DHR-VR Program, DHR is responsible for providing or arranging social rehabilitation services and other social services which assist individuals to become self-supporting through employment.

(2) The Social Rehabilitation Program. The Social Rehabilitation Program is aimed primarily at assisting individuals to become self-sufficient through acquiring social and self-care skills. In this program, DHR purchases social rehabilitation services for deaf and hearing impaired or blind and visually impaired persons from agencies such as the Texas Commission for the Deaf (TCD) and the State Commission for the Blind (SCB).

Doc. No. 793935

DHR-VR Program 326.54.82.001, .007

The amendment of Rules 326.54.82.001 and .007 is adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

.001. Eligibility for DHR-VR Program. The Vocational Rehabilitation (DHR-VR) Program's primary goal is to assist individuals to become self-supporting through paid employment. All AFDC recipients, blind or disabled SSI recipients, and income-eligible youth, 15 to 18 years of age, are eligible for the DHR-VR Program. All of these eligible individuals may be accepted into the DHR-VR Program for an initial social assessment by DHR social services staff. Based upon the social assessment findings, and depending on the availability of vocational and other rehabilitation services from other agencies in specific localities, the extent of services that can be provided or obtained is determined.

.007. Referral Responsibilities and Procedures.

(a) Any AFDC recipient, blind or disabled SSI recipient, or disabled income-eligible youth, 15 to 18 years of age, may be referred to a DHR social services worker assigned to carry DHR-VR cases for social assessment. These referrals may be made by financial services workers, social services workers, and other programs or individuals within and outside the Department of Human Resources. In areas of the state having Work Incentive (WIN) projects, AFDC recipients who are exempt from WIN because of incapacity must be referred by the financial services worker to the Texas Rehabilitation Commission (TRC) or the State Commission for the Blind (SCB).

(b) AFDC recipients, other than mandatory referrals to TRC and SCB, may also be referred by DHR financial services workers to the DHR-VR Program. DHR social services staff, such as protective services workers, community services for the aged, blind, and disabled (CCABD) workers, and others, may also refer AFDC recipients, blind and disabled SSI recipients, and disabled income-eligible youths, 15 to 18 years of age, to the DHR-VR Program.

Doc. No. 793936

326.54.82.002-.006

The repeal of Rules 326.54.82.002-.006 is adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

Doc. No. 793937

326.54.82.008-.010

The addition of Rules 326.54.82.008-.010 is adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

.008. DHR-Provided Social Services. The department offers a broad range of social services to eligible individuals during their participation in the DHR-VR Program. The following services may be provided:

(1) Social rehabilitation services. Social rehabilitation services include outreach, social assessment, and social services planning; personal and family counseling; obtaining rehabilitation services from community resources; follow-up services; arranging and monitoring day care arrangements for children; and assisting clients to obtain basic necessities and rights.

(2) Outreach services.

(A) DHR supervisors and workers responsible for rehabilitation services are to establish and maintain communication with potential referral sources such as financial services offices, food stamp offices, other social services offices, and community agencies. These supervisors and workers shall provide information about the DHR-VR Program and encourage staff to make referrals.

(B) When an individual is referred to the DHR-VR Program, the social services worker explains the DHR-VR Program and assists the individual in determining whether to become a participant in the program.

(C) Service objectives.

(i) To inform potential referral sources (other departmental units, rehabilitation agencies, and other community resources) of the DHR-VR Program.

(ii) To identify individuals who may be eligible for and wish to participate in the DHR-VR Program.

(3) Social assessment and social services planning. When an eligible individual decides to participate in the DHR-VR Program, a DHR social services worker initiates a social assessment of the individual's personal, family, and environmental situation to evaluate the individual's interest in and potential for vocational rehabilitation. The information obtained from the assessment is analyzed in developing an appropriate plan of services to enhance individual and social functioning. Service objectives are the following:

(A) To assist DHR-VR Program participants to identify and assess their personal, family, and environmental situation in terms of the program's self-sufficiency and self-support goals.

(B) To assist DHR-VR participants to select goals, services, and strategies which address their basic subsistence needs, increase their level of family and home management skills, and realize their employment potential and capabilities.

(4) Personal and family counseling.

(A) A client's successful participation in the DHR-VR Program depends, in part, on the client's understanding

and acceptance of the proposed services and his or her individual motivation and self-confidence. Individual and group counseling with DHR-VR clients provides opportunities for DHR social services workers to officially inform clients about available vocational and rehabilitation services, assist them in selecting appropriate service resources to which they may be referred, and enhance and improve the client's self-image and motivational strength in realizing realistic vocational and rehabilitation goals. Preceding and/or during the referral of a client to an available vocational/rehabilitation resource such as TRC, SCB, or a CETA agency, individual or group counseling must be handled carefully and thoroughly to enable the client to follow through on the use of other agency resources. After the client is referred for vocational/rehabilitation services provided by other agencies, the DHR social services worker continues appropriate individual and group counseling to assist the client to overcome or cope with personal and family barriers which might disrupt participation in vocational/rehabilitation services.

(B) Service objectives.

(i) To assist DHR-VR participants to develop psychological and social capabilities which will enable them to reduce areas of stress in their personal, family, and social lives which interfere with successful completion of the program and achievement of self-sufficiency and self-support goals.

(ii) To assist DHR-VR participants to acquire skills in home management and role performance which will enable them to successfully complete the program and achieve their self-sufficiency and self-support goals.

(5) Rehabilitation services from other agencies.

An important component in providing social rehabilitation services is obtaining appropriate vocational/rehabilitation services from other agencies such as the Texas Rehabilitation Commission, the State Commission for the Blind, and CETA agencies. Service objectives are:

(A) To enable the client to make an informed and free choice of alternative resources to meet vocational education needs.

(B) To follow through with the client to accomplish the referral to the selected resource.

(C) To determine service utilization and whether the client's need is being met.

(D) To facilitate the client's attainment of the vocational/educational goal.

Service objectives (A) and (B) and related service steps are not applicable for clients already referred to a vocational/rehabilitation agency by a referral source other than a social services worker with DHR-VR cases.

(6) Postemployment follow-up services.

(A) Following the completion of 60 consecutive days (two months) of employment, the social services worker provides postemployment follow-up services to the client. These follow-up contacts by the social services worker provide opportunities to identify any minor problems which may grow more complex and jeopardize the individual's employment or social rehabilitation. Within two weeks after the client has been employed for 60 consecutive days (two months), the worker contacts the client to begin postemployment follow-up services. After the initial postemployment follow-up contact, the worker will contact the client at least every three months until the client has been employed for at least eight months. If the client loses the job, the worker may

close the case or continue services to help the client get another job.

(B) **Service objective.** To assist DHR-VR participants who have successfully completed their vocation/rehabilitation plan to maintain their employment status and their level of self-sufficiency for at least six months after program completion.

(7) **Day care arrangements.**

(A) Day care services may be provided for children to enable their parent or caretaker to participate in the DHR-VR Program. Participation in the DHR-VR Program begins with initiation of the social assessment by the DHR social services worker. Children are eligible for day care services in day care centers or family day homes through purchase of service contracts and provider agreements when they meet the following criteria:

(i) Certified AFDC children of an active DHR-VR Program participant may receive day care during the entire period of their parent's participation in the DHR-VR Program.

