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TEXAS DOCUMENTS

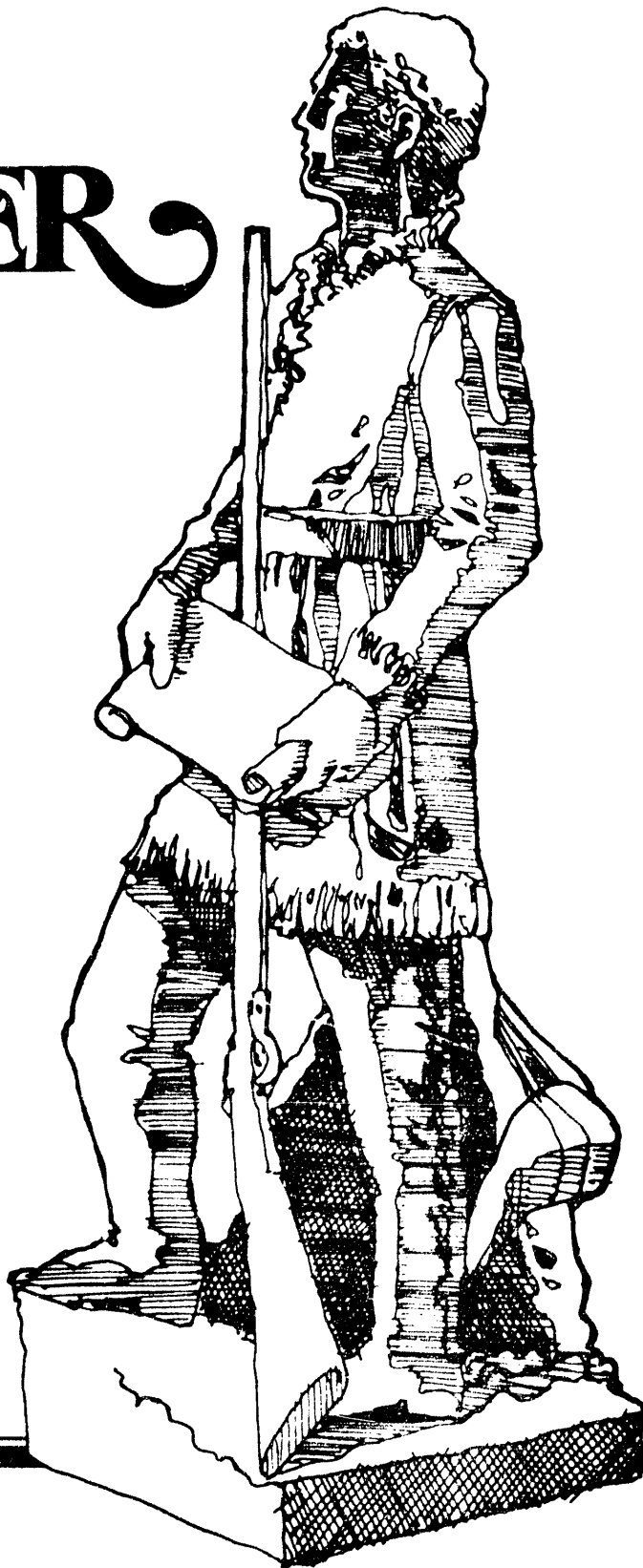
TEXAS REGISTER

In This Issue...

Emergency Rules of the Texas State Board of Dental Examiners, the Texas Health Facilities Commission, and the Texas Board of Private Investigators and Private Security Agencies

Proposed Rules of the Texas Animal Health Commission, the State Board of Barber Examiners, the Comptroller of Public Accounts, the Texas State Board of Dental Examiners, the Texas Health Facilities Commission, and the Texas Parks and Wildlife Department

Adopted Rules of the State Board of Barber Examiners and the Texas State Board of Dental Examiners



Pages 599 - 650

Volume 1, Number 21, March 16, 1976

Office of the Secretary of State

NOTES ON THE ISSUE

Acting under a court order which is the result of a suit brought against it, the Texas Animal Health Commission is proposing to adopt a rule aimed at the elimination of brucellosis from cattle herds in Texas. Judge John Boyd of the Castro County District Court has enjoined that commission to bring its program into conformity with national standards for brucellosis eradication and control. The proposed rule would fulfill the terms of this mandate. Brucellosis is an infectious, contagious bacterial disease which can infect human beings as well as certain livestock. Although it is seldom fatal, it causes miscarriages in infected animals and reduces beef and milk production.

The Texas Board of Private Investigators and Private Security Agencies has filed an emergency rule setting forth standards of conduct for that profession. The rule is published in this issue.

Of special note is the announcement in the "In Addition" section of the State Bar of Texas Institute, which will be concerned with the Texas Administrative Procedure and Texas Register Act. The conference is scheduled for March 19, 1976.

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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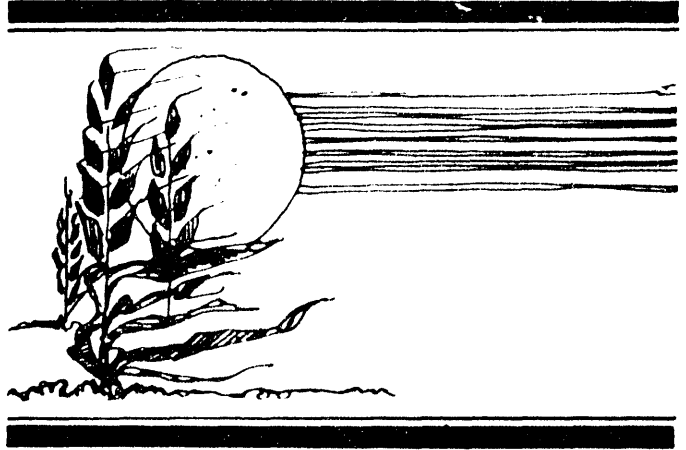
Good Neighbor Commission

Appointed on March 4, 1976, for a six-year term to expire June 18, 1979:

A. John Castillo
1136 Hammock
Houston, Texas 77009

Mr. Castillo is replacing Xico P. Garcia of Corpus Christi, Nueces County, who resigned.

Filed March 9, 1976, 10 53 a.m.
Doc No 761227



Requests for Opinions

Summary of Request for Opinion

RQ-1338

Request for opinion sent to Attorney General's Opinion Committee by Lane Denton, Chairman, House Committee on Social Services, Austin.

Summary of Request: In reference to the governor's authority to limit expenditures of the Texas Youth Council (TYC) for alternate care of juvenile offenders, the House Committee on Social Services asks:

(1) Is Article 689a-4b constitutional or does it attempt to confer upon the governor powers denied him under Section 14, Article IV, of the Constitution of the State of Texas?

(2) Is the rider governing line item 6c of the Texas Youth Council appropriation consistent with the requirements of Article 689a-4b, or is the contingency so vague and ambiguous that the governor would be forced to rely upon his arbitrary discretion, rather than an objective finding of fact, to make any determination? What is the "fact" the governor is asked to find, and does the plan submitted by the Youth Council satisfy the rider as a matter of law?

(3) If the rider does call for a finding of fact, can the governor determine that the "fact" partially exists and thereby authorize only a partial expenditure of funds? Or does the contingency contained in the rider apply to the entire appropriation so that either all or none is released, depending on the governor's finding?

(4) If the governor must release all or none of the appropriation, does the finding that the contingency has been partially met or substantially met enable the TYC to utilize the entire \$4 million for fiscal year 1976?

(5) Under Section 2 of Article 689a-4b, must not the governor render his decision within a reasonable time after the rider imposes the fact-finding duty upon him? Given the need for some certainty in agency planning and budgeting and given the reference to "each fiscal year" within the rider, must not the governor make a timely decision so as not to effectively deny the agency the opportunity to expend the funds for the purposes for which the legislature made the appropriation?

(6) Under Article 689a-4b, what constitutes a "decision" by the governor, and what must the governor file with the comptroller and the Legislative Budget Board? What is the effect of the apparent failure by the governor to comply with the requirements of the statute?

Filed: March 8, 1976, 10:53 a.m.

Doc. No. 761226

Summary of Request for Opinion

RQ-1339

Request for opinion sent to Attorney General's Opinion Committee by Bill Clayton, Speaker of the House of Representatives, Austin.

Summary of Request: Is the Railroad Commission required to issue certificates of convenience and necessity to gas utilities?

Filed: March 9, 1976, 4:04 p.m.

Doc. No. 761271

Summary of Request for Opinion

RQ-1340

Request for opinion sent to Attorney General's Opinion Committee by Jackie W. St. Clair, Commissioner, Texas Department of Labor and Standards, Austin.

Summary of Request:

(1) Does a livestock marketing business or auction barn fall within the definition of auctioneer in the Texas Auctioneer Law, Article 8700, Vernon's Texas Civil Statutes, and is it required to obtain an auctioneer license?

(2) If the license is required in Question 1, must a bond be filed when the livestock marketing business does not exclusively auction at federally bonded facilities?



(3) Does the federal Packers and Stockyards Act of 1921, 7 United States Codes Annotated, Sections 181 *et seq.* preempt and render invalid the Texas Auctioneer Act, Article 8700, Vernon's Texas Civil Statutes, as it applies to those livestock marketing businesses currently covered by federal regulation?

Filed: March 9, 1976, 4:04 p.m.

Doc. No. 761272

Summary of Request for Opinion RQ-1341

Request for opinion sent to Attorney General's Opinion Committee by Joseph D. Hawkins, Commissioner of Insurance, State Board of Insurance, Austin.

Summary of Request: Does the State Board of Insurance have authority under Article 21.07-4, Insurance Code, to license persons who investigate losses on behalf of the insured, i.e. public adjusters?

Filed: March 9, 1976, 4:04 p.m.

Doc. No. 761273

Summary of Request for Opinion RQ-1342

Request for opinion sent to the Attorney General's Opinion Committee by Ron Jackson, Executive Director, Texas Youth Council, Austin.

Summary of Request:

(1) Will a teacher employed by the Texas Youth Council (TYC) be considered an "employee" as that term is used at Section 7a, V-35, Senate Bill 52, Acts of the 64th Legislature: "a state employee who resigns, is dismissed or separated from state employment shall be entitled to be paid for all vacation time duly accrued"?

(2) Does a teacher employed by the TYC accrue rights to vacations and leaves by virtue of Section 7, V-35, Senate Bill 52, Acts of the 64th Legislature, Regular Session?

(3) Are teachers employed by the TYC subject to the provisions of Section 6, V-34, Senate Bill 52, Acts of the 64th Legislature, Regular Session, concerning working hours and holidays?

(4) Will a teacher transferring from another district to one of the TYC school districts be entitled to a transfer of sick leave benefits accrued prior to such transfer by virtue of Section 13-904, Education Code, Vernon's Texas Codes Annotated?

(5) In light of Opinion H-775 and your determination as to whether or not a teacher is a state employee in the answers to the questions asked above, is a TYC teacher eligible for either teacher retirement or the regular state retirement, and if they are eligible for regular state retirement, should they have an option to continue the teacher retirement program which is now in effect?

Issued in Austin, Texas, on March 8, 1976.

Doc. No. 761274 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: March 9, 1976, 4:04 p.m.

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



Opinions

Summary of Opinion H-790

Request from M. James Moritz, Secretary-Treasurer, Texas State Board of Dental Examiners, Austin, concerning the authority of the Dental Laboratory Advisory Board.

Summary of Opinion: The Dental Laboratory Advisory Board is empowered in the first instance to call meetings on its own initiative. The Dental Laboratory Advisory Board is without authority to incur expenses except those for *per diem*, travel, and other expenses incurred in the attendance of meetings, unless it has the prior approval of the Board of Dental Examiners. The Board of Dental Examiners is not obliged to follow the recommendations of the Dental Laboratory Advisory Board, but may adopt, amend, or reject them.

Filed: March 9, 1976, 4:04 p.m.

Doc. No. 761269

Summary of Opinion H-791

Request from Clayton Garrison, Executive Director, Texas Parks and Wildlife Department, Austin, concerning the validity of deputy game warden commissions in light of the omission of the authorizing statute from a non-substantive recodification of game and fish laws.

Summary of Opinion: Acts 1975, 64th Legislature, chapter 545, at 1405, which enacted the Parks and Wildlife Code, repealed Article 978f-5f, Texas Penal Auxiliary Laws, and eliminated authority for deputy game wardens. Deputy game warden commissions issued after September 1, 1975, are invalid. Persons commissioned before September 1, 1975, are not authorized to continue to enforce the game and fish laws of this state as previously authorized by Article 978f-5f.

Issued in Austin, Texas, on March 8, 1976.

Doc. No. 761270 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: March 9, 1976, 4:04 p.m.

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

Open Records Decision

Summary of Open Records Decision 120

Request from Dr. Lorene Rogers, President, The University of Texas at Austin, concerning whether a student may see his Ph.D. qualifying examination and evaluations.

Summary of Decision: A student's PhD qualifying examination answers and the grades and evaluations of those answers are required to be revealed to him under the Open Records Act. The student is also entitled to receive a copy of a draft letter about him which is retained by the university although it was considered by a university committee and rejected.

Issued in Austin, Texas, on March 4, 1976.

Doc. No. 761244 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: March 8, 1976, 2:46 p.m.

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 are 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 category of rules to which the rule belongs. The third unit (two digits) indicates the subcategory of rules, if any, within the category. The fourth unit (three digits) indicates the individual rule.