(ii) Certified AFDC children of a person who has successfully completed vocational/rehabilitation services may continue to receive day care services as long as the parent remains employed or for 60 days while actively seeking employment.

(iii) Uncertified children of an AFDC or SSI recipient participating in the DHR-VR Program may receive day care according to the time period described in (i) and (ii) above if the children qualify as income-eligible persons.

(iv) Children of a current DHR-VR participant whose AFDC or SSI grant has been denied during DHR-VR Program participation may continue to receive day care services for a period of up to one year from the date of grant denial if the children qualify as income-eligible persons and the parent continues to participate in the DHR-VR Program.

(v) Children of a former DHR-VR participant (who has successfully completed vocational/rehabilitation services) whose AFDC or SSI grant has been denied may continue to receive day care services for a period up to one year from the date of grant denial if the children qualify as income-eligible persons and the parent remains employed or is actively seeking employment. (Day care is limited to 60 days while the parent is seeking employment.)

(vi) Children of an AFDC or SSI recipient whose grant has been denied due to fraud are no longer eligible for day care services.

(vii) A current or former DHR-VR participant whose AFDC or SSI grant has been denied and who does not qualify as an income-eligible person may not continue to receive day care services for his or her children.

(B) The above criteria apply to clients eligible for DHR social services in the DHR-VR Program when such clients are receiving or have successfully completed services provided by the Texas Rehabilitation Commission, the State Commission for the Blind, CETA agencies, and other vocational/training agencies.

(C) **The service objectives are:**

(i) To determine the client to be in need of and eligible for day care services.

(ii) To assess day care needs of both DHR-VR clients and their children.

(iii) To obtain appropriate day care services for children.

(iv) To prepare client and child for day care placement.

(8) **Day care monitoring.**

(A) While children of DHR-VR participants are receiving day care services, the social services worker is responsible for monitoring the day care arrangements.

(B) **Service objectives.**

(i) To reassess suitability of day care arrangements.

(ii) To authorize monthly payment for day care services for eligible clients receiving services under individual provider agreements.

(iii) To verify continued program participation and need for day care services upon program completion.

(9) **Obtaining basic necessities and rights.**

(A) The social services worker assists clients in obtaining basic necessities and rights in the community. When a client is without basic necessities such as food, clothing, shelter, and utilities, or when a client is facing discrimination, exploitation, or denial of basic rights as a citizen or consumer, these problems can disrupt the client's participation in the vocational rehabilitation program. The social services worker should assist the client in resolving such problems.

(B) **Service objectives.**

(i) To identify unmet needs or denied rights of the client.

(ii) To enable the client to make choices among alternative solutions.

(iii) To obtain rights or entitlements for the client.

(iv) To assist the client to utilize community resources or take actions to meet needs.

(v) To ensure that the client reached the resource or took action and determine if needs were met.

(10) **Other social services.** In addition to social rehabilitation services, the social services worker provides or arranges for a variety of other social services when a client participating in the DHR-VR Program needs them. These social services include but are not limited to family planning services, health-related services, home management services, and community care services.

(A) **Family planning services.** Family planning services include social, educational, and medical services to enable individuals to voluntarily limit family size or to space children. This is accomplished through the use of printed materials, group discussions, and individual interviews which provide information about family planning; referral to a provider of medical contraceptive services and supplies; and help in utilizing medical and educational resources available in the community.

(B) **Health-related services.** Health-related services include helping individuals and families identify physical, mental, and dental health needs and arranging for and securing screening, diagnosis, and treatment through Medicaid and/or other health resources, by direct or referral services. Health-related services also include planning with the individual, his or her family, and health care providers to ensure continuity of treatment. Services may also include helping secure admission to health care facilities when appropriate and expediting the individual's return from the facility.

(C) **Home management services.** Home management services include formal and informal instruction and training in management of household budgets, maintenance

and care of the home, preparation of food, nutrition, consumer education, child rearing, and health maintenance.

(D) Community care services for SSI recipients.

The SSI recipient in the DHR-VR Program who has individual or special needs which must be met in his or her home in order to participate in and complete the DHR-VR Program may receive services such as homemaker or chore services, provided through the Community Care for Aged, Blind, and Disabled Adults Program.

.009. *Resources for Services.* The department establishes and maintains contracts, interagency agreements, and other working relationships with other agencies providing vocational/rehabilitation services to DHR clients. The department has a contract with the Texas Rehabilitation Commission (TRC) and an interagency agreement with the State Commission for the Blind (SCB) for the provision of specific services as described below. In addition, DHR regions establish and maintain working relations with CETA agencies and other local agencies providing job training and employment services.

(a) Texas Rehabilitation Commission (TRC).

(1) Title XX contract. The department has a contract for the purchase of vocational rehabilitation services from the Texas Rehabilitation Commission (TRC). The department uses Title XX funds to pay for services received under this contract. Under this contract, vocational/rehabilitation services are provided on a state-wide basis by TRC to eligible individuals. This contract is negotiated at a State Office level between the department and TRC. A copy of the contract is available in each DHR regional headquarters.

(2) Eligibility for TRC services.

(A) Under the Title XX contract, TRC provides vocational/rehabilitation services to AFDC recipients. All persons served by TRC must meet both the following TRC eligibility criteria:

(i) The individual must have a physical or mental disability which for such an individual constitutes or results in a substantial handicap to employment.

(ii) Vocational/rehabilitation services may reasonably be expected to benefit the individual in terms of employability.

(B) Some of the disabilities which may qualify an individual for services are mental disorders, mental retardation, neurological disorders, amputations, and other orthopedic impairments (including congenital deformities), speech or hearing limitations, heart ailments, epilepsy, cerebral palsy, diabetes, arthritis, tuberculosis, alcoholism, and drug addiction.

(C) Individuals referred to TRC in the DHR-VR Program must meet eligibility requirements of both DHR and TRC. The Texas Rehabilitation Commission is responsible for determining eligibility for Title XX services provided by TRC. TRC also has responsibility for determining that the individual meets TRC eligibility requirements.

(3) TRC vocational rehabilitation services. TRC vocational rehabilitation services are planned to fit an individual's needs. They may include the following:

(A) Evaluation (medical, psychological, and vocational) to determine the nature and degree of disability and to assess work potential.

(B) Counseling and guidance to deal with problems, select a proper vocational goal, and make plans to reach it.

(C) Interpreter services for the deaf.

(D) Medical treatment, including surgery, hospitalization, and other therapies, to reduce or remove disability.

(E) Assistive devices such as artificial limbs, braces, wheelchairs, and hearing aids, to improve functioning.

(F) Training for the right job in trade or business school, in college, in a rehabilitation center, on the job, or at home.

(G) Room, board, and transportation during rehabilitation.

(H) Tools, supplies, and licenses to help in obtaining and maintaining employment.

(I) Initial stock and supplies for self-employment enterprises.

(J) Placement in a position suited to the individual's ability and follow-up after placement to ensure job success.

Some of the above services are provided on the basis of economic need only.

(4) Referral procedures. DHR staff may refer individuals to TRC for vocational/rehabilitation services through the following procedures:

(A) AFDC recipients who are exempt from the WIN Program because of incapacity must be referred to a state vocational/rehabilitation agency (TRC or SCB) using the WIN Referral to Vocational Rehabilitation form.

(B) Eligible individuals, other than AFDC recipients referred by the WIN Referral to Vocational Rehabilitation form, may be referred by DHR staff to TRC for vocational/rehabilitation services using the DHR-VR referral form.

(C) Alternative procedure. When the referring DHR worker wishes to refer a client for vocational/rehabilitation services but desires assistance in selecting the appropriate vocational/rehabilitation agency to serve the client, the worker may send the DHR-VR referral form to the rehabilitation services program director or supervisor. The form is then forwarded to a DHR social services worker who will contact the client and assist in selecting the appropriate resource (TRC, SCB, CETA, etc.) to serve the client.

(5) Joint DHR-TRC activities.

(A) To provide coordinated, comprehensive services to eligible AFDC and SSI recipients and income-eligible youth, TRC has agreed to hold periodic case conferences with DHR worker(s). At a minimum, these conferences will be held:

(i) During evaluation and case services planning before case acceptance.

(ii) Prior to closure. If possible, the conferences should be held in person, but may be coordinated by telephone if necessary.

(B) After referral to TRC, the DHR social services worker responsible for providing social rehabilitation service will provide a copy of the client's social assessment to TRC staff upon request. DHR social services workers will also keep TRC staff informed of social services provided to the client by DHR. Conferences should be held in person but may be coordinated by telephone if necessary.

(C) Communication between DHR staff and TRC staff may be enhanced through locating DHR staff in TRC offices. When TRC offers such office space for DHR staff, the

DHR regional administrator decides whether or not to locate DHR staff in TRC offices.

(b) State Commission for the Blind (SCB).

(1) Interagency agreement.

(A) The Department of Human Resources and the State Commission for the Blind entered an agreement in 1967, which has been updated periodically, enabling the department to refer all visually impaired persons, regardless of age or degree of visual loss, to the State Commission for the Blind for rehabilitative services. SCB is responsible for providing vocational rehabilitation services to eligible blind or visually impaired persons, just as the Texas Rehabilitation Commission has responsibility for providing vocational/rehabilitation services to persons with other disabilities.

(B) Under the interagency agreement between DHR and SCB, the State Commission for the Blind provides a full range of vocational/rehabilitation services including medical examinations, physical restoration, counseling and guidance, rehabilitation training, vocational training, occupational tools and equipment, job placement, and follow-up.

(2) Referral procedures. DHR staff may refer individuals to SCB for vocational/rehabilitation services using the same procedures described for making referrals to TRC.

(3) Joint DHR-SCB activities.

(A) In the DHR-VR Program, DHR social services staff provide social services to eligible clients receiving vocational/rehabilitation services from the State Commission for the Blind. DHR social services staff are responsible for communicating with SCB staff on a regular basis for joint service planning and case conferences.

(B) In areas of the state where DHR and SCB staff carry specialized caseloads of vocational/rehabilitation clients, it may be desirable to establish joint offices. Whether DHR and SCB staff operate from joint offices or not, ongoing communication between the two agencies is essential to the success of the program. Communication channels appropriate to the geographic area are developed by regional staff of both agencies.

(c) CETA agencies. CETA agencies are service resources for some DHR-VR Program participants. Since the CETA Program is operated by many different local agencies, it is important for DHR staff to be aware of the particular services offered in specific localities. Direct communication with CETA agencies as well as discussion with the regional DHR human resources coordinator can provide valuable information and service linkages. When an eligible individual participating in the DHR-VR Program is receiving services from a CETA agency, the department may provide state-paid day care for children in appropriate cases within limitations described in subsection (7) of Rule .008.

(d) Other vocational education and training programs. Various vocational education and training programs are provided through universities, community colleges, and other educational facilities. It is important that DHR social services staff be fully informed of local educational and training resources which may be appropriate for particular DHR-VR clients. When AFDC recipients or blind and disabled SSI recipients are referred to such vocational education and training programs, these recipients are eligible for social rehabilitation services described in subsection (1) of Rule .008, as well as some other social services provided by DHR.

.010. *Social Rehabilitation Program.* The Social Rehabilitation Program is aimed primarily at assisting individuals to become self-sufficient through acquiring social and self-care skills. Services are provided through purchase of service contracts with agencies such as the Texas Commission for the Deaf and the State Commission for the Blind. Eligibility for services and referral procedures may vary according to individual contracts. The department has Title XX contracts with the State Commission for the Blind and the Texas Commission for the Deaf for the purchase of social services in the Social Rehabilitation Program.

(1) State Commission for the Blind.

(A) Under a Title XX contract, the State Commission for the Blind provides services to current recipients of AFDC and SSI age 21 and under and age 55 and over. Income-eligible individuals (income below 60% of the state median income) within these age ranges are also eligible for services. The purpose of the program for children is to provide follow-up social services to referrals from the Department of Human Resources EPSDT Program or from any other source. The State Commission for the Blind is responsible for determining eligibility for Title XX social services provided by SCB.

(B) SCB services. Under the Title XX contract, a wide range of rehabilitation services are provided by SCB including but not limited to:

(i) Personal and family counseling, including provision of technical information to assist parents to meet the special needs of a blind child and make them aware of resources.

(ii) Child-rearing techniques unique to blind parents or blind children.

(iii) Promoting parental understanding and positive attitudes concerning blindness.

(iv) Promoting home environment reinforcement of special services provided through other agencies and organizations.

(v) Individual and group therapy, prevocational evaluation, and training.

(vi) Social assessment.

(vii) Assistance in overcoming personal mobility problems through the provision of orientation and mobility training (long white cane technique or other appropriate modes).

(viii) Alternate living arrangements, instruction in basic living and self-care skills including personal grooming, personal hygiene, meeting the demands of daily living (dining techniques, food preparation, dressing and wardrobe maintenance, home management), communicative skills (use of Braille, large print, and other special media, special handwriting techniques, typing, abacus), social skills, and money management skills (coin and bill identification).

(ix) Emergency services to disabled and blind persons in distress.

(x) Provision of sight substitution devices and techniques such as Optacons, low vision aids and services, Visualteks, sonar canes, etc.

(xi) Recreational therapy and follow-up services.

(xii) Transportation.

(xiii) Interpreter services.

(xiv) Mainstreaming into general service programs, such as special services to help individuals effectively benefit from special education programs and community-based facilities. Services may also include support

services such as subordinate room, board, medical and remedial care, including examinations, surgery, hospitalization, medications, immunizations, prosthetic and assistive devices, physical therapy, psychiatric and medical in-patient and out-patient treatment, information and referral (without regard to income), and transportation.

(2) Texas Commission for the Deaf.

(A) Under a Title XX contract, services are provided by the Texas Commission for the Deaf to current recipients of AFDC, SSI, and income-eligible individuals whose income is below 60% of the state median income.

(B) TCD services.

(i) The Texas Commission for the Deaf provides services to Title XX eligible deaf persons to assist them in gaining and maintaining personal independence. The services are designed to improve an individual's personal functioning, assist in obtaining other rehabilitation services, ensure the adequate delivery of other services, and provide follow-up services.

(ii) Information and referral services are provided through interpreters to make existing community services and governmental agencies accessible to deaf persons needing medical, legal, and other essential services. Interpreter services can be provided to assist eligible deaf persons to receive community services on a continuing basis when necessary. Support services, such as transportation, may be made available to deaf persons during the provision of interpreter services.