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

Texas State Board of Dental Examiners Dental Laboratory and Dental Laboratory Technician Rules and Regulations

The Texas State Board of Dental Examiners, being in regular meeting in Houston, Harris County, Texas, on March 6, 1976, hereby unanimously declares and finds that an emergency exists and that imminent peril to the public health, safety, or welfare requires the adoption of the following amendments to the rules of the board as shown hereinafter; and, in support of said rules amendments, does hereby find that the date of December 31, 1975, in Section 382.61.17.001 pertaining to registration for dental laboratory owners or managers and the date of March 1, 1976, in Section 382.61.07.001 pertaining to examination of dental laboratory technicians should be one and the same; and, that such cut-off dates of December 31, 1975, and March 1, 1976, were not known to many dental laboratory technicians who wished to file before said deadlines, and, therefore, said technicians were denied the right to register for and to pursue a lawful vocation. The board further finds that such cut-off dates limit competition within the dental laboratory industry and craft to the detriment of the public welfare. Therefore, the board is changing the two dates to December 31,

1976. The time changes to December 31, 1976, are also necessary in order to have proper printing and dissemination of these rules to those who will be affected.

Examinations 382.61.07

These rules are promulgated under the authority of Article 4551d(1) of the Revised Civil Statutes of Texas, as amended.

.001. Examinations for Dental Laboratory Technicians. The Texas State Board of Dental Examiners, **and** [through] the Dental Laboratory Advisory Board shall examine, or cause to be examined, all applicants for **original** registration as dental laboratory technicians to so practice in this state. Such examination shall include, but not be limited to, the making, fabricating, manufacturing, processing, duplicating, correcting, and repairing of restorations and corrective dental appliances or other types of oral restorations. The examination shall be held at least once each year at such time or times and place or places as the Dental Laboratory Advisory Board and the Texas State Board of Dental Examiners shall prescribe. Such examinations shall be given orally or in writing or by demonstration of the applicant's skill and ability or by any combination of such subjects, methods, or procedures as the Dental Laboratory Advisory Board **may recommend** and the Texas State Board of Dental Examiners in its discretion may require. Notice of such examination shall be published not less than **90 days** [160 days] prior thereto. Completed applications for examination shall be received by the Texas State Board of Dental Examiners not less than **30 days** [90 days] prior to such examination. **Upon examination of any applicant for registration under these rules, the Dental Laboratory Advisory Board shall make its recommendations on each applicant to the Texas State Board of Dental Examiners for its determination of each applicant's passing or failing.**

[Upon the Advisory Board's determination that an applicant has satisfactorily completed the examination, such applicant shall be entitled to be registered with the Texas State Board of Dental Examiners entitling him to so practice in this state as a dental laboratory technician under the laws and rules and regulations governing such practice.] This section shall become effective on **December 31, 1976** [March 1, 1976].

Issued in Austin, Texas, on March 8, 1976.

Doc. No. 761252 Carl C. Hardin, Jr.
Executive Director
Texas State Board of Dental
Examiners

Effective Date: March 8, 1976

Expiration Date: April 17, 1976

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

Termination of Unrestricted Registration 382.61.17

These rules are promulgated under the authority of Article 4551d(1) of the Revised Civil Statutes of Texas, as amended.

.001. *Registration After December 31, 1976 [December 31, 1975].* From and after **December 31, 1976** [December 31, 1975], a person *who has not theretofore registered* [who desires to register] with the Texas State Board of Dental Examiners [and the Dental Laboratory Advisory Board] as a dental laboratory *technician apprentice* [owner or manager], *dental laboratory technician, or master dental laboratory technician*, must furnish the Texas State Board of Dental Examiners and the Dental Laboratory Advisory Board proof of good moral character and [that he has been a dental laboratory owner or manager for two of the past four years or has been a dental technician for the last five (5) years and that he can perform at least one of the five principal areas of dental laboratory procedures; and, from and after December 31, 1975, a person desiring to register as a dental technician] must comply with *all laws and* the provisions of these rules applying to *such registrant* [dental technicians].

Issued in Austin, Texas, on March 8, 1976.

Doc. No. 761253 Carl C. Hardin, Jr.
Executive Director
Texas State Board of Dental
Examiners

Effective Date: March 8, 1976

Expiration Date: April 17, 1976

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



Texas Health Facilities Commission

Supplementary Rules and Regulations

Open Records Requirement 315.07.04

The Texas Health Facilities Commission has renewed the effectiveness of Rule 315.07.04.001, THFC Emergency Rule and Regulation 9.

Issued in Austin, Texas, on March 10, 1976.

Doc. No. 761310 Dan R. McNery
Hearing Officer
Texas Health Facilities
Commission

Effective Date: March 12, 1976

Expiration Date: April 8, 1976

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

Texas Board of Private Investigators and Private Security Agencies

Administration

Rules of Procedure and Seal 399.02.11

Whereas the Texas Board of Private Investigators and Private Security Agencies is empowered to promulgate rules under the provisions of the Private Investigators and Private Security Agencies Act (Article 4413 (29bb), Vernon's Texas Civil Statutes, as amended), it has been determined that an emergency exists in order to properly implement and enforce the aforementioned act.

Therefore, Rule 399.02.11.001 on standards governing the safety and conduct of persons licensed, registered and commissioned under the provisions of the act has been promulgated by the board on February 12, 1976, to become effective immediately upon filing with the secretary of state.

.001. *Regulation or Code of Professional Responsibility and Conduct.*

I. Acceptance of Employment.

A. A licensee shall not accept employment if the exercise of his professional services on behalf of his client will be or may be affected by his own financial, professional, or personal interest, because of representation of another client on the same matter. Employment may be accepted only on consent of the client and after having disclosed fully any possible conflict of interest.

B. A licensee may represent multiple clients in the same case if it is obvious that he can adequately represent the interest of each and if each consents to the representation after full disclosure of the possible effect of such representation. Such representation shall be based on the severable exercise of his independent professional service on behalf of each.

C. If a licensee is required to decline employment or to withdraw from employment because of conflict of interest, no partner, associate, or any other person affiliated with the licensee or his firm shall accept or continue such employment.

D. A licensee, upon acceptance of employment to provide services to a client, shall within five days after acceptance of that employment furnish to the client a written contract that contains but is not limited to the following information:

- (1) type and description of a service to be rendered;
- (2) date of acceptance of employment;
- (3) an itemized list of all fees or charges to be rendered for the completion of these services;
- (4) date and type of any and all reports to be made to the client;
- (5) signature of the licensee, qualified manager, or a person authorized by one or either of them to submit a report or contract.

II. Service to a Client.

A. A licensee shall not:

- (1) handle a service which he knows or should know that he is not competent to handle, without associating with him a person who is competent to handle it;
- (2) handle a service without preparation adequate to the circumstances;
- (3) fail to carry out fully a contract of employment entered into with a client for professional services, except for good cause;
- (4) conceal or knowingly fail to disclose that which he is required by law to reveal;
- (5) knowingly use perjured testimony or false evidence;
- (6) knowingly make a false statement of fact or withhold pertinent information or evidence;
- (7) participate in the creation or preservation of evidence when he knows or it is obvious that the evidence is false;
- (8) counsel or assist his client in conduct that the licensee knows to be illegal or fraudulent;
- (9) knowingly engage in any illegal conduct;
- (10) disregard or advise his client to disregard any court order;
- (11) present, participate in presenting, or threaten a harmful consequence to any person solely to obtain that person as a client for the services of the licensee;

(12) conduct or cause to be conducted a vexatious or harassing investigation of a public official or peace officer;

(13) advise or cause a person to secrete himself or to leave the jurisdiction of a court for the purpose of making him unavailable as a witness therein;

(14) pay, offer to pay, or acquiesce in the payment of compensation to a witness contingent upon the content of his testimony or the outcome of a case;

(15) place an employee in a position of trust or responsibility with a client, knowing that the employee has not been trained, nor is qualified to fulfill the duties or responsibilities of that position;

(16) refuse to refund monies paid for an agreed upon service for which such service was not rendered fully.

B. A licensee shall:

(1) make available to the client within seven days of the request by that client, a complete written report of all findings or results of the investigation or services rendered;

(2) maintain complete records of all funds, securities, and other properties of a client coming into the possession of a licensee or employee and render appropriate accounts to his client regarding them;

(3) promptly deliver to the client as requested by the client all funds or properties in the possession of a licensee or employee which the client is entitled to receive.

III. A licensee or an employee of a licensee who holds public office shall not:

A. use his public position to obtain, or attempt to obtain, a special advantage for himself or for a client under circumstances where he knows or it is obvious that such action is not in the public interest;

B. accept private employment in a matter in which he has substantial responsibility while he is serving as a public employee;

C. state or imply that he is able to influence improperly, or upon irrelevant grounds, any court, legislative body, or public official.

IV. No licensee or employee of a licensee shall knowingly help, assist, facilitate, promote the accomplishment thereof, help in advancing, encourage, counsel, or incite a violation of this act, board rules, and/or any statute of this state or of the United States.

V. Investigation of Employees-- A personal history investigation shall be conducted by the licensee on each applicant appointed or employed as a commissioned security officer or as a private investigator. The purpose of the personal history investigation is to find examples of any character traits in the applicant's life which might prevent him from becoming a successful employee.

A. The investigation shall be conducted to determine character traits and habits indicative of his

moral character. Applicants shall not have been convicted of any crime involving moral turpitude.

B. Applicants shall not have been discharged under other than honorable conditions from military service, if applicable.

C. Applicant's reputation should not be bad.

D. The licensee shall satisfy himself that the background of the prospective employee meets the foregoing requirements.

E. Each licensee shall conduct a personal interview to determine in the opinion of the licensee that the applicant is physically and mentally capable of performing the functions for which he is being hired.

F. The findings and results of the personal background investigations and the personal interview shall be maintained in the employee's file for one year after date of termination of the employee. These files shall be available for inspection by a board employee at any reasonable time.

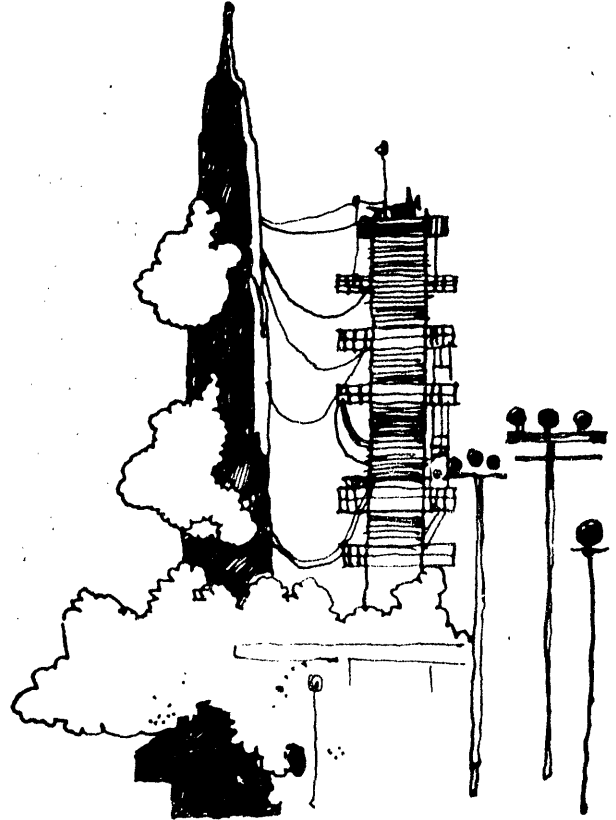
Issued in Austin, Texas, on February 20, 1976.

Doc. No. 761218 Clema D. Sanders
 Chief, Administrative Division
 Texas Board of Private
 Investigators and Private
 Security Agencies

Effective Date: March 5, 1976

Expiration Date: July 3, 1976

For further information, please call (512) 475-3944.



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 category of rules to which the rule belongs. The third unit (two digits) indicates the subcategory of rules, if any, within the category. 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 Animal Health Commission

Brucellosis

Cattle 177.03.01

The Texas Animal Health Commission is proposing to amend Rule 177.03.01.017 (Proclamation of the Texas Animal Health Commission AHC-1) which states the regulations for the eradication of brucellosis in cattle in the State of Texas by promulgating the following rule. Unless the following rule is duly promulgated and adopted by the Texas Animal Health Commission, the existing rules (Proclamation by the Texas Animal Health Commission AHC-1) shall remain in full force and effect.

The purpose of this regulation is to bring about the effective control and eventual eradication of the disease, brucellosis, also known as "Bang's" disease, from the cattle herds in the State of Texas and to establish the state as a certified free state, in accordance with the provisions of the Uniform Methods and Rules governing eradication of brucellosis as developed by the United States Animal Health Association and adopted by the Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS 91-1, Revised March 1975) and Part 78, Title 9, Code of Federal Regulations, and Sections 23A through 28, Article 7014f-1, Texas Annotated Civil Statutes.

Any person desiring a hearing for the purpose of protesting the issuance of the following regulations may appear at the hearing on April 15, 1976, at 9 a.m., in the Trinity Room of the Downtowner Motor Hotel, 12th and San Jacinto, Austin, Texas, either in person or by representative, or both, and may present his objections to the proposed amended regulations.

Because the proposed amendments to Rule 177.03.01.017 constitute an entire rule and do not correspond to any sections of the existing rule, the *Texas Register* is publishing only the new language, and omitting the old language, which would ordinarily appear within brackets. Copies of the existing rule may be inspected in the office of the Texas Register Division, and may be obtained from the Animal Health Commission, 1020 Sam Houston Building, Austin, Texas 78701.

This rule is proposed under the authority of Article 7014f-1, Section 23A, Texas Annotated Civil Statutes.

.017. *Regulations for Eradication of Brucellosis in Cattle.*

I. Purpose. *The purpose of this regulation is to bring about the effective control and eventual eradication of the disease, brucellosis, also known as "Bang's" disease, from the cattle herds in the State of Texas and to establish the state as a certified free state, in accordance with the provisions of the Uniform Methods and Rules governing the eradication of brucellosis as developed by the United States Animal Health Association and adopted by the Veterinary Services, Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA) (APHIS 91-1, Revised March 1975) and Part 78, Title 9, Code of Federal Regulations, and Sections 23A through 28, Article 7014f-1, Texas Annotated Civil Statutes.*

II. Testing Requirements. *All male and female cattle two years of age or older offered for sale at any livestock market in Texas intended for breeding purposes shall be tested for brucellosis by state or federal regulatory personnel or approved and accredited veterinarians. Steers and spayed heifers shall be exempt. The tests of market cattle shall be final and all reactor cattle tagged and branded immediately. Official test is Buffered Brucellosis Antigen (B.B.A.) card test.*

Breeding cattle to be relocated will be subject to the test requirements of the Uniform Methods and Rules.

III. Herd Tests.

A. *When evidence of brucellosis infection is disclosed in any herd from auction market tests, private tests, milk ring tests, or program tests, all such herds of cattle shall be quarantined. The owner of such herd shall be required to confine all cattle in the source herd at such time and place as directed*

by the executive director of the Texas Animal Health Commission or his agent for testing and/or any necessary tagging and branding.

When the Texas Animal Health Commission executive director has made an epidemiological survey and finds that testing of all cattle owned by an individual would not contribute to the eradication of brucellosis, the director may exempt a herd owner from testing any specific group of cattle owned by him. The Texas Animal Health Commission director may then release any portion of the herd from quarantine as long as it is not contrary to good veterinary medical procedures or the Uniform Methods and Rules governing the eradication of brucellosis.

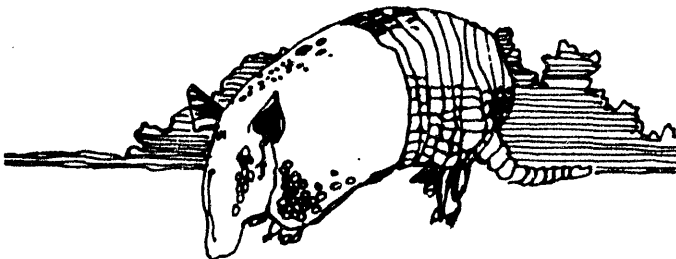
B. All cattle of the source herd shall be quarantined on the owner's premise until such cattle have been tested to meet the requirements for quarantine release as directed by the Uniform Methods and Rules. Movement of any cattle from these premises shall be by official permit.

C. Cattle owners shall be notified of their right to supplemental tests of cattle tested at their ranch and reactor cattle will not be branded and condemned to slaughter until the results of the supplemental tests are ascertained, if requested. If supplemental tests are requested, samples for such tests will be drawn at that time.

IV. Official Calftood Vaccinations. Official vaccination procedures must comply with the Uniform Methods and Rules except: all female beef calves must be vaccinated between the ages of three months (90 days) to eight months (210 days).

V. Extenuating Circumstances. The commission may, upon written application to its Austin office, vary or waive any provision of these rules and regulations provided such waiver does not violate the intent and purposes of the Uniform Methods and Rules.

VI. Compliance. Owners who fail to comply with laws and regulations providing for brucellosis eradication work shall be subject to such penalties as are prescribed by law.



VII. Brucellosis Eradication Uniform Methods and Rules (APHIS 91-1, Revised March 1975).

Part 1 -- Definitions.

* A. Reactor -- official vaccinates of dairy breeds 20 months of age and over; official vaccinates of beef breeds 24 months of age and over as evidenced by the presence of the first pair of permanent incisor teeth; or official vaccinates under these ages that are parturient (springers) or postparturient that disclose complete standard plate test (SPT) or standard tube test (STT) agglutination reactions in the blood titer dilution of 1:200 or higher; are positive to the brucellosis card test; or are found infected by other diagnostic procedures.

All other cattle more than six months of age disclosing a complete agglutination reaction in the blood titer dilution of 1:100 or higher; are positive to the brucellosis card test; or are found infected by other diagnostic procedures.

* B. Suspect -- official vaccinates of dairy breeds 20 months of age or over; official vaccinates of beef breeds 24 months of age and over as evidenced by the presence of the first pair of permanent incisor teeth; or official vaccinates under these ages that are parturient (springers) or postparturient that disclose any SPT or STT agglutination reactions in the dilution of 1:100 or incomplete agglutination in the 1:200 dilution.

All other cattle more than six months of age disclosing any agglutination in the blood titer dilution of 1:50 or incomplete agglutination in the 1:100 dilution.

* C. Negative -- official vaccinates of dairy breeds 20 months of age or over; official vaccinates of beef breeds 24 months of age and over as evidenced by the presence of the first pair of permanent incisor teeth; or official vaccinates under these ages that are parturient (springers) or postparturient that disclose SPT or STT reactions of not more than complete agglutination in the 1:50 dilution or are negative to the brucellosis card test.

All other cattle more than six months of age that disclose an agglutination reaction of less than incomplete agglutination in the 1:50 dilution or are negative to the brucellosis card test.

D. Herd test -- The herd test must include all cattle over 12 months of age except steers, spayed heifers, official vaccinates of dairy breeds under 20 months of age, and official vaccinates of beef breeds under 24 months of age as evidenced by the presence of the first pair of permanent incisor teeth which are not parturient (springers) or postparturient. Bulls, steers, and female cattle being held in feedlots

*also see Part II, G, Classification of Animals.

which meet the conditions defined in Part I, E (quarantined feedlots) are exempt from herd test requirements. Breeding cattle tested shall be identified with an eartag, tattoo, or other permanent identification.

A herd is a group of cattle maintained on common grounds for any purpose, or two or more groups of animals under common ownership or supervision geographically separated but which have an interchange or movement of animals without regard to health status. Herd test decisions under this definition must be based on sound epidemiological evidence.

The herd test conducted for the recertification of certified brucellosis-free herds needs to include only those breeding animals that are postparturient or are 24 months of age or older.

E. Quarantined feedlot -- A quarantined feedlot shall be a confined area under the direct supervision and control of the state livestock official who shall establish procedures for accounting of all animals entering or leaving such quarantined feedlot. The quarantined feedlot shall be maintained for finish feeding of animals in drylot with no provision for pasturing or grazing. All animals leaving such feedlot must move only for immediate slaughter in accordance with established procedures for handling quarantined animals including issuance of permits prior to movement, segregation from other livestock sold for purposes other than slaughter at all points enroute to slaughter, cleaning and disinfection of pens before reuse, and record of proof of slaughter.

F. Feedlot -- a confined drylot area for finish feeding of animals on concentrated feed with no facilities for pasturing or grazing. All animals in feedlots shall be held separate and apart from all breeding animals.

G. Market test animals -- cattle moving in trade through auction markets, stockyards, or to slaughtering establishments; also those animals assembled at farms or ranches that are being readied for immediate movement to markets, stockyards, or slaughtering establishments or other sales.

H. Approved brucella vaccine -- a product that is approved by and produced under license of the USDA for injection into cattle for the purpose of enhancing the resistance to brucellosis.

I. Official vaccinate -- a female bovine animal of a dairy breed vaccinated against brucellosis with an approved brucella vaccine while from two to six months (60 to 179 days) of age. A female bovine animal of a beef breed vaccinated against brucellosis with an approved brucella vaccine while from two to 10 months (60 to 299 days) of

age. All vaccination must be conducted under the supervision of a federal or state veterinary official. Vaccinated animals must be permanently identified as vaccinates and reported at the time of vaccination to the appropriate state or federal agency cooperating in the eradication of brucellosis. When vaccination is performed, it should be done as soon as possible after 2 months of age to reduce the problem of residual titers.

J. Identification of vaccinates -- Vaccinated animals are to be permanently identified as vaccinates by tattoo or brand.

Tattoos, if used, must be applied in the right ear. The tattoo will include the U.S. Registered Shield and V, which will be preceded by a number indicating the quarter of the year and will be followed by a number corresponding to the last digit of the year in which the vaccination was done.

Brands, if used, must be applied to the right jaw. The V will be applied in one of four different positions -- the open end facing up, forward, down, or toward the back. The brand indicates in which year the vaccination was conducted. The fifth year will repeat the first year, and so on indefinitely. In 1974, the V should be placed with the open end facing up and in succeeding years, should proceed clockwise.

K. Successful traceback or reactors -- A successful traceback occurs when the premises or herd of origin of a market test reactor, including those animals identified as reactors on laboratory confirmation of market tests, is located and the herd is tested. If the herd has been dispersed or a significant proportion of the herd has been dispersed, the herds of destination of these dispersed animals must be located and the brucellosis status of these dispersed animals established by blood test to claim a successful traceback. Further testing in the herd of destination should be conducted as is deemed necessary. If all animals at the premises of origin were sold for slaughter, a successful traceback can also be claimed. However, if some animals were not sold for slaughter, then the animals sold for return to farms must be traced and tested at destination to claim successful traceback. Tracing to dealers, feedlots, commission firms, and such are not considered successful tracebacks of reactors.

L. Qualified herd -- A herd of cattle in a noncertified area for which the state has records showing that the herd has been subjected to official testing for brucellosis in accordance with the procedures for herd tests for initial modified area certification specified in Part V of these brucellosis eradication Uniform Methods and Rules within 12 months prior to movement and that the herd is not known to be affected with brucellosis.

M. Exposed animals -- Animals that are part of a known infected herd or have been in contact with brucellosis reactors in marketing channels for periods of 24 hours or periods of less than 24 hours if the reactor has recently aborted, calved, or has a vaginal or uterine discharge are considered to be exposed regardless of the blood test results and must be placed under quarantine and restricted pending slaughter or testing after return to herd of origin.

Part II -- Recommended Procedures

A. Laboratories -- Blood samples are to be tested only by cooperating state-federal laboratories or by such persons as may be authorized to conduct the standard agglutination tests or the card test. All samples initially tested at other than cooperating state-federal laboratories shall be promptly submitted and confirmed at the cooperating state-federal laboratory.

B. Reporting -- Activities conducted privately or as part of the official brucellosis eradication program, such as results of agglutination tests or vaccination, must be reported immediately to state-federal cooperating agencies.

C. Supervision -- The official brucellosis eradication program shall be supervised by full-time state or federal veterinarians.

D. Quarantines -- All cattle, except steers and spayed heifers but including officially vaccinated heifers and calves in infected herds, must be confined to the premises until the herd is freed of brucellosis or sold for slaughter under permit. Calves six months of age and under from negative cows may move to any destination within 10 days after a negative brucellosis test of the dam. Two consecutive negative herd tests are required for release of quarantine with the first test occurring not less than 30 days after the renewal and slaughter of all reactors and the second test to occur not less than 90 days following the first negative test. In certified brucellosis-free areas, a third negative herd test is recommended 90 days after the second negative test. Exceptions on the interval between tests required for the release of quarantine are allowable only when brucella abortus strain 19 organisms have been isolated from the reactor animal or all epidemiologic evidence is consistent with a brucella abortus strain 19 infection and not with virulent infection. Herds of origin of market cattle test reactors which fail to reveal additional reactors on a test of the entire herd would not be required to be held under quarantine for additional testing unless evidence suggestive of brucella infection or exposure thereto is present.

E. Retests of infected herds -- Retest of infected herds are to be conducted at 30-day intervals until the herd has passed at least one negative herd test following the removal and slaughter of the last reactor. Additional consecutive negative herd tests are required to qualify herds for release of quarantine as indicated in Part II-D. Continuation of testing is strongly recommended at 30-day intervals between the first and the second negative herd tests which qualifies the herd for quarantine release.

F. Cleaning and disinfection -- Premises shall be cleaned and disinfected under regulatory supervision within 15 days following the removal of reactors or the entire herd for slaughter. An extension of time may be considered under extenuating circumstances. Exemptions from cleaning and disinfection requirements, when indicated, can be authorized by the cooperating state-federal officials directing the brucellosis program activities within the state.

G. Classification of cattle.

(1) Card test. Card test results are classified as either negative or positive.

(2) Standard tube test or standard plate test. The blood titer of cattle tested by the STT or SPT methods are classified by use of the following:

OFFICIAL VACCINATES			ALL OTHERS			
1:50	1:100	1:200	1:50	1:100	1:200	
-	-	-	-	-	-	NEGATIVE
I	-	-	I	-	-	SUSPECT
+	-	-	+	-	-	SUSPECT
+	I	-	+	I	-	SUSPECT
+	+	-	+	+	-	REACTOR
+	+	I	+	+	I	REACTOR
+	+	+	+	+	+	REACTOR

(3) Semen plasma test. The semen plasma test is approved as an official test in bulls used for artificial insemination when used in conjunction with the card test and/or the standard tube test or plate test. The classification of such animals shall be based on the maximum agglutination titer of either test.

H. Identification of reactor cattle -- All reactor cattle are to be permanently identified by branding with the letter B (at least 2" x 2") placed on the left jaw. An approved reactor tag must be placed in the left ear. Identification of reactors must be accomplished within 15 days of the test date. The time

may be extended for reasons mutually acceptable to the cooperating state and federal officials in charge.

I. Identification of exposed cattle -- All exposed cattle moving from a livestock market to a quarantined feedlot or to slaughter shall be identified by branding with heat the letter S (at least 2" x 2") placed on the left jaw prior to movement. Exposed cattle returned from the livestock to the herd of origin under quarantine pending further testing are exempt from this requirement.