(iii) Interpreter services are provided through subcontracts with the Texas Commission for the Deaf's existing statewide network of community-based outreach programs, such as local councils for the deaf.

(iv) Information and referral services are also provided by the State Office of the Texas Commission for the Deaf. The State Office of the Texas Commission for the Deaf maintains a comprehensive resource file of specific services available for deaf persons and provides information and referral services as needed.

(v) Information is also provided to local law enforcement agencies, attorneys, courts, and other judicial entities in situations involving persons who are deaf.

Doc. No. 793938

Work Incentive (WIN) Program 326.54.83

The amendment of Rule 326.54.83.001 is adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

.001. *Social Services for WIN Participants.* The primary responsibility of the Separate Administrative Unit (SAU) is to provide supportive social services which allow successful participation in the WIN Program. Because of this, SAU workers work closely with DHR staff who have an interest in the case, such as protective services workers. The objective of the joint working relationship is to assist the client to a higher level of functioning.

Doc. No. 793939

Comprehensive Employment and Training Act (CETA) 326.54.84

The amendment of Rules 326.54.84.001-.006 is adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

.001. *Definition.* The Comprehensive Employment and Training Act of 1978 provides job training and employment opportunities for economically disadvantaged, unemployed, or underemployed persons. CETA programs are operated through local prime sponsors which are funded by the Department of Labor. A prime sponsor may be a city, county, or a group of local governments. The Department of Community Affairs serves as the prime sponsor for those Texas counties which have not been chosen or are not eligible to be a prime sponsor. Prime sponsors may contact with program operators to operate various programs.

.002. *Eligibility for CETA.* The CETA Program serves disadvantaged groups included in the following:

(1) Unemployed—a person who is without a job and is available for work.

(2) Underemployed—a person who is working part time but seeking full-time work or who is working full time but whose salary relative to family size is below the poverty level as defined by the Department of Labor.

(3) Economically disadvantaged—a person whose family receives cash assistance payments (AFDC or SSI) or whose annual income in relation to family size is below the poverty level or does not exceed 70% of the lower living standard as defined by the Department of Labor.

.003. *CETA Services.* Services provided through the CETA Program are listed below:

(1) Classroom training. This component provides instructional training, including skill training, basic and remedial education, and English as a second language. Skill training teaches the work tasks of occupations for which reasonable expectations of employment exist.

(2) On-the-job training. This component helps participants to learn a bona fide skill through demonstration or practice in the real work environment. Employers are usually reimbursed at a 50% rate for a specified number of weeks or months to cover the cost of training time, loss, breakage, rejects, and increased production costs.

(3)-(6) (No change.)

(7) Youth programs. To meet special needs of youth, Youth Employment Training Program (YETP), Youth Community Conservation Improvement Program (YCCIP), Youth Adult Conservation Corps (YACC), and Summer Program for Economically Disadvantaged Youth (SPEDY) were created.

.004. *DHR Utilization of CETA Services—Relation to WIN and DHR-VR Programs.*

(a) Most referrals to CETA will be made by WIN and DHR-VR staff. Arrangements for mutual exchange of information and coordinated actions should be made by those responsible for CETA, WIN, and DHR-VR. All three have similar objectives and clients. Thus, it is possible for the same person to be in all three programs at the same time.

(b) WIN participants and DHR-VR clients who need training may be referred to CETA to gain needed knowledge. CETA participants who need support services and meet the eligibility criteria may be referred to WIN or DHR-VR. This cooperative effort helps meet the goal of achieving or main-

taining economic self-support to prevent, reduce, or eliminate dependency.

.005. *Referrals to CETA.* CETA prime sponsors vary in structure and operation because of autonomy and locally identified needs. Therefore, in some instances a formal referral system may be possible, but in others informal contacts may prevail. The CETA Program is a resource for department clients that may be used to help them become self-supporting. DHR clients who have employment needs should be given information about CETA and encouraged to apply. Also, CETA offices are open to the public so DHR clients can go on their own to any CETA office. Social services workers should determine which referral techniques are preferred by CETA and are effective in their area.

.006. *Interface with DHR Programs.*

(a) *AFDC.* CETA legislation requires DHR to identify AFDC recipients among CETA participants upon request by CETA prime sponsors. The purpose of identifying AFDC recipients is to ensure that those recipients enrolled in CETA training will receive the special training incentive allowance. This special allowance will be disregarded in determining eligibility for AFDC and amount of grant. In addition, when a CETA participant moves into a work component, the usual income disregard will apply.

(b) (No change.)

(c) *Food stamps.* The special CETA training incentive allowance paid to AFDC recipients will be included as income when determining eligibility for food stamps and allotment. Because the income criteria used by CETA is below that used by the Food Stamp Program, most CETA participants will be eligible for food stamps at the time of enrollment in CETA.

(d) *Social services.* Because the income criteria used by CETA is below that used by the Social Services Program, most CETA participants will have family income below 60% of the state's median income and thus be eligible for some social services. However, joint participation in CETA and WIN or DHR-VR will usually be the basis for delivery of needed social services. In some instances, a CETA counselor may contact a regular social services worker to discuss social needs.

(e) *Medical programs.* Only CETA participants who are already eligible for or receiving AFDC, SSI, or MAO will be able to receive medical benefits from the department through the Medicaid Program. Other CETA participants may qualify for social services, including family planning services, under Title XX if they are determined to be eligible on the basis of income.

(f) *Refugee programs.* CETA legislation requires DHR to identify Indochinese refugee financial assistance recipients among CETA participants upon request by CETA prime sponsors. The purpose of identification is to ensure that those recipients enrolled in CETA training classes receive the special CETA training incentive allowance. This special allowance will be disregarded when redetermining eligibility for financial assistance and amount of grant. Also, when a CETA participant moves into a work component, the usual income disregard will apply.

Doc. No. 793940

DPW-VR

Program Overview 326.55.10

The repeal of Rules 326.55.10.001-.012 is adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

Doc. No. 793941

Eligibility and Referral 326.55.20

The repeal of Rules 326.55.20.001-.018 is adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Department of Human Resources.

Doc. No. 793942

Social and Rehabilitation Services 326.55.30

The repeal of Rules 326.55.30.001-.030 is adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

Doc. No. 793943

Methods of Service Delivery for Project Activity 326.55.40

The repeal of Rules 326.55.40.001-.016 is adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

Doc. No. 793944

Methods of Service Delivery for Nonproject Activity 326.55.50

The repeal of Rules 326.55.50.001-.014 is adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

Doc. No. 793945

Day Care for Children 326.55.60

The repeal of Rules 326.55.60.001-.009 is adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

Doc. No. 793946

Recording 326.55.70

The repeal of Rules 326.55.70.001-.003 is adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

Doc. No. 793947

Relationships between DPW-VR, WIN, and CETA 326.55.90

The repeal of Rules 326.55.90.001-.005 is adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

Doc. No. 793948

Definitions 326.55.91

The repeal of Rules 326.55.91.001-.036 is adopted under the authority of Article 695c, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

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

Doc. No. 793949 Jerome Chapman
Commissioner
Texas Department of Human Resources

Effective Date: July 16, 1979

Proposal Publication Date: March 20, 1979

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

Texas Parks and Wildlife Department

Wildlife

Red Drum Commercial Harvest Quota 127.70.18

The Texas Parks and Wildlife Commission has adopted an amendment to Rule 127.70.18.001 at a public hearing on June 20, 1979, with no changes in the text. This rule prescribes the annual commercial harvest quota for the taking of red drum for sale from each of the eight major bay systems and the Texas waters of the Gulf of Mexico. In addition to the public hearing in Austin, public hearings were conducted in all 18 coastal counties during March 1979 to receive testimony and evidence from interested citizens on the proposed amendment. Written comments were also encouraged.

The principal reason for adoption of the amendment was to assign an individual quota to the bay systems and Gulf of Mexico for the commercial harvest of red drum in order to conserve the species in compliance with the Red Drum Conservation Act of the 65th Legislature. Principal reasons against adoption were concerns stated at public hearings that the quotas were too low for Calhoun County, too high for Aransas, Cameron, and Willacy Counties, and that the quotas were established on inadequate commercial landing reports. The commission found that the need to conserve the species required acceptance of the minimum coastwide quota of 1.4 million pounds, and that the individual bay and Gulf quotas were set on the best available harvest data as supplied by commercial resource users.

The amendment to Rule .001 is adopted under the authority of Chapter 61, Subchapter C-1, Texas Parks and Wildlife Code.

.001. Commercial Red Drum Quota.

(a) The maximum number of pounds of red drum that may be taken for sale from each of the eight bay systems of the Texas coast and from the Gulf of Mexico within the state from October 1, 1979, through September 30, 1980, is as follows:

System	Maximum Number of Pounds
Sabine Lake	1,400
Galveston Bay	46,340
Matagorda (including East Matagorda Bay)	44,940
San Antonio Bay	88,760
Aransas Bay	255,640
Corpus Christi Bay	105,420
Upper Laguna Madre	219,940
Lower Laguna Madre	571,060
Gulf of Mexico	66,500
Total	1,400,000

(b) (No change).

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

Doc. No. 793971 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife Department

Effective Date: October 1, 1979

Proposal Publication Date: February 2, 1979

For further information, please call (512) 475-4835.

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

Texas Department of Agriculture

Wednesday, October 24, 1979, 10 a.m. The Agricultural Protective Act Division of the Texas Department of Agriculture will meet in Suite 301, 2300 Northeast Loop, San Antonio, to discuss allegations against Charles Wetegrove Company of Raymondville, in account with Gulf Coast Cattle Company of Batesville.

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

Filed: June 28, 1979, 11:13 a.m.
Doc. No. 794018

Automatic Tax Board

Thursday, July 19, 1979, 10 a.m. The Automatic Tax Board will meet in Room 104, Lyndon Baines Johnson Building, 17th and Brazos Streets, Austin, to levy the 1979 state ad valorem tax rate.

For more information, contact Helen Mize, Ad Valorem Tax Division, State Comptroller of Public Accounts, second floor, 121 West 6th Street, Austin, Texas 78701, telephone (512) 475-4166.

Filed: June 26, 1979, 11:35 a.m.
Doc. No. 793969

Coordinating Board, Texas College and University System

Friday, July 13, 1979, 1 p.m. The Allied Health Education Advisory Committee of the Coordinating Board, Texas College and University System, will meet in Room 2-118, Joe C. Thompson Conference Center, 26th and Red River Streets, Austin, to receive and review the report of the Increasing Specialization subcommittee.

Additional information may be obtained from Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-2033.

Filed: June 27, 1979, 4:37 p.m.
Doc. No. 794009

Texas Board of Corrections

Monday, July 9, 1979, 8 a.m. The Texas Board of Corrections will meet in Room 103, 815 Eleventh Street, Huntsville, to consider the following items, as summarized: inmate affairs; personnel; business; agriculture; construction; industries; legal; research, planning, and development; miscellaneous matters; and Windham School District.

Additional information may be obtained from W. J. Estelle, Jr., P.O. Box 99, Huntsville, Texas 77340, telephone (713) 295-6371, extension 160.

Filed: June 27, 1979, 4:35 p.m.
Doc. No. 794003

Texas State Board of Dental Examiners

Friday and Saturday, July 6-7, 1979, 9 a.m. The Texas State Board of Dental Examiners has cancelled a meeting scheduled to be held in the board meeting room, Host International Hotel, Houston Intercontinental Airport, Houston.

Additional information may be obtained from Carl C. Hardin, Jr., 718 Southwest Tower, 7th and Brazos Streets, Austin, Texas 78701, telephone (512) 475-2443.

Filed: June 27, 1979, 4:47 p.m.
Doc. No. 794010

State Depository Board

Tuesday, July 10, 1979, 10:30 a.m. The State Depository Board will meet in the office of the state treasurer, LBJ Building, 111 East 17th Street, Austin, Texas. The board will consider applications for designation of state depositories as made by the following banks: First National Bank, Bellville; First National Bank, Darrouzett; Dickinson State Bank, Dickinson; Klein Bank, Houston; Texas Commerce Bank, Katy Freeway, N.A., Katy; Citizens State Bank, Lometa; Liberty State Bank, Liberty; Citizens State Bank, Luling; Texas National Bank of Midland, Midland; First Bank of Snook, Snook; and any other applications received in the office before the meeting date. The board will also review instructions for depository applications and the interest rate charged on time account deposits.

For more information, contact Warren G. Harding, P.O. Box 12608, Austin, Texas 78711, telephone (512) 475-2591.

Filed: June 25, 1979, 2:35 p.m.
Doc. No. 793961

Texas Department of Health

Public Hearings in July. The Texas Department of Health will conduct public hearings during July as follows:

Tuesday, July 10, 1979

10 a.m.—Council Chambers, City Hall, 5th and State Streets, Garland; to consider the application (No. 1277) of the City of Garland to locate a solid waste disposal site near Garland.

Thursday, July 19, 1979

9:30 a.m.—Council Chambers, City Hall, 3800 University Boulevard, City of West University Place; to consider the application (No. 1250) of the City of West University Place to locate a solid waste disposal site near Houston.

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

Filed: June 27, 1979, 9:57 a.m.
Doc. No. 793983

Sunday, July 15, 1979, 9:30 a.m. until 4:30 p.m. The Bureau of Personal Health Services Division (EPSDT Dental and Adult Denture Programs) of the Texas Department of Health will meet in the conference room of the Early Periodic Screening Dental Treatment Dental Program office, 1700 South Lamar, Austin, to consider the following items, as summarized—opening remarks by Dr. William Clitheroe, chairman; final reports concerning the closing of the denture program, and the future of advisory committee. An executive session will also be held.

Additional information may be obtained from Dr. C. C. Chandler, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7635.

Filed: June 27, 1979, 9:57 a.m.
Doc. No. 793982

Texas Health Facilities Commission

Thursday, July 12, 1979, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. The commission will consider the following applications: Golden Years Lodge, Mount Pleasant, AN79-0201-025, certificate of need; Denton Hospitality House, Denton, AN79-0315-025, certificate of need; Big Sky Ranch, Wichita Falls, AO79-0312-015, certificate of need; Sweetbriar Nursing Home and Development Center, West Columbia, AN79-0102-015, certificate of need; Giddings Nursing Home, Giddings, AN79-0110-020, certificate of need; Sun Towers Hospital, El Paso, AH79-0319-009, certificate of need; St. Joseph's Hospital, Inc., Paris, AH79-0326-011, certificate of need; South Plains Dialysis Center, Inc., Lubbock, AS79-0412-015, certificate of need; Medina County Health System, Hondo, Castroville, Devine, AS79-0220-011, certificate of need; Friendship Villa of Hondo, Hondo, AN79-0315-027, certificate of need; Fort Worth Children's Hospital, Fort Worth, AH79-0530-017, exemption certificate; and Wichita Home Health Service, Jacksboro Branch, Wichita Falls, AS79-0529-027, exemption certificate.