J. Immediate slaughter of reactors and exposed cattle -- Reactor cattle must be sold for slaughter and removed from the premises under state or federal permit within 15 days of the date of identification. Reactors and exposed cattle shall remain on the premises where disclosed until a state or federal permit for movement to slaughter has been obtained. Movement for immediate slaughter must be to a slaughtering establishment where federal or state inspection is maintained or to a state or federal approved market for sale to such slaughtering establishment. Both reactor and exposed cattle upon delivery to the slaughtering establishment shall be slaughtered as soon as practical. The time may be extended for reasons mutually acceptable to the cooperating state and federal officials in charge.

K. Movement of quarantined and exposed cattle -- Quarantined and exposed cattle must be moved under permit for immediate slaughter or to a quarantined feedlot or returned to the herd of origin. When moved, the cattle must be maintained separate and apart from all other classes of livestock, and the specially designed pens reserved for this purpose at livestock markets or trucking facilities must be thoroughly cleaned and disinfected before reuse.

L. Entering premises -- Persons engaged in the brucellosis eradication program shall be authorized to enter premises to carry out eradication procedures.

M. Services to Owner -- Services should be rendered without expense to the livestock owner as long as funds for such purposes are available; however, owners are to provide for handling of their cattle. Contracts with accredited veterinarians, nonprofessionals, other state and federal agencies, or with the management of privately owned firms are to be used as needed to assist state and federal animal health personnel accomplish necessary sample collections, animal identifications, and other activities. Within three days of an initial herd test, an owner may request an additional test on reactors at his expense provided such request is based on sound epidemiological evidence and provided all animals remain under herd quarantine.

Part III -- Participation in Herd or Area Certification Plans

A. Obtaining initial certification status -- To obtain initial certification status, the herds or area must use one or more of the accepted methods listed in Parts IV, V, or VI for qualifying the herds or area and must meet all of the qualifying standards given under Parts IV, V, or VI.

B. Maintaining certification status -- State and federal officials in charge of the program activities in each state are responsible for conducting a continuous evaluation on the efficiency of local procedures for locating and eliminating infected cattle. The minimum standards as described for each plan in Parts IV, V, and VI, brucellosis eradication Uniform Methods and Rules, must be met or exceeded throughout the certification period to maintain continuous status.

C. Terminating certification status -- Herd or area certification status may be terminated at any time during the period if the herd or area does not maintain adequate surveillance measures or fails to comply with quarantine, testing schedules, initial testing schedules for suspicious herds detected by the surveillance measures, or proper disposal of reactors unless legal action against the livestock owner has been initiated by states' attorneys and is in progress.

D. Reinstatement of certification status -- When herds or areas lose certification status because of deficiencies in levels of surveillance or in procedures necessary for locating infected herds, controlling infected and exposed animals, and eliminating infected animals as prescribed under the various plans and procedures, the certification status may be reinstated upon presentation of sufficient evidence showing that the deficiencies have been corrected. Areas in which the deficiencies have not been corrected within six months of the termination of the status must qualify for initial certification.

Part IV -- Certified Brucellosis-Free Herds of Cattle

A. Qualifying methods -- A herd may qualify by one or more of the following methods:

(1) **Milk ring test. Initial certification:** a minimum of three consecutive negative milk ring tests conducted at not less than 90-day intervals, followed by a negative herd blood test conducted within 90 days after the last negative milk ring test. **Recertification:** Milk ring test procedures are not used for herd recertification.

(2) **Complete herd test. Initial certification:** at least two consecutive negative tests not less than 10 months nor more than 14 months apart. Additional herd tests may be conducted if the owner so desires or if the certifying agencies deem it necess-

ary. **Recertification:** a negative herd test conducted within 60 days of each anniversary date is required for continuous certification. If the herd certification test is conducted within 60 days following the anniversary date, the certification period will be 12 months from the anniversary and not 12 months from the date of the recertifying test. If a herd test for recertification is not conducted within 60 days following the anniversary date, then certification requirements are the same for initial certification.

B. Qualifying standards.

(1) Size of area -- herd basis including all offspring;

(2) Length of status -- 12 months;

(3) Testing period -- initial certification: 10 to 14 months (minimum of six months if brucellosis ring test (BRT) is used). **Recertification:** A negative blood test of all eligible cattle is to be conducted within 10 to 14 months of the last certification date for continuous status.

(4) Herd infection rates -- The individual herd must disclose no evidence of infection at the time of initial certification or recertification.

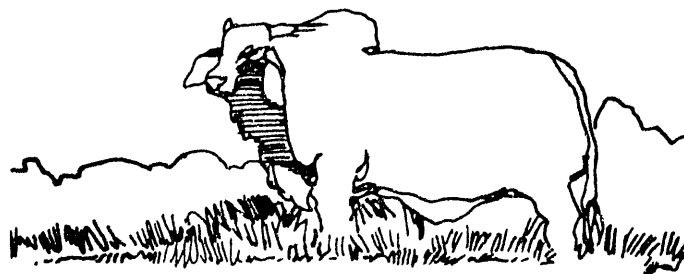
(5) Animal infection rates -- The individual animals must disclose no evidence of infection at the time of initial herd certification or recertification.

(6) Suspects -- Animals classified as suspects shall be tested sufficiently to determine their status. The various supplemental tests shall be conducted on blood samples, and the results evaluated by a brucellosis epidemiologist and a determination made that an infection does not exist before the surveillance on suspects is dropped. If the suspects requiring retest are not available, then a complete herd test is necessary.

(7) Herd status, if infection occurs -- When one or more reactors are disclosed in a certified herd or on a herd under test for initial certification, it shall be considered infected and the quarantine and retest provisions in Part II, D and E shall apply.

Initial certification: A herd qualifies for initial certified brucellosis-free status when free of infection, all provisions for release of quarantine have been met, and when the additional provisions required under Part IV, A-1, and A-2 have been met.

Recertification: If a retest of a certified herd, or of animals from such a herd, reveals only one reactor, the certification status will be suspended until all provisions for release of quarantine have been met and until a negative herd retest is conducted at least 60 days following removal of such reactors. If more than one reactor is disclosed, then herd certification is terminated until all provisions for release of quarantine have been met, and when additional provisions for initial certified brucellosis-free herd



status required under Part IV, A-1, and A-2 have been met. Herd retests for quarantine release, and to fulfill the provisions required under Part IV, A-1, and A-2, may be conducted concurrently.

(8) Movement of cattle into a certified brucellosis-free herd from:

(a) Quarantine feedlots -- No animal consigned to a quarantined feedlot may be maintained in association with a certified brucellosis-free herd.

(b) Other feedlots -- Animals consigned to feedlots other than quarantined feedlots may be held on premises with a certified brucellosis-free herd provided all animals in the feedlot are maintained in isolation, separate and apart from all animals in the certified brucellosis-free herd.

(c) Slaughter channels -- Cattle consigned for immediate slaughter may not be diverted en route to a certified brucellosis-free herd.

(d) Certified brucellosis-free herds or areas -- no test requirements on breeding or dairy cattle originating from certified brucellosis-free herds or areas. Animals added under this provision shall not receive new herd status for sale purposes until they have been members of the herd for at least 30 days and are included in a complete herd retest.

(e) Modified certified areas -- Official vaccinates of dairy breeds less than 20 months of age and beef breeds less than 24 months of age as evidenced by the presense of the first pair of permanent incisor teeth which are not parturient (springers) or postparturient from herds not under quarantine may move on a certificate verifying the vaccination status. Other animals from herds not under quarantine must be tested negative for brucellosis within 30 days prior to the date of movement and must be retested negative between 60 and 120 days after being moved. Animals added under this provision shall not receive new herd status for sale purposes until they have been members of the herd for at least 30 days and are included in a complete herd test.

(f) **Noncertified areas-- Herd of origin must have passed a negative herd blood test within the previous 12 months. Official vaccinates of dairy breeds less than 20 months and beef breeds less than 24 months of age from such herds as evidenced by the presence of the first pair of permanent incisor teeth which are not parturient (springers) or postparturient may move on a certificate verifying the vaccination status. All other cattle from such herds must have an additional retest not less than 60 days from the date of the negative herd test and within 30 days of the date of movement. Animals added under this provision shall not receive new herd status for sale purposes until they have been members of the herd at least 30 days and are included in a complete herd retest.**

Part V -- Modified Certified Brucellosis Areas

A. Qualifying methods -- An area may qualify by one or more of the following methods:

(1) **Milk ring test -- The milk ring test shall be conducted at least three times per year at approximately equal intervals, and all herds with positive milk ring test results must be tested within 30 days from date of laboratory tests. To qualify individual herds for initial modified certified brucellosis status, the four most recent consecutive tests for each herd during the testing period must be negative. In new or recently assembled dairy herds, one or more consecutive negative ring tests will qualify the herd for area certification purposes provided each milk ring test on samples from such herds are negative.**

(2) **Market cattle identification (MCI) program.**

(a) **Coverage -- Initial certification: at least 15 percent (10 percent per year during the 18-month testing period) of the breeding cows over two years of age from each herd not covered by the milk ring test. Recertification: at least 15 percent (five percent per year during the three-year testing period) of the breeding cows in the area over two years of age from herds not covered by the milk ring test.**

(b) **Reactors -- 80 percent of the reactors must be successfully traced to the herd of origin and a herd test conducted. Herd tests shall be conducted within 30 days of disclosure of market cattle test reactors or the herds shall be confined to the premises under quarantine. All market cattle test reactor herds shall be tested within six months of disclosure of the market reactor. If 70 to 80 percent of the reactors can be successfully traced, then the area may be provisionally qualified under this method, but an annual report of the MCI program coverage in that area will be required.**

(c) **Reporting results -- All MCI reactors, including the successful and unsuccessful tra-**

cebacks, and tests of herds of origin are to be reported in the data when requesting area certification. The data summarizing the successful and non-successful tracebacks for cattle with backtags and for cattle without backtags should be presented separately.

(3) **Complete herd test -- Initial certification: complete herd test of all eligible cattle in each herd which has not qualified for initial certification under Part V, A-1 or A-2. Recertification: complete herd test of at least 20 percent of the representative herds in the area. A different 20 percent will be selected for each recertification. When less than 15 percent of the breeding cows in the area over two years of age from herds not covered by a milk ring test are tested under MCI during the three-year period, then a complete herd test of at least 20 percent of the representative herds in the area that have not qualified by MCI or BRT coverage is needed.**

B. Qualifying standards.

(1) **Size of area -- usually county; may be other political subdivision. The extent of the area shall be determined by the cooperating state and federal agencies.**

(2) **Length of status -- three years.**

(3) **Testing period -- 18 months immediately preceding request for initial certification; three years for recertification.**

(4) **Herd infection rate -- not more than five percent of the herds or one herd, whichever is greater, in the area shall have been found to be infected during the testing period. If the herd infection rate is more than five percent, then the results of the last retest of a sufficient number of the infected herds applied not less than 60 days following removal and slaughter of reactors can be used to reduce the herd infection rate to not more than five percent.**

(5) **Animal infection rate -- not more than one percent of the cattle represented by the methods used to qualify the area for certification can be found infected during the testing period. If the animal infection rate is more than one percent, the results of the last retest of a sufficient number of the infected herds applied not less than 60 days following the removal and slaughter of reactors can be used to reduce the animal infection rate to not more than one percent.**

(6) **Suspects -- Animals classified as suspects shall be tested sufficiently to determine their status. The various supplemental tests shall be conducted on blood samples, and the results evaluated by a brucellosis epidemiologist and a determination made that an infection does not exist before the surveillance on suspects is dropped. If the suspects requiring retest are not available, then a**

complete herd test is necessary unless the individual herd in question can qualify under the MCI or BRT program. To qualify, it is necessary that the herd have market cattle sampling of at least 10 percent of the breeding cattle per year or have three or more BRT's per year.

(7) **Area status, if excessive infection rates occur -- If an area does not qualify for recertification because of excessive herd or animal infection rates, even after herd retest results are used, it shall become necessary to make a complete area retest. If the area completes the necessary testing to qualify for recertification within six months after the due date, consideration will be made for reinstating such an area.**

(8) **Other considerations -- A concerted effort through effective screening programs and extensive epidemiologic investigations to locate infection and to eradicate the disease is required.**

MCI samples showing a standard agglutination titer at 1:25 or above shall be tested further by use of the supplemental tests and the results evaluated by a brucellosis epidemiologist in arriving at a diagnosis. All of the results are to be furnished to the state of origin. Those animals requiring a follow-up herd blood test must be successfully traced to the herd of origin as indicated in A-2, B above.

Herds which do not progress favorably under routine testing procedures may be considered for enrollment in a brucellosis problem herd program under the direct supervision of a trained brucellosis epidemiologist. Such enrollment must be for the eradication of brucellosis from the herd and may include altered testing schedules, management practices, supplemental testing, etc., as approved by the owner and officials in charge of program activities in the state.