Additional information may be obtained from Dan R. McNery, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: June 27, 1978, 3:23 p.m.
Doc. No. 793998

University of Houston System

Monday, July 2, 1979, 9:30 a.m. The Building Committee of the University of Houston System Board of Regents will meet in the board room, 220 E. Cullen Building, University of Houston central campus, Houston, to consider the following items, as summarized: awarding contracts for the installation of the Energy Management and Environmental Control System (EMECS), University of Houston central campus and furniture for pharmacy of the Texas Medical Center; approval of procedures guide for facilities development; and other items.

Additional information may be obtained from Merrill Shields, Suite 765, 911 Walker, Houston, Texas 77002, telephone (713) 749-3083.

Filed: June 28, 1979, 10:35 a.m.
Doc. No. 794014

Monday, July 2, 1979, 2 p.m. The Board of Regents of the University of Houston System met at 220 E. Cullen Building, University of Houston central campus, Houston, to consider the following items, as summarized: Bylaw Committee report; Search Committee report; Finance Committee report; Investment Committee report; Building Committee report; personnel recommendations; academic recommendations; audited financial statement for the fiscal year 1977; report of gifts; report of grants; and certain resolutions.

Additional information may be obtained from Merrill Shields, Suite 765, 911 Walker, Houston, Texas 77002, telephone (713) 749-3083.

Filed: June 28, 1979, 10:35 a.m.
Doc. No. 794015

Texas Department of Human Resources

Monday, July 9, 1979, 10:30 a.m.-3:30 p.m. The AEED Project Advisory Committee of the Texas Department of Human Resources will meet in Room 3-110, Joe C. Thompson Conference Center, University of Texas at Austin. As summarized on the notice, the agenda includes review of legislative activity, discussion of the AEED project closure, a report on the AEED management information system, and discussion of the AEED project handbook and the AEED annual report.

For more information, contact Yvette Stallworth, Texas Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-5901.

Filed: June 25, 1979, 4:54 p.m.
Doc. No. 793950

State Board of Insurance

Thursday, June 28, 1979, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance met in emergency session in Room 343, 1110 San Jacinto Street, Austin, to consider the application of National Group Corporation of Waco to acquire control of National Lloyds In-

insurance Company, Waco. The hearing was rescheduled from June 19, 1979.

For more information, contact J.C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 25, 1979, 4:45 p.m.
Doc. No. 793960

Thursday, June 28, 1979, 10:15 a.m. The Commissioner's Hearing Section of the State Board of Insurance met in emergency session in Room 343, 1110 San Jacinto Street, Austin, to consider the application of National Group Corporation of Waco to acquire control of American Bankers Insurance Company, Waco. The hearing was rescheduled from June 19, 1979.

For more information, contact J.C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 25, 1979, 4:45 p.m.
Doc. No. 793959

Thursday, July 5, 1979, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto Street, Austin, to consider the application of Beneficial Corporation (Wilmington, Delaware), and HLG, Inc. (Chicago, Illinois). The application concerns the acquisition of Western National Life Insurance Company, COMCO Insurance Company and Central Lloyds (all of Amarillo) by Beneficial Corporation and HLG, Inc. The hearing is being held pursuant to Texas Insurance Code, Article 21.49-1, Section 5.

For more information, contact J.C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 25, 1979, 4:45 p.m.
Doc. No. 793957

Friday, July 6, 1979, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance has rescheduled a hearing regarding Samuel J. Blunson of Houston. The hearing is set in Room 343, 1110 San Jacinto Street, Austin, and has been rescheduled from June 20, 1979. The hearing is being held to consider whether the addressee's local recording agent's license should be suspended or revoked.

For more information, contact J.C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 25, 1979, 4:45 p.m.
Doc. No. 793956

Monday, July 9, 1979, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto Street, Austin, to consider the application of Old American County Mutual Fire Insurance Company, Dallas, for approval of articles of amendment to articles of incorporation and the constitution and bylaws. The hearing is being held pursuant to Chapter 17 of the Texas Insurance Code.

For more information, contact J.C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 25, 1979, 4:45 p.m.
Doc. No. 793955

Monday, July 9, 1979, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto Street, Austin, to review a ruling of the Workers' Compensation Unit regarding Yellowjacket Construction, Inc. (Alvin).

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 27, 1979, 4:44 p.m.
Doc. No. 793954

Tuesday, July 10, 1979, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto Street, Austin, to consider an application by Mangum Funeral Benefit Association (Center) for approval of a mortgage loan with first lien upon real estate.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 25, 1979, 4:44 p.m.
Doc. No. 793953

Tuesday, July 10, 1979, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto Street, Austin, to consider the application of U.S. Life Title Insurance Company of Dallas, Dallas, for an extension of time within which to sell real estate.

For more information, contact J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 25, 1979, 4:44 p.m.
Doc. No. 793952

Wednesday, July 11, 1979, 9 a.m. The State Board of Insurance has rescheduled a hearing to be held in Room 408, 1110 San Jacinto Street, Austin, regarding Cumis Insurance Society, Inc. (Madison, Wisconsin). The board will consider a request for review of Board Order 35313 disapproving credit union discovery bond rate filing. This hearing was rescheduled from June 27.

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

Filed: June 25, 1979, 4:46 p.m.
Doc. No. 793958

Texas Board of Licensure for Nursing Home Administrators

Monday, July 9, 1979, 9 a.m. The Texas Board of Nursing Home Administrators will meet at 7333 Highway 290 East, Austin, to consider the following items, as summarized: resolution presentations, chairman's report; executive secretary's report; investigator's report; Rules Committee report, Dr. W. G. Millington; NAB Board of Governors meeting and Examination Committee report, Dr. W. G. Millington; NAB Reciprocity and Education Committee Report, Bill Sheffield; hearings officer presentation of three disciplinary hearings held on June 26, 1979, and decisions on these three cases; and pending litigations or disciplinary actions that may arise; rule waiver request; old business, including MR-V and VI facilities, inactive status, training consultant/AIT, and review of Senate Bill 276; and new business, including election of officers.

Additional information may be obtained from Mable Staton, 7333 Highway 290 East, Austin, Texas 78723, telephone (512) 926-9530.

Filed: June 28, 1979, 10:39 a.m.
Doc. No. 794017



Texas Prosecutors Coordinating Council

Tuesday, July 3, 1979, 10 a.m. The Texas Prosecutors Coordinating Council met in emergency session in the district attorney's office in the Bexar County Courthouse, San Antonio. Upon the adjournment of the executive session, the council discussed pending complaints and the status of the budget and federal grants.

Additional information may be obtained from Andy Shuval, Texas Law Center, Room 602, Austin, Texas 78701, telephone (512) 475-6825.

Filed: June 26, 1979, 4:47 p.m.
Doc. No. 793977

Public Utility Commission of Texas

Friday, July 6, 1979, 2 p.m., and Monday, August 20, 1979, 9 a.m. The Hearings Division of the Public Utility Commission of Texas has scheduled two meetings in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider the application of El Paso Electric Company for a rate increase within El Paso, Hudspeth, and Culberson Counties (Docket No. 2641). A second prehearing conference will be held on July 6, and a hearing will be held on August 20.

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

Filed: June 27, 4:35, 4:35 p.m.
Doc. No. 794002

Thursday, July 12, 1979, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a hearing on Docket No. 2650. The hearing is to consider the petition of Dallas Power & Light, Texas Electric Service Company, and Texas Power and Light Company to amend certificates of convenience and necessity to reflect changes in ownership percentages of Martin Lake, Mill Creek, and Oak Knoll Steam Electric Stations.

For more information, contact Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: June 26, 1979, 9:54 a.m.
Doc. No. 793967

Monday, September 10, 1979, 10 a.m., The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider the application of Lubbock Power and Light Company for an amended certificate of convenience and necessity within Lubbock County (Docket No. 2616).

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

Filed: June 28, 1979, 4:38 p.m.
Doc. No. 793975

Railroad Commission of Texas

Monday, June 25, 1979, 5:30 p.m. The Transportation Division of the Railroad Commission of Texas held an emergency meeting in the first floor auditorium, 1124 South IH-35, Austin, to consider policy and methods to implement the issuance of seasonal agricultural licenses under the new act, House Bill 1418. HB 1418 was passed and signed by the governor with an immediate effective date. The commission considered these matters on an emergency basis, according to the notice, in order to comply with the legislature's intent that the bill be implemented immediately.

For more information, contact Owen T. Kinney, Transportation Division, Railroad Commission of Texas, 1124 South IH-35, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1330.

Filed: June 25, 1979, 3:27 p.m.
Doc. No. 793962

State Rural Medical Education Board

Saturday and Sunday, July 7-8, 1979, 9 a.m. The State Rural Medical Education Board will meet in Suite 900, Southwest Tower Building, 211 East 7th Street, Austin, to consider the following items, as summarized: review of fiscal year 1980-1981 appropriation; report of committees; renewal loan applications; interviewing of new loan applicants; discussion of relocation of board office and operation; and other routine business.

Additional information may be obtained from the State Rural Medical Education Board, Suite 900, Southwest Tower Building, 211 East 7th Street, Austin, Texas 78701, telephone (512) 474-5983.

Filed: June 27, 1979, 12:27 p.m.
Doc. No. 793985

Texas State Soil and Water Conservation Board

Friday, July 13, 1979, 8 a.m. The Texas State Soil and Water Conservation Board will meet at 1006 First National Building, Temple, to consider the following items: district director appointments; Public Law 92-500 activities; Public Law 83-566 watershed program; 1979 annual meeting of district directors; Resource Conservation Act; allocations of matching funds for 1980-1981 fiscal year; establishment of mileage and per diem rates for 1980-1981 fiscal year for board members and district directors; and other related activities.

Additional information may be obtained from A. C. Spencer, 1002 First National Building, Temple, Texas 76501.

Filed: June 27, 1979, 2:12 p.m.
Doc. No. 793991

Texas Water Commission

Monday, July 2, 1979, 10 a.m. The Texas Water Commission made an emergency addition to the agenda of a hearing held in the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the commission considered an application of United States Department of Energy for a Section 11.121 Permit, Brazos River Basin, Brazoria County.

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

Filed: June 27, 1979, 3:06 p.m.
Doc. No. 793994

Friday, July 6, 1979, 10 a.m. The Texas Water Commission will conduct a hearing in the auditorium, Corpus Christi National Bank, 502 North Water Street, Corpus Christi, to consider an application by the U.S. Department of the Navy, Corpus Christi Naval Air Station, Corpus Christi. As summarized, the applicant seeks a permit to allow for an existing discharge not to exceed an average flow of 2,500,000 gallons per day of domestic sewage effluent.

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

Filed: June 27, 1979, 4:36 p.m.
Doc. No. 794004

Friday, July 6, 1979, 10 a.m. The Texas Water Commission will conduct a hearing in the auditorium, Corpus Christi National Bank, 502 North Water Street, Corpus Christi, to consider the following permits for renewal as summarized: City of Bishop, Permit No. 10427; City of Mission, Permit No. 10484; City of Odem, Permit No. 10237, and Jackson County Water Control and Improvement District No. 2, Vanderbilt, Permit No. 10196.

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

Filed: June 27, 1979, 4:36 p.m.
Doc. No. 794005

Friday, July 6, 1979, 10 a.m. The Texas Water Commission will conduct a hearing in the auditorium, Corpus Christi National Bank, 502 North Water Street, Corpus Christi, to consider an application by American Petrofina Pipe Line Company, Aransas Pass. As summarized, the applicant seeks an amendment to Permit No. 00656 to authorize a discharge of a volume of wastewater not to exceed a maximum of 672,000 gallons per day.

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

Filed: June 27, 1979, 4:36 p.m.
Doc. No. 794006

Friday, July 6, 1979, 10 a.m. The Texas Water Commission will conduct a hearing in the auditorium, Corpus Christi National Bank, 502 North Water Street, Corpus Christi, to consider an application by E. I. Du Pont de Nemours and Company, Inc. (Corpus Christi Plant), Ingleside. As summarized, the applicant seeks an amendment to Permit No. 01651 to authorize a discharge of a volume of wastewater not to exceed an average of 6,000,000 gallons per day.

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

Filed: June 27, 1979, 4:36 p.m.
Doc. No. 794007

Wednesday, July 11, 1979, 9 a.m. The Texas Water Commission will conduct a hearing in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by Westview Development Company (Davenport Ranch), Austin. As summarized, the applicant seeks an interim permit to allow for the disposal not to exceed an average flow of 250,000 gallons per day of domestic sewage effluent.

Additional information may be obtained from Lee H. Mathews, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1311.

Filed: June 27, 1979, 4:37 p.m.
Doc. No. 794008

Tuesday, July 31, 1979, 9:30 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider a temporary application (TA-3401) by Young Brothers, Inc., Contractors. As summarized, the applicant seeks a permit to divert and use one acre-foot of water for a one and one-half year period from Reservoir, Ash Creek, Richland Creek, Trinity River, Trinity River Basin, for industrial (highway construction) purposes in Hill County.

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

Filed: June 27, 1979, 3:07 p.m.
Doc. No. 793993

Tuesday, July 31, 1979, 9:30 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider a temporary application (TA-3500) by Young Brothers, Inc., Contractors. As summarized, the applicant seeks a permit to divert and use one acre-foot of water for a one and one-half year period from Cottonwood Creek, Ash Creek, Richland Creek, Trinity River, Trinity River Basin, for industrial (highway construction) purposes in Hill County.

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

Filed: June 27, 1979, 3:07 p.m.
Doc. No. 793995

Tuesday, July 31, 1979, 9:30 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider a temporary application (TA-3499) by Young Brothers, Inc., Contractors. As summarized, the applicant seeks a permit to divert and use one acre-foot of water for a one and one-half year period from Reservoir, Bynum Creek, Ash Creek, Richland Creek, Trinity River, Trinity River Basin, for industrial (highway construction) purposes in Hill County.