(9) **Movement of cattle into or within modified certified areas for the following purposes:**

(a) **Feeding:**

1. **Movement into quarantined feedlots -- Cattle originating from any herd in any area may be moved without test directly into a quarantined feedlot or to a public stockyard or specifically approved stockyard for sale and shipment to such quarantined feedlot. Cattle originating from herds known to be affected or from unqualified herds in noncertified areas may not be diverted en route for any other purpose.**

2. **Movement into other feedlots -- Cattle moved to feedlots, other than quarantined feedlots, must originate from herds not known to be affected with brucellosis from certified areas, and from qualified herds in noncertified areas. All such cattle must be maintained in isolation, separate and apart from all breeding stock.**

(b) **Immediate slaughter -- Cattle originating in any herd in any area may be consigned without test for immediate slaughter directly to a slaughtering establishment or specifically approved stockyard for sale and shipment to such slaughtering establishment. Cattle originating from herds known to be affected or from unqualified herds in noncertified areas may not be diverted en route for any other purpose. Cattle consigned for sale to slaughter at the first concentration point may not be diverted to a second concentration point for resale unless tested negative at the first concentration point.**

(c) **Breeding, or purposes other than 9A or 9B.**

1. **Movement of cattle from certified brucellosis-free herds or areas -- no test requirements.**

2. **Movement of cattle from modified certified areas -- Such cattle must be tested for brucellosis within 30 days prior to movement or at the first concentration or assembly point upon arrival. "Upon arrival" means either testing before the sale or after the sale, provided all cattle consigned are individually identified and traceable to the consignor and/or the herd of origin. Cattle from certified brucellosis-free herds, cattle of the beef breeds less than 24 months of age and of the dairy breeds less than 20 months of age as evidenced by the presence of the first pair of permanent incisor teeth, that are not parturient (springers) or postparturient from herds or lots not known to be affected with brucellosis are exempt from this test requirement.**

3. **Movement of cattle from noncertified areas -- Such cattle must originate in qualified herds and pass a negative test for brucellosis not less than 30 days from the date of herd qualification and within 30 days of the date of movement. Cattle of beef breeds less than 24 months of age and of dairy breeds less than 20 months of age as evidenced by the presence of the first pair of permanent incisor teeth, that are not parturient or postparturient and calves under six months of age, steers, and spayed heifers from qualified herds in noncertified areas are exempt from this test requirement.**

(d) **All animals in herds or lots tested for brucellosis in which reactors are disclosed must be handled in accordance with the provision of the Uniform Methods and Rules, Part II, paragraph J (movement of quarantined and exposed animals.)**

Part VI -- Certified Brucellosis-Free Areas

A. **Qualifying methods -- An area may qualify by one or more of the following methods:**

(1) **Milk ring test -- The milk ring test shall be conducted at least three times per year at approximately equal intervals, and all herds with**

suspicious milk ring test results must be tested within 30 days, based on date of laboratory test. In new or recently assembled dairy herds, one or more consecutive negative ring tests will qualify the herd for area certification purposes provided each milk ring test on samples from such herds are negative.

(2) Market cattle identification program --

(a) Plan 1 herd basis -- at least five percent per year during the testing period of the breeding cows over two years of age from each herd not covered by the milk ring test; or Plan 2 area basis -- at least 10 percent per year during the testing period of the breeding cows in the area over two years of age from herds not covered by the milk ring test.

(b) Reactors -- Minimum of 90 percent of the reactors must be successfully traced (see Part I, K) to the herd of origin and a herd test conducted. Herd tests should be conducted within 30 days of disclosure of market cattle test reactors or the herds should be confined to the premises under quarantine. All market cattle test reactor herds shall be tested within six months of disclosure of the market reactor.

(c) Reporting results -- All MCI reactors, including the successful and unsuccessful tracebacks, and test of herds of origin are to be reported in the data when requesting area certification. The data summarizing the successful and non-successful tracebacks for cattle with backtags and for cattle without backtags should be presented separately.

(3) Complete herd test -- Initial certification: complete herd test of all eligible cattle in each herd which has not qualified for initial certification under Part VI, A-1 or A-2. Recertification: complete herd test of all eligible cattle in each herd qualifying under this method. It is strongly recommended that all herds known to have been infected during the current certification period should qualify by a complete herd retest at least 90 days following the test for quarantine release.

B. Qualifying standards.

(1) Size of area -- usually county; may be other political subdivision provided it is located in a state in which all other areas have achieved initial modified certified brucellosis or certified brucellosis-free area status. The extent of the area shall be determined by cooperating state and federal agencies.

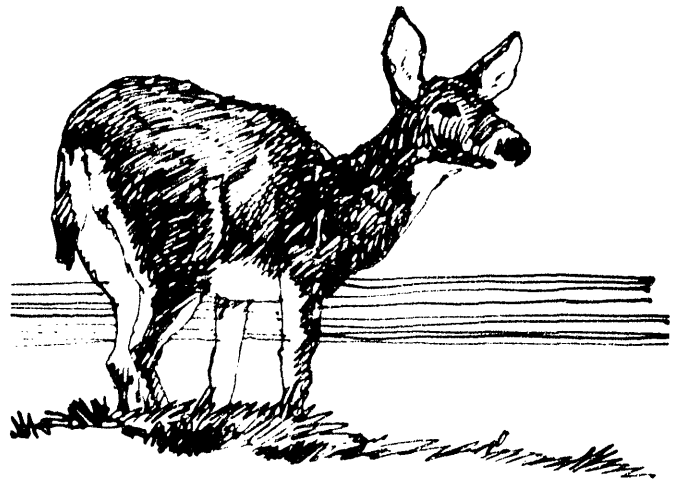
(2) Length of status -- six years.

(3) Testing period -- Initial certification: 18 months immediately preceding request for certification. A six-month extension, providing a 24-month period for accumulation of data for certification, is permissible if the 18-month period is insufficient to complete testing requirements. Recertifica-

tion: 18 months immediately preceding request for recertification. A six-month extension, providing a 24-month period for accumulation of data for recertification, is permissible if the 18-month period is insufficient to verify the status of the area. Test data for the entire six-year certification period must be submitted to support recertification where there is indication that the surveillance programs or the epidemiological investigations in the area have not been effective in detecting or eliminating infection.

(4) Herd infection rate -- Not more than one percent of the herds or one herd, whichever is greater, shall have been found to be infected during the testing period. There must be no known foci of cattle brucellosis in the area at the time of certification.

(5) Animal infection rate -- Not more than 0.2 percent of the cattle in the area shall have been found to be infected during the testing period. There must be no known foci of cattle brucellosis in the area at the time of certification.



(6) Suspects -- Animals classified as suspects shall be tested sufficiently to determine their status. The various supplemental tests shall be conducted on blood samples, and the results evaluated by a brucellosis epidemiologist and a determination made that an infection does not exist before the surveillance on suspects is dropped. If the suspects requiring retest are not available, then a complete herd test is necessary unless the individual herd in question can qualify under the MCI or BRT program. To qualify, it is necessary that the herd have market cattle sampling of at least 10 percent of the breeding cattle per year or have three or more BRT's per year.

(7) **Area status, if excessive infection rates occur --** If an area does not qualify for initial certification because of excessive herd or animal infection rates, then a new testing period must be established. Areas failing to qualify for recertification because of excessive herd or animal infection rates will revert to modified certified status. If the necessary testing can be accomplished to qualify the area for recertification within six months after the due date, consideration will be made for reinstating such an area. For both initial and recertification, all cattle herds in which brucellosis has been known to exist must be legally released from quarantine prior to certification. In addition, all herds of other species of domestic livestock in which brucellosis has been found or suspected must be tested negative, slaughtered, or quarantined leaving no known foci of infection in any species uncontrolled at the time of certification.

(8) **Other considerations --** A concerted effort through effective screening programs and extensive epidemiologic investigations to locate infection and to eradicate the disease is required. All suspicious BRT and MCT reactor herds must be tested, and all herds affected with brucellosis shall have been legally released from quarantine. The official tube agglutination test or the card test shall be used in establishing and maintaining certified brucellosis-free areas, except that samples can be screened at 1:25 dilution using the plate agglutination test. *Ma* but cattle test samples showing a standard agglutination titer at 1:25 or above shall be tested further by use of the supplemental tests and the results evaluated by a brucellosis epidemiologist in arriving at a diagnosis. All of the results shall be furnished to the state of origin. Those animals requiring a followup herd blood test must be successfully traced to the herd of origin as indicated in A-2, B above.

Herds which do not progress favorably under routine testing procedures may be considered for enrollment in a brucellosis problem herd program under the direct supervision of a trained brucellosis epidemiologist. Such enrollment must be for the eradication of brucellosis from the herd and may include altered testing schedules, management practices, supplemental testing, etc., as approved by the owner and officials in charge of program activities in the state.

(9) **Movement of cattle into or within certified brucellosis-free areas for the following purposes:**

(a) **Feeding:**

1. **Movement into quarantined feedlots --** Cattle originating in any herd in any area may be consigned without test directly into a

quarantined feedlot or to a public stockyard or specifically approved stockyard for sale and shipment to such quarantined feedlot. Cattle originating from herds known to be affected or from unqualified herds in noncertified areas may not be diverted en route for any other purpose.

2. **Movement into other feedlots --** Cattle consigned to feedlots, other than quarantined feedlots, must originate from herds not known to be affected with brucellosis from certified areas, and from qualified herds in noncertified areas. All such cattle must be maintained in isolation, separate and apart from all breeding stock.

(b) **Immediate slaughter --** Cattle originating in any herd in any area may be consigned without test for immediate slaughter directly to a slaughtering establishment or to a public stockyard or specifically approved stockyard for sale and shipment to such slaughtering establishment. Cattle originating from herds known to be affected or from unqualified herds in noncertified areas may not be diverted en route for any other purposes. Cattle consigned for sale to slaughter at the first concentration point may not be diverted to a second concentration point for resale unless tested negative at the first concentration point.

(c) **Breeding or purposes other than 9a or 9b.**

1. **Movement of cattle from certified brucellosis-free herds or areas --** no test requirements.

2. **Movement of cattle from modified certified areas --** Such cattle must be tested for brucellosis within 30 days prior to movement or at the first concentration or assembly point upon arrival. "Upon arrival" means either testing before the sale or after the sale provided all cattle consigned are individually identified and traceable to the consignor and/or the herd or origin. Cattle from certified brucellosis-free herds, cattle of the beef breeds less than 24 months of age and of the dairy breeds less than 20 months of age as evidenced by the presence of the first pair of permanent incisor teeth, that are not parturient (springers) or postparturient from herds or lots not known to be affected with brucellosis are exempt from this test requirement.

3. **Movement of cattle from noncertified areas --** Such cattle must originate in qualified herds and pass a negative test for brucellosis not less than 30 days from the date of herd qualification and within 30 days of the date of movement. Cattle of beef breeds less than 24 months of age and of dairy breeds less than 20 months of age as evidenced by the presence of the first pair of permanent incisor teeth, that are not parturient (springers) or postparturient and calves under six months of age, steers,

and spayed heifers from qualified herds in noncertified areas are exempt from this test requirement.

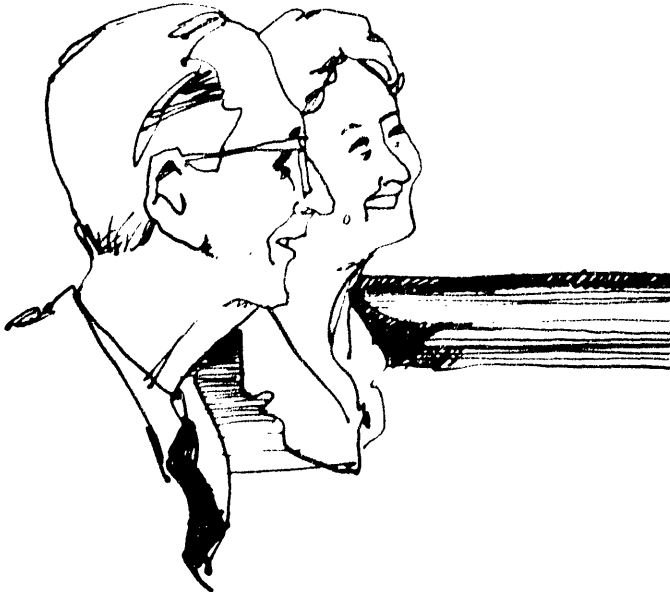
(d) All animals in herds or lots testing for brucellosis in which reactors are disclosed must be handled in accordance with the provisions of the Uniform Methods and Rules, Part II, paragraph J (movement of quarantined and exposed animals).

Issued in Austin, Texas, on March 9, 1976.

Doc. No. 761296 Dr. H. Q. Sibley
Executive Director
Texas Animal Health
Commission

Proposed Date of Adoption April 15, 1976

For further information, please call (512) 475-4111.



State Board of Barber Examiners

General Rules of Practice and Procedure

The Board 378.01.01

The State Board of Barber Examiners is proposing a rule to establish the number of board members who must be present to constitute a quorum to conduct a meeting.

Public comment on the proposed rule is invited. Comments may be submitted by telephoning O. W. McStay, Executive Secretary of the Board, at (512) 475-2289, or by writing O. W. McStay at 512 Sam Houston State Office Building, Austin, Texas 78701.

This rule is promulgated under the authority of the Texas Barber Law, Article 8407a, Texas Civil Statutes.

.002. Quorum. A quorum of four members of the board is required to be present to conduct a meeting or a hearing.

Issued in Austin, Texas, on March 5, 1976.

Doc. No. 761221 O. W. McStay
Executive Secretary
State Board of Barber
Examiners

Proposed Date of Adoption March 28, 1976

For further information, please call (512) 475-2289.

Comptroller of Public Accounts

Tax Administration

Sales Tax Division 026.02.20

The Comptroller of Public Accounts is proposing to amend Rule 026.02.20.016 which exempts certain agricultural machinery and equipment from the Limited Sales, Excise, and Use Tax. The proposed amendment would add language to Section (3)(b) of the rule to include baling wire and binders twine.

Public comment on the proposed amendment to Rule 026.02.20.016 is invited. Persons should submit their comments in writing to Tom Henderson, Drawer SS, Capitol Station, Austin, Texas 78711

This amendment is proposed under the authority of Article 20.11(A), Title 122A, Texas Civil Statutes.

.016. Agriculture, Animal Life, Feed, Seed, Plans, and Fertilizer. Machinery includes those items specifically designed to be assembled into a machine such as *baling wire and binders twine*, parts of a pumping system or unit to be assembled at the well site or sections of pipe designed to be fitted into a portable irrigation system.

Issued in Austin, Texas, on March 5, 1976.

Doc. No. 761297 Bob Bullock
Comptroller of Public Accounts

Proposed Date of Adoption: April 15, 1976

For further information, please call (512) 475-3728.

State Board of Dental Examiners

Dental Board Procedures

Rules of Procedure Governing Grievances, Hearings, and Appeals 382.13.02

The Texas State Board of Dental Examiners proposes to amend Subsection (a) of Rule 382.13.02.020 pertaining to contested proceedings, and Subsection (d) of Rule 382.13.02.050 pertaining to amendments to rules subsequent to January 1, 1976. Other sections of these rules are unchanged.

In Rule 382.13.02.020, the 15-day time requirement is different from and in conflict with the statutes pertaining to the practice of dentistry: to wit, Articles 4549, 4551e, and 4548h of Vernon's Annotated Civil Statutes of Texas as amended which provide in each instance for a minimum of 10 days' notice; and, for uniformity and in compliance with specific statutory provisions, the Texas State Board of Dental Examiners does hereby propose to change the 15-day notice provision to 10 days.

The board proposes to amend Rule 382.13.02.050 to provide for a more workable procedure for adoption of emergency rules by providing for a mail or telephone vote in declared emergencies.

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

These rules are promulgated under the authority of the Texas Administrative Procedure Act and Article 4551d of the Revised Civil Statutes of Texas, as amended.

.020. Contested Proceedings.

(a) Before revoking, cancelling, or suspending any license, certificate, or registration, or denying an application for a license, certificate, or registration, or reprimanding or censoring any licensee or certificate holder or registrant, the agency will afford all parties an opportunity for hearing after reasonable notice of not less than **10 days** [15 days].

.050. Amendments to Rules Subsequent to January 1, 1976.

(d) If the agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule on fewer than 30 days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing that it finds practicable to adopt an emergency rule. **Such an emergency rule or regulation or amendment(s) to any of the board's rules or regulations may be instigated by one of the**

officers of the board, and such officer may conduct a poll by mail or telephone and arrive at a decision when the majority of the board finds that such an emergency rule, regulation, or amendment(s) needs to be adopted. The rule may be effective for a period of not longer than 120 days, renewable once for a period not exceeding 60 days, but the adoption of an identical rule under Subsections (s) and (c) of this section is not precluded. An emergency rule adopted under the provisions for this subsection and the agency's written reasons for the adoption shall be filed in the Office of the Secretary of State for publication in the *Texas Register*.

Issued in Austin, Texas, on March 8, 1976.

Doc. No. 761255

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

Proposed Date of Adoption: April 15, 1976

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

Texas Health Facilities Commission

Procedures 315.05.00

The Texas Health Facilities Commission is proposing to amend Rule 315.05.00.004 which provides a procedure for giving notice of all hearings held by the commission for the purpose of carrying out its duties and functions.

Public comment on the proposed amendment is invited and should be addressed to Michael R. Sharp, General Counsel, Texas Health Facilities Commission, P.O. Box 15023, Austin, Texas 78761. Comments will be accepted until April 16, 1976.

A public hearing has been scheduled to receive testimony which is relevant and material to the adoption of the proposed amendment. The hearing will be held on April 16, 1976, at 10 a.m. at the Texas Health Facilities Commission, Suite 407, One Highland Center, Austin, Texas.

This rule is promulgated under the provisions of Section C, Article 4418(h), Vernon's Annotated Civil Statutes.

.004. Notice of Hearing (Public Notice). Notice shall be given of all hearings held by the commission for the purpose of carrying out its duties and functions. Posting of notice of hearings shall conform to all laws governing posting and scheduling. [Upon the scheduling of a hearings date for an application (or meeting, as required by the application circumstances) public notice of time and place of hearing (or meeting)

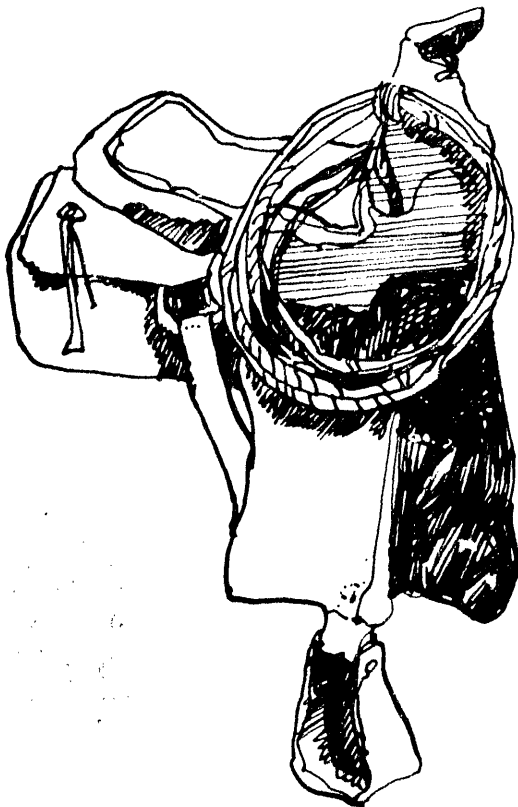
will be posted by the commission with the secretary of state, the *Texas Register*, and at a designated public place within the commission. These postings will occur not less than ten days prior to the scheduled hearings date (in accord with Article 6252-13a, Vernon's Annotated Civil Statutes), or not less than seven days prior to an open meeting (pursuant to Article 6252-17, Vernon's Annotated Civil Statutes).]

Issued in Austin, Texas, on March 10, 1976.

Doc. No. 761309 Renal B. Rosson
Vice-Chairman
Texas Health Facilities
Commission

Proposed Date of Adoption: April 22, 1976

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



Texas Parks and Wildlife Department

Parks

Park Entrance and Park User Fees 127.40.01

The Texas Parks and Wildlife Commission is proposing to amend Rule 127.40.01.013, which adopts by reference park user fee rates, by amending Section (s). Other sections of the rule are unchanged.

The Texas Parks and Wildlife Department plans to begin the operation of the Texas State Railroad between Rusk and Palestine, Texas, in July, 1976. The train will normally be made up of a standard gauge steam locomotive, two enclosed coaches, two open air coaches, and a concession car, providing seating for 300 passengers. The initial operational plan is for one round trip between Rusk and Palestine, a total of 49.5 miles, and takes approximately 3 hours.

The proposed amendment would establish the passenger fares for this train ride.

Public comment on the proposed amendment to Rule 127.40.01.013 is invited. Comments may be submitted by telephoning (512) 475-3220, or by writing to Robert C. Hauser, Texas Parks and Wildlife Department, John H. Reagan Building, Austin, Texas 78701. Comments will be accepted until April 15, 1976.

The following amendment is proposed under the authority of Section 49c, Article III, Constitution, and Chapters 13 and 21, Texas Parks and Wildlife Code.

.013. Documentation

(s) Park user fee rates - *For the purposes of this rule, the park user fee rates adopted by reference are amended by adding the train fares for the State Railroad State Historical Park, which will be considered for adoption by the Texas Parks and Wildlife Commission at its regular scheduled meeting in April, 1976.*

Issued in Austin, Texas, on March 9, 1976.

Doc. No. 761306 Perry V. Spalding
Administrative Assistant
Texas Parks and Wildlife
Department

Proposed Date of Adoption: April 15, 1976

For further information, please call (512) 475-3220.

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 category of rules to which the rule belongs. The third unit (two digits) indicates the subcategory of rules, if any, within the category. 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.

State Board of Barber Examiners

General Rules of Practice and Procedure

The Board 378.01.01

The State Board of Barber Examiners adopted, with no changes, the rule establishing the time and location of its regular meetings. The purpose of the adopted rule is to inform out-of-state applicants for licenses and all other interested persons who may wish to attend these meetings. The rule is shown below as adopted.

This rule is promulgated under the authority of the Texas Barber Law, Article 8407a, Texas Civil Statutes.

.001. Regular Meetings Regular meetings of the State Board of Barber Examiners will be held in the Sam Houston State Office Building on the first Monday of each month except September, when it will meet on the first Tuesday.

Issued in Austin, Texas, on March 5, 1976.

Doc. No. 761220 O. W. McStay
Executive Secretary
State Board of Barber
Examiners

Effective Date: March 28, 1976

For further information, please call (512) 475-2289.

Barber Colleges, Schools, and Students 378.01.02

The State Board of Barber Examiners is adopting new rules which establish guidelines for regulation of barber colleges, schools, and students. The adopted rules outline board policy and requirements regarding barber school contracts, inspection, change of ownership, facilities, curriculum, courses, equipment, consultants, and teachers. They also establish procedures for student enrollment and regulations on students' hours and progress. These rules are formulated to provide a more uniform system of training barbers in the State of Texas.

These rules are promulgated under the authority of the Texas Barber Law, Article 8407a, Texas Civil Statutes.

.001. Barber School Contract. Each barber school or college shall execute the Contract for Operation of a Barber School or College in the State of Texas before it may enroll any person who will be classified as a "student" under the laws and rules pertaining to the training of barbers in the State of Texas. The contract will be provided on a form prescribed by the board, which is hereby adopted by reference. Copies of the contract may be obtained by writing to the board.

.002. Inspection of New Barber School or College. A majority of the board's members and the board's executive secretary shall inspect a proposed new barber school or college to determine that it fulfills all requirements of the board and of Section 9 of the Texas Barber Law.

.003. Change of Ownership of Barber School.

(a) A majority of the board's members and the board's executive secretary shall inspect a barber school or college which has changed ownership to determine that it fulfills all requirements of the board and of Section 9 of the Texas Barber Law.

(b) A new permit fee and contract shall be required from a barber school or college which has changed ownership.

(c) The new owner of the school shall execute a new contract for approval with the board and shall secure a new permit within 30 days.

.004. Business Hours of Barber School. Each barber school or college shall inform the board which hours and days the school or college is open.

.005. Barber Chairs Per Student. A barber school or college shall have one barber chair available for each student in attendance during open hours. Additional students in attendance shall be limited to one student assigned to the office and one student assigned to each additional shampoo basin in an existing separate shampoo area away from barber chairs.

.006. Equipment for Students.

(a) The barber school or college shall issue each student his/her own textbook or books which shall contain all subjects referred to in Section 9 of the Texas Barber Law. The board will approve each textbook or book before it may be used in the barber school or college curriculum.

(b) Each student shall be equipped with all the necessary barber's tools equivalent to any Class A barber's kit, and shall have his/her own personal tools which shall include the following:

- (1) one electric clipper of modern design;
- (2) one neck duster;
- (3) one barber shears;
- (4) one thinning shears;
- (5) one tweezers;
- (6) two razors;
- (7) three barber combs;
- (8) one styptic powder;
- (9) one tool kit (carrying kit);
- (10) one hair styling brush;
- (11) one neck clip;
- (12) one can clipper oil;
- (13) one hair net;
- (14) one hand electric hair dryer; and
- (15) one T-edger or Outliner.

(c) Optional equipment for the kit will be:

- (1) one razor strop;
- (2) one razor hone;
- (3) two washable smocks;
- (4) one shave mug; and
- (5) one shaving brush.

.007. Speciality Equipment. Each barber school or college shall have:

- (a) one complete manicure table and implements;
- (b) an adequate supply of permanent wave rods;
- (c) a minimum of two canvas-type wig blocks;
- (d) two mannequins, one long-haired and one short-haired; and
- (e) a minimum of one wig, one hairpiece, and one hairwoven piece.

.008. Classroom Consultants.

(a) Each classroom consultant to theory instruction in a barber school or college shall have a valid Texas barber teacher's certificate or an academic degree in the subject being taught if the subject pertains to extension material relating to barbering.

(b) A student teacher may instruct theory only if accompanied by a licensed teacher.

.009. Absence of Teachers.

(a) Whenever an approved barber school or college is without the services of at least one teacher who has a valid Texas barber teacher's certificate for all or any portion of three consecutive business days, the owner, manager, or authorized agent of the school shall

notify the board in writing by Certified Mail.

(b) This notification shall be on or before the seventh calendar day following the first day of the absence.

(c) The written notice shall explain the absence and its duration or expected duration.

.010. Applying for Enrollment.

(a) Each person enrolling in an approved barber school or college in Texas shall apply on forms furnished by the board.

(b) The application for enrollment is prepared by the board in duplicate form. The pink copy shall be sent to the office of the board and the white copy shall be retained by the school as the permanent record of the student.

(c) This record is subject to inspection by the board or any of its officers or employees.

(d) Each applicant shall submit to the board:

(1) the pink copy of the application for enrollment form, completed and notarized. If the applicant is attending on a part-time basis or is enrolling in a barber technician course or teacher's course, he or she shall specify that classification on the upper right corner of the pink copy.

(2) proof of a seventh-grade education or its equivalency. This shall be in the form of a transcript or photostatic copy of the diploma, equivalency certificate, or record.

(3) two recent, identical, permanent-type photographs, size 2 inches by 3 inches, with applicant's signature on front. No Polaroid photographs will be accepted.

(4) a current health certificate, signed by a physician and notarized. The board will furnish a health certificate form.