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

Filed: June 27, 1979, 3:07 p.m.
Doc. No. 793996

Tuesday, July 31, 1979, 9:30 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider a temporary application (TA-3498) by Young Brothers, Inc., Contractors. As summarized, the applicant seeks a permit to divert and use one acre-foot of water for a one and one-half year period from Reservoir, Bynum Creek, Ash Creek, Richland Creek, Trinity River, Trinity River Basin, for industrial (highway construction) purposes in Hill County.

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

Filed: June 27, 1979, 3:08 p.m.
Doc. No. 793997

Thursday, August 9, 1979, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin.

As summarized on the notice, the commission will consider the application of the Woodlands Development Corporation (RE-0093), which seeks approval of preliminary plans for constructing certain improvements on Panther Branch, tributary Spring Creek in Montgomery County.

For more information, contact Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 25, 1979, 4:53 p.m.
Doc. No. 793951

Friday, August 10, 1979, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application (No. 3265A) by Newton B. Thompson. As summarized, the applicant seeks an amendment to Permit No. 2973 to add three additional diversion points, increase the number of acres to be annually irrigated in Hays County, and to correct the description of the location of the dam on Pin Oak Creek, tributary Blanco River, tributary San Marcos River, tributary Guadalupe River, Guadalupe River Basin.

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

Filed: June 26, 1979, 4:49 p.m.
Doc. No. 793973

Friday, August 10, 1979, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application (No. 3986) by O. M. Naegelin Farms, Inc. As summarized, the applicant seeks a permit to maintain an existing

dam and reservoir on unnamed tributary of the Atascosa River, tributary of Frio River, tributary Nueces River, Nueces River Basin, to impound water and also divert water for irrigation purposes in Atascosa County.

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

Filed: June 26, 1979, 4:49 p.m.
Doc. No. 793974

Texas Department of Water Resources

Wednesday, August 15, 1979, 9:30 a.m. The Texas Department of Water Resources will conduct a public hearing in the auditorium at 1100 West 49th Street, Austin. According to the agenda summary, the department will receive testimony concerning the State of Texas water and waste management strategy and the state/EPA agreement.

Additional information may be obtained from Frosty Gray, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-3454.

Filed: June 26, 1979, 4:48 p.m.
Doc. No. 793976

Regional Agencies

Meetings Filed June 25, 1979

The Austin-Travis County MH/MR Center, Board of Trustees, met in the board room, 1430 Collier Street, Austin, on June 28, 1979, at 7 p.m. Further information may be obtained from John Brubaker, 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141.

The Metropolitan Transit Authority, Board of Directors, met in emergency session in the METRO conference room, second floor, Hogg Building, 401 Louisiana Street, Houston, on June 27, 1979, at 10:30 a.m. Further information may be obtained from Cindy A. Williams, P.O. Box 61429, Houston, Texas, telephone (713) 225-1151.

Doc. No. 793931

Meetings Filed June 26, 1979

The Houston-Galveston Area Council, Project Review Committee, will meet at 3701 West Alabama, Houston, on July 3, 1979, at 9:30 a.m. Further information may be obtained from Judy Wilde, P.O. Box 22777, Houston, Texas 77027, telephone (713) 627-3200.

Doc. No. 793968

Meetings Filed June 28, 1979

The Bexar-Medina-Atascosa Counties Water Improvement District No. 1, Board of Directors, met in the district office, Natalia, on July 2, 1979, at 8 a.m. Further information may be obtained from Clifford Mueller, P.O. Box 180, Natalia, Texas 78059, telephone (512) 663-2132.

The Region I Education Service Center, Board of Directors, will meet at 1900 West Schunior, Edinburg, on July 10, 1979, at 6 p.m. Further information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, telephone (512) 383-5611, extension 110.

Doc. No. 794016



Texas Air Control Board

Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received during the period of June 18-22, 1979.

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

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

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

Week Ending June 22, 1979

Texas Bitulithic Co., Athens; hot mix asphaltic concrete plant; Highway 175; 166F; new source

Henkel Corp., Kenedy; guar processes; One Mill Street; 326A, 2746A, 2469A, 1730A, 3661B, 3661C, 5738A, and 5739A

Paul Durham Co., Channelview; trench burner; Wallisville Road at Sheldon Road; 7108A

Merichem Co., Houston; waste heat recovery system; 1914 Haden Road—Greens Bayou Plant; 7696; new source

La Gloria Oil and Gas Co., Houston; gasoline and diesel products loading terminal; North Houston Truck Terminal; 7697; new source

Texas Industries, Inc., Clodine; concrete mix and cement bagging; Harlem Road; 7698; new source

Formosa Plastics Corp. U.S.A., Point Comfort; EDC, VCM, and PVC processing facility; 7699; new source

Texas Alkyls, Inc., La Porte; magnesium alkyls unit; 730 Battleground Road; 7700; new source

Sunco Terminals, Inc., Ingleside; storage and terminaling; FM 1069; 7701; new source

Dowell Div. Dow Chemical Co., Gainesville, bulk hydrochloric acid terminal; 7702; modification

Monsanto Co., Texas City; oxo alcohol fractionation; 7703; new source

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

Doc. No. 793972 John B. Turney
Attorney
Texas Air Control Board

Filed: June 26, 1979, 3:49 p.m.
For further information, please call (512) 451-5711, ext. 354.

State Bar of Texas

Fifth Annual Advanced Criminal Law Course

The State Bar of Texas is sponsoring its fifth annual advanced criminal law course in Houston at South Texas College of Law July 30 through August 3, 1979. The five-day course will be directed by David Crump, associate professor, University of Houston School of Law, and co-directed by Murray Cohen. It will include a distinguished faculty of judges, professors, and practitioners.

The course will deal with Texas and federal substantive law but also the practical application thereof, both from the defense and prosecution points of view.

Credit for attendance at the advanced criminal law course may be utilized toward the total continuing legal education requirements for the certification and recertification of attorneys in criminal law by the Texas Board of Legal Specialization.

The topics of the course are as follows:

Monday, July 30

Defending and Prosecuting Crimes against Persons
Homicide, Assault, and Related Offenses
Rape and Sexual Offenses
Defending and Prosecuting Property Crimes
Perjury, Contempt, and Related Crimes
Insanity and Incompetency
Defenses and Justifications Generally
Parties and Preparatory Offenses
Conspiracy Offenses
Defending and Prosecuting Drug and DWI Cases

Tuesday, July 31

Defense Ethics, Misconduct, and Effective Assistance of Counsel
Criminal Malpractice
Prosecution Ethics and Misconduct
Initiating the Attorney-Client Relationship: First Interview—Early Advice, Setting and Collecting the Fee
Plea Bargaining and Guilty Pleas
Search and Seizure and Suppression of Seized Items
Confessions and Suppression Proceedings
Identifications and Suppression of Identifications
Representation of the State, the Accused, or Witnesses before the Grand Jury
Indictment and Information

Wednesday, August 1

Bail, Examining Trial, and Probable Cause
Place of Trial: Jurisdiction, Venue, and Extradition
Pre-Trial Motion Practice
Joinder and Severance, Indictment, Continuance, and Related Motions
Discovery
Speedy Trial
Other Motion Practice, Including Novel Issues
Jeopardy
Jury Selection Methodology
Jury Instructions