.011. Enrollment Application Deadline. Application for enrollment in a barber school or college shall be sent to the office of the board in complete form within seven days of actual date of enrollment.



.012. Date of Enrollment. The board will consider the first day a student attends the barber school or college as the actual date of enrollment.

.013. Student Certificate.

(a) After the enrollment application is accepted, the board will issue a student certificate which gives the student the right to do barber service only in the school.

(b) The manager or owner of the barber school or college shall be responsible for keeping the student certificate with photograph and producing it upon request by any board member, officer, or inspector.

(c) The student certificate shall show the date of enrollment (first day attending) and the expiration date (date on which the student will complete the course if attendance is regular).

.014. Interruption of Attendance.

(a) When a student interrupts his or her training in a barber school, the student certificate shall be sent to the office of the board at once. The date of interruption (last day attending) and the number of hours credit accumulated shall be written on the back of the certificate and signed by the manager or owner.

(b) If the attendance of a student is interrupted for more than 24 months, his or her records will be destroyed. If the student returns to school, he or she shall start over and complete a full course of 1,500 hours.

.015. Re-enrollment Notification.

(a) If a student returns to the same school or transfers to another school after an interruption, the school shall notify the board and request the return of the student certificate. The re-enrollment notification shall be in the office of the board no later than seven days after the date of re-enrollment.

(b) The school shall provide the office of the board with the date of re-enrollment (first day student returns to classes).

(c) If a student is a transfer, the board requires the name of the school from which he or she transferred and the approximate date of enrollment in that school.

(d) A student who is re-enrolled after a period of 90 days interruption shall furnish the office of the board with a new health certificate.

.016. Student Progress Reports.

(a) Each barber school or college shall send to the office of the board a monthly progress report of hours acquired by each student enrolled.

(b) The report is to be made on forms prescribed by the board and printed, secured, or reproduced at the school's or college's expense.

(c) The report is due in the board's office no later than the 15th day of the month following the month covered in the report.

.017. Deduction or Increase of Hours. Hours of instruction that have been acquired by the student may not be deducted or increased for any reason.

.018. Student Teacher Requirements.

(a) Fulltime Student Teacher. A person enrolled in the six-month postgraduate course as a student teacher in an approved barber school or college shall complete a total of 26 consecutive weeks of training in such barber school or college. The fulltime course shall consist of not less than:

(1) seven hours, 45 minutes per day for a five-day week; or

(2) six hours, 30 minutes per day for a six-day week.

(b) Part-time Student Teacher. A part-time student teacher at three-fourths time shall be required to attend school either:

(1) six hours per day for a five-day week for 33 weeks, plus an additional two days; or

(2) five hours per day for a six-day week for 33 weeks, plus an additional two days.

(c) On a part-time basis, a student teacher shall complete the course of 1,000 hours in not more than 18 months or shall surrender the student certificate, unless the student produces sufficient evidence of cause to the board in the form of an affidavit.

(d) No person may enroll in a teacher's course in an approved barber school or college before receiving a certificate of registration as a Class A barber.

.019. Mandatory Curriculum. Each barber school or college approved by the board shall include in its instruction the curriculum prescribed by the board.

.020. Registered Barber Course. The curriculum to prepare a student for the examination for the registered barber license will consist of 1,500 hours to include:

(a) eight (8) hours of orientation, consisting of:

(1) rules and regulations of the school;

(2) introduction to school personnel and students; and

(3) outlay of school facilities conducted;

(b) one hundred and eighty (180) hours of theory, consisting of:

(1) history of barbering, one (1) hour;

(2) professional ethics, four (4) hours;

(3) hygiene and good grooming, one (1) hour;

(4) bacteriology, sterilization, and sanitation,

thirty (30) hours;

(5) barber implements, one (1) hour;

(6) honing and stropping, one (1) hour;

(7) shaving, five (5) hours;

(8) haircutting, male and female, two (2)

hours;

(9) cutting and processing curly and over-curly

hair, two (2) hours;

- (10) mustaches and beards, one (1) hour;
 (11) shampooing and rinsing, two (2) hours;
 (12) scalp, hair treatments and skin, five (5) hours;
 (13) theory of massage of scalp, face and neck, two (2) hours;
 (14) facial treatments, one (1) hour;
 (15) anatomy, physiology, and histology, eighty (80) hours, consisting of the study of:
 A. hair;
 B. skin;
 C. muscles;
 D. nerves;
 E. cells;
 F. circulatory system;
 G. digestion; and
 H. bones;
 (16) disorders of the skin, scalp, and hair, ten (10) hours;
 (17) electricity and light therapy, one (1) hour;
 (18) chemistry, five (5) hours;
 (19) barber shop management, five (5) hours;
 (20) Texas Barber Law, five (5) hours;
 (21) scientific fundamentals of barbering, four (4) hours;
 (22) cosmetic preparations, three (3) hours;
 (23) sanitary professional techniques, four (4) hours; and
 (24) salesmanship, five (5) hours;
 (c) one thousand, three hundred and twelve (1,312) hours of instruction in practical work, consisting of the study of:
 (1) barber implements, ten (10) hours;
 (2) shaving, eighty (80) hours;
 (3) haircutting or the process of cutting, tapering, trimming, processing, and molding and dressing the hair, eight hundred (800) hours, consisting of:
 A. men's haircutting;
 B. boys' haircutting;
 C. women's haircutting;
 D. cutting and processing curly and over-curly hair; and
 E. razor cutting;
 (4) shampooing and rinsing, forty (40) hours;
 (5) scalp, hair treatments, and tonics, ten (10) hours;
 (6) massage and facial treatments, ten (10) hours;
 (7) bleaching and dyeing of the hair, thirty (30) hours;
 (8) arranging, ten (10) hours;
 (9) beautifying, ten (10) hours;
 (10) beards and mustaches, fifteen (15) hours;
 (11) processing, fifteen (15) hours;
 (12) manicuring, twenty-five (25) hours;
 (13) styling, fifty-five (55) hours;

- (14) cleansing, twenty-five (25) hours;
 (15) curling, fifteen (15) hours;
 (16) dressing, fifteen (15) hours;
 (17) shaping, fifteen (15) hours;
 (18) singeing, seven (7) hours;
 (19) straightening, twenty-five (25) hours;
 (20) waving hair, twenty-eight (28) hours;
 (21) clipping, fifteen (15) hours;
 (22) hair weaving and hairpieces, seventeen (17) hours;
 (23) scientific fundamentals of barbering, ten (10) hours;
 (24) professional ethics, ten (10) hours;
 (25) barber shop management, ten (10) hours;
 and
 (26) first aid and safety precautions, ten (10) hours.

.021. *Manicurist Course.* The curriculum to prepare a student for the examination for the manicurist license will consist of 150 hours. Ten (10) hours of instruction shall be devoted to the study of attaching false nails. One hundred and forty (140) hours of instruction shall be devoted to the study of:

- (a) cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring the nails of any person; and
 (b) massaging, cleansing, treating, or beautifying the hands of any person.

.022. *Wig Specialist Course.* The curriculum to prepare a student for the examination for the wig specialist license will consist of 300 hours of instruction in the care and treatment of wigs.

.023. *Wig Instructor Course.* The curriculum to prepare a student for the examination for the wig instructor license will consist of 200 hours of instruction in advanced courses and methods of the care of wigs.

.024. *Barber's Technician Course.* Any person who has at least thirty (30) working days study as a barber's technician including the study of shampooing, shampoos, manipulations, making appointments, preparing patrons, drying hair, and sterilizing tools, and at least thirty (30) hours' study of sterilization and the barber laws may be licensed to practice as a barber's technician.

.025. *Definition of Barber's Technician.* Any licensed barber's technician may assist the barber in shampooing and sterilizing in a barber shop and shall work under the direction of a registered Class A barber or a men's hair stylist. No barber's technician may cut hair.

.028. *Student Progress Report Form.* The student progress report form will include:

- (a) the words "Barber Student's Progress Report for the Month of _____ 19____";

- (b) name of student;
- (c) student certificate number;
- (d) date of enrollment (first day attending classes);
- (e) part-time classification;
- (f) fulltime classification;
- (g) a graph comprised of:
 - (1) a vertical heading of days of the month (1-31); and
 - (2) a horizontal heading for hours acquired including "Hours Practical," "Hours Theory," "Number Hair Cuts," "Number Shaves," and "Progress";
- (h) explanation of Progress Code, "E- Excellent, S- Satisfactory, F- Fair, U- Unsatisfactory";
- (i) name of barber college;
- (j) signature of school manager; and
- (k) student's signature.

Issued in Austin, Texas, on March 5, 1976.

Doc. No. 761223 O.W. McStay
 Executive Secretary
 State Board of Barber
 Examiners

Effective Date: March 28, 1976

For further information, please call (512) 475-2289.

Examinations and Licensing 378.01.03

The State Board of Barber Examiners is adopting new rules which outline the procedures and requirements for examinations and licensing regulated by the Board. These proposed rules are formulated to provide a more effective and uniform system of regulation and to inform applicants of the necessary requirements for obtaining certificates of registration.

These adopted rules are promulgated under the authority of the Texas Barber Law, Article 8407a, Texas Civil Statutes.

.001. Payment of Fees. Payment of each fee shall be in the form of a money order or cashier's check. Cash may be accepted if payment is made in the board's office in Austin. Personal checks are not accepted.

.002. Name Change. Authentication of a change of name by a licensee shall be in the form of a photostatic copy of the court order or marriage license. Each licensee shall send authentication to the board before a name may be changed on a certificate of registration that is being renewed or on a duplicate certificate.

.003. Out-of-State Applicant

(a) The board will mail an application to an out-of-state applicant for an examination to qualify as a

Class A registered barber or assistant barber in Texas. The board will notify the applicant when he or she may appear for a personal interview.

(b) The board will interview the applicant at a regular monthly meeting to determine that he or she fulfills all the qualifications required in the application and by Section 13 of the Texas Barber Law (Article 8407a, Texas Civil Statutes).

(c) If the application is accepted, the board will issue the applicant a journeyman's permit and will notify him or her when to appear for the examination. An applicant shall have two opportunities to take the examination.

(d) Failure to appear at the examination shall be considered the same as failure to make a passing grade, unless the applicant can provide the board with an acceptable cause in the form of an affidavit or a statement from a physician.

(e) If the applicant fails to appear or to make a passing grade on two occasions, he or she may not continue to practice by permit as a journeyman barber or assistant barber in Texas.

(f) The applicant may renew the application at the discretion of the board.

(g) The examination for an out-of-state applicant shall consist of a practical demonstration of all the services rendered by a barber, and a written and oral examination of the following subjects: scientific fundamentals of barbering; hygienic bacteriology; histology of the hair, skin, muscles, and nerves; structure of the head, face, and neck; elementary chemistry relating to sterilization and antiseptics; diseases of the skin and hair; massaging and manipulating the muscles of the scalp, face, and neck; haircutting and shaving; and the requirements of the Texas Barber Law.

.004. Foreign Language Examinations. An applicant for examination in any language other than English or Spanish will be required to pay all the costs of translation and grading.

.005. Number of Examination Questions. The number of questions on all examinations administered by the board shall vary from 15 to 100, at the discretion of the board. Applicants for the same type of license shall be asked an equal number of questions on the examination.

.006. Eligibility for Examination.

(a) A student who is nearing completion of the course shall be allowed to take the examination, at the discretion of the board.

(b) The board will not give the results of the examination or issue a license until it receives a notarized affidavit, signed by the school manager or owner, swearing the student has returned to school and has completed the course.

.007. Applying for Examination.

(a) Upon completion of 1,500 hours in not less than nine months, a student may apply for examination for a Class A registered barber certificate. This application shall be on forms furnished by the board.

(b) Each applicant shall submit to the board:

(1) the application for examination form, completed and notarized.

(2) a notarized statement from the manager or owner of the barber school, swearing the course is completed.

(3) a current health certificate, signed by a physician and notarized. The board will furnish a health certificate form.

(4) an examination fee of \$10.00 in the form of a money order or cashier's check. Personal checks are not accepted.

(5) the student certificate with photograph. Unless the student supplied a size 2" by 3" permanent-type photograph (no Polaroid photographs) upon application for enrollment, he or she shall submit a new photograph of this size and type.

.008. Deadline for Examination Application.

(a) Each school will be furnished schedules of examination dates and locations. Students will not be individually notified.

(b) Each barber school shall be responsible for seeing that applications for examinations are in the office of the board by the deadline date specified on the schedule for each examination.

(c) An application received after the deadline date will be returned to the barber school to reschedule for later examination.

.009. Deadline for Taking Examination. A student who has completed a course in a barber school or college shall apply and appear for an examination no later than 24 months after course completion, or his or her records will be destroyed.

.010. Deadline for Completing Examination. A student who has passed any part of the examination shall take the remainder of the examination within 12 months.

.011. Equipment to Bring to Examination.

(a) When appearing for an examination for a Class A registered barber certificate or a teacher's certificate, the examinee shall bring the instruments necessary to give a practical demonstration of barbering services.

(b) An examinee for a manicurist or barber technician license shall bring to the examination any instruments necessary for a practical demonstration of the services distinctive to his/her specialty.

(c) An examinee for a wig specialist or wig instructor license shall bring a male wig not less than five

(5) inches in hair length which he or she will be required to clean, cut, and complete the style. He or she will also be required to bring all necessary implements to fit a complete skull pattern of a hairpiece.

(d) The examinee shall provide a model on whom to demonstrate the practical work. Students will wear barber smocks during the examination.

.012. Failure to Appear at Examination.

(a) Failure to appear at the examination shall be considered the same as failure to make a passing grade, unless the applicant can provide the board with an acceptable cause in the form of an affidavit or a statement from a physician.

(b) If the applicant cannot provide the board with an acceptable cause, he or she must remit another \$10.00 fee before taking an examination at another date. If the absence is excused, the applicant may request to take the examination at another date without an additional fee.

.013. Notification of Examination Results.

(a) The board will notify an examinee of the results of the examination by letter. The letter will be sent to the student in care of the barber school or college.

(b) The board will not give the results of the examination or issue a license until it receives a notarized affidavit, signed by the school owner or manager, swearing that the student has completed the course.

.014. Failure of Examination.

(a) The board will notify an examinee which part of the examination was failed and will require only that part be retaken at another examination. The board will return the student certificate and photograph to the barber school.

(b) If the examinee failed the practical part of the examination, he or she shall return to the barber school or college for further study on the practical before reapplying for examination.

(c) The student is eligible to apply for the next examination.

(d) The barber school or college shall notify the board by letter that the student has returned to the school and wishes to appear for another examination. The letter shall also include the student certificate with photograph and another \$10.00 fee.

.015. Deadline for License Application.

(a) An examinee who has passed the examination shall apply and pay for his/her barber license within 60 days, unless the examinee can provide the board with an acceptable cause in the form of an affidavit.

(b) If a student is incarcerated at the time of the examination, he or she shall meet the same requirements within 60 days after release from prison.

(c) Anyone who fails to meet these requirements

shall pay another \$10.00 examination fee and pass another examination.

.029. Barber Shop Floor Plan.

(a) A floor plan of a proposed barber shop shall be submitted with the application for a temporary barber shop permit.

(b) The floor plan shall be on forms prescribed by the board.

(c) The floor plan form will request the following information from the barber shop owner:

- (1) name of shop;
- (2) name of owner;
- (3) address of shop;
- (4) sketch of following items:
 - A. entrance and exits;
 - B. length and width of shop (in feet);
 - C. total square feet;
 - D. location of rest room(s); and
 - E. number of chairs and shampoo bowls;
- (5) the proposed opening date of the shop;
- (6) whether the shop is connected to a residence or a business, and if so, an explanation;
- (7) verification from applicant that all information in the plan is true and correct to best of his or her knowledge;
- (8) applicant's signature;
- (9) date of application; and
- (10) the words "Note: A permit may not be issued to any shop not in full compliance with the statutes concerning barbering and health regulations and the rules of the State Board of Barber Examiners."

Issued in Austin, Texas, on March 5, 1976.

Doc. No. 761224 O. W. McStay
 Executive Secretary
 State Board of Barber
 Examiners

Effective Date: March 28, 1976

For further information, please call (512) 475-2289.

Barber Shops 378.01.04

The State Board of Barber Examiners is withdrawing Proposed Rule 378.01.04.001, *Separation of Barber Shop and Beauty Parlor*, and Proposed Rule 378.01.04.002, *Barber Pole*. The rules were proposed and published in the January 27, 1976, issue (Volume I, Number 7) of the *Texas Register*.

Filed: March 8, 1976, 10:53 a.m.

Doc. No. 761222



Advertising 378.01.05

The State Board of Barber Examiners is adopting new rules which regulate advertising by licensed barbers, barber schools or colleges, and barber teachers. These adopted rules are formulated to promote high ethical standards for the barbering profession in the State of Texas.

These adopted rules are promulgated under the authority of Article 8407a and Articles 8401-8407, Texas Civil Statutes.

.001. Barber Advertisements. A person who is a licensed barber may advertise in the Yellow Pages of the telephone directory under "Barber." The board will notify the administration of the Telephone Company for Texas of this ruling.

.002. Prohibition of School or College Advertisements. No barber school or college may advertise any fees for barbering services or advertise free barbering services on the windows, doors, or building of the school or college, or through the news media, telephone directory, or on handbills.

.003. Prohibition of Advertisement for Free Services No person teaching barbering, haircutting, styling, or processing of the hair may advertise free services.

Issued in Austin, Texas, on March 5, 1976.

Doc. No. 761225 O. W. McStay
 Executive Secretary
 State Board of Barber
 Examiners

Effective Date: March 28, 1976

For further information, please call (512) 475-2289.

State Board of Dental Examiners

Rules and Regulations of the Dental Peer Review/Grievance Committee

Rules and Regulations of the Area Committee and State Appeals Committee 382.12.01

These rules are adopted under the authority of Article 4551c-1, Revised Civil Statutes of Texas, 1925, as amended.

.001. *Area.* An area is composed of the several counties within the State of Texas as follows:

- (a) Area 1-- Counties: Bowie, Delta, Hopkins, Morris, Titus, Cass, Franklin, Lamar, Red River;
- (b) Area 2-- Counties: Chambers, Hardin, Jasper, Jefferson, Newton, Orange, Polk, San Jacinto, Tyler;
- (c) Area 3-- Counties: Angelina, Camp, Cherokee, Gregg, Harrison, Marion, Nacogdoches, Panola, Rusk, Sabine, San Augustine, Shelby, Smith, Upshur, Van Zandt, Wood;
- (d) Area 4-- Counties: Collin, Cooke, Denton, Fannin, Grayson, Hunt, Kaufman, Rains, Rockwall;
- (e) Area 5-- Counties: Dallas;
- (f) Area 6-- Counties: Anderson, Ellis, Freestone, Henderson, Hill, Leon, Limestone, Navarro;
- (g) Area 7-- Counties: Austin, Brazos, Burleson, Grimes, Houston, Madison, Montgomery, Robertson, Trinity, Walker, Waller, Washington;
- (h) Area 8-- Counties: Fort Bend, Harris, Liberty, Wharton;
- (i) Area 9-- Counties: Brazoria, Galveston, Matagorda;
- (j) Area 10-- Counties: Bastrop, Hays, Lee, Travis, Williamson;
- (k) Area 11-- Counties: Bell, Bosque, Coryell, Falls, McLennan, Milam;
- (l) Area 12-- Counties: Erath, Hood, Johnson, Palo Pinto, Parker, Somervell, Tarrant, Wise;
- (m) Area 13-- Counties: Archer, Baylor, Clay, Foard, Hardeman, Jack, Knox, Montague, Throckmorton, Wichita, Wilbarger, Young;
- (n) Area 14-- Counties: Aransas, Caldwell, Calhoun, DeWitt, Colorado, Fayette, Goliad, Gonzales, Guadalupe, Jackson, Karnes, Lavaca, Live Oak, Refugio, Victoria;
- (o) Area 15-A-- Counties: Bee, Duval, Jim Wells, Kleberg, McMullen, Nueces, San Patricio;
- (p) Area 15-B-- Counties: Brooks, Cameron, Hidalgo, Jim Hogg, Kenedy, Starr, Willacy, Zapata;
- (q) Area 16-- Counties: Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Presidio, Terrell;

(r) Area 17-- Counties: Callahan, Comanche, Eastland, Fisher, Hamilton, Haskell, Jones, Mitchell, Nolan, Scurry, Shackelford, Stephens, Taylor;

(s) Area 18-- Counties: Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler;

(t) Area 19-- Counties: Bailey, Borden, Cochran, Crosby, Dickens, Floyd, Garza, Hale, Hockley, Kent, King, Lamb, Lubbock, Lynn, Stonewall, Terry, Yoakum;

(u) Area 20-- Counties: Atascosa, Bandera, Bexar, Comal, Edwards, Frio, Kinney, Maverick, Medina, Real, Uvalde, Val Verde, Wilson, Zavala;

(v) Area 21-A-- Counties: Coke, Coleman, Crockett, Glasscock, Irion, Regan, Runnels, Schleicher, Sterling, Sutton, Tom Green;

(w) Area 21-B-- Counties: Blanco, Brown, Burnet, Concho, Gillespie, Kendall, Kerr, Kimble, Lampasas, Llano, Mason, McCulloch, Menard, Mills, San Saba;

(x) Area 21-C-- Counties: Andrews, Crane, Dawson, Ector, Gaines, Howard, Loving, Martin, Midland, Pecos, Reeves, Upton, Ward, Winkler;

(y) Area 23-- Counties: Dimmit, La Salle, Webb.

.002. *Area Committee.* An area committee is composed of the elected members to such committee from and by the Texas licensed dentists within such area.

.003. *Area Committee Officers.* Area committee officers are elected by the Area Committee in the month of September of odd-numbered years following the election of new members to such committees and the officers shall be (1) a chairman, (2) a vice-chairman, and (3) a secretary, and (4) the state appeals member if he be other than one of the foregoing.

.004. *Area Committee Duties.* An area committee shall review and evaluate dental treatment and dental services in disputes involving licensed dentists, dental patients, and/or third party payors financially obligated to pay in whole or in part for dental treatment or dental services rendered. The area committee shall act as an arbitrator between said parties when requested to do so by all parties concerned.

.005. *Area Complaints.* When a person has a complaint within the jurisdiction of an area committee, he shall advise the secretary of such committee in concise written form, stating the nature of such complaint, giving names, addresses, dates, and such other information as will enable the secretary to determine if the committee has authority to hear such complaint.

.006. *Secretary's Duties.* The area secretary shall keep a roster of all licensed dentists within his area,

and shall make and keep records of the proceedings of the actions of the area committee and shall advise all parties concerned when complaints have been filed and determine if they are willing to submit their position concerning a particular complaint to the area committee for hearing and decision. When a party appeals the decision of an area committee, the secretary of the area committee shall forward to the State Appeals Committee all records pertaining to such matters including the decision of the area committee.

.007. *Chairman and Vice-Chairman's Duties.* The chairman shall preside at all area committee meetings if he is present; otherwise the vice-chairman shall preside. The chairman (or the vice-chairman as the case may be) may appoint a member of the area committee (or a qualified person within the area) to determine certain facts, as a "consultant" or a "fact-finder," to bring his findings to the area committee, when and if a hearing is had. In such instances, the "consultant" or "fact-finder" may not vote in the final determination of the matter before the area committee if he testifies as to his findings. The chairman, with the approval of the area committee, may appoint subcommittees for specific duties.

.008. *Area Committee Quorum.* A majority of the area committee's members shall constitute a quorum and a majority of those present and voting shall govern all matters voted upon.

.009. *Forms and Procedure.* Forms are attached as exhibits to be used for notice, etc., and are suggested for uniformity; however, any written communication which clearly advises the other party or parties of the information required shall be deemed sufficient.

.010. *Time Factors-- Notice.* When a matter or complaint is presented to an area committee for its determination, all parties shall be notified in writing, delivered in person, or mailed to the last known address of all parties, thirty (30) days before the hearing date and all such notices shall contain the date, time, and place of the hearing, including a copy of the complaint (or complaints) and the names and addresses of all of the parties involved.

.011. *Counsel.* All parties may be represented by legal counsel.

.012. *Waiver(s).* Upon agreement of all parties and the area committee, time factors may be waived.

.013. *Conduct of Hearings.* All hearings shall be conducted with proper decorum to the end that fair and reasonable presentation of the position(s) of the parties may be heard. Repetitious or frivolous presentations or arguments may be terminated by the chairman with the assent of the committee.

.014. *Position Papers or Briefs.* A party may present his position and argument orally, in writing, by exhibits, and/or by testimony of others.

.015. *Decisions.* A majority of the membership of such committee present shall constitute a quorum and if a decision is not reached during such hearing(s) a mail or telephone ballot is authorized. Only those present and participating at the hearing may vote. The area and State Appeals Committee shall render its decision in writing within thirty (30) days after final hearing, giving a statement of facts and its decision on the matter(s) presented. The decision shall be signed by those voting with the majority. Minority or dissenting opinions may also be filed.

.016. *Disqualification of a Member(s).* When a complaint involves a member of an area or State Appeals Committee or where his participation would be unfair or prejudicial, such member, in the judgment and discretion of the majority of the remaining members of the committee, shall be disqualified to act as a committee member, and, the presiding officer of such committee may appoint a Texas licensed dentist as a substitute or alternate as a member of such committee for that particular case or complaint.

.017. *Tenure of Area Committee Members.* The number of members of an area committee shall be divisible by three (3), one-third to serve two (2) years, one-third to serve four (4) years, and one-third to serve six (6) years. The terms of each member shall be decided by lot at its first official meeting.

.018. *Vacancies.* Vacancies on an area or State Appeals Committee caused by death, disability, resignation, or removal of residence or practice from the area where he was elected, shall be filled by appointment by the chairman of the area committee for the balance of the unexpired term with the assent or approval of the majority of the area committee concerned.

.019. *Elections.* Elections for the places and the terms which will expire shall be held in such area at an accessible location at a time between 6 p.m., and 8 p.m., as determined and called by the then area chairman during the month of September in odd-numbered years. Notice of the time, date, and place of such election shall be given by publishing such notice once, not less than 20 days before and once not less than 10 days before the date of the election in a newspaper of general circulation within such area. The Texas licensed dentists who are present at such elections may each have one vote and such elections shall be presided over by the area committee chairman (or vice-chairman). A majority vote of those present and voting shall decide the persons who are elected.

.020. *Removal of a Committee Member.* An area committee member or its State Appeals Committee member may be removed for cause (in the discretion of the majority of the Texas dentists within that area). Any such intended action shall be had only after written charges have been mailed or delivered to all the Texas dentists in such area as provided hereinbefore, and after such notice published as required for an election. At such advertised date, time, and place, a majority present shall hear and determine whether or not such member shall be retained or removed. Such hearing shall be presided over by a temporary chairman, elected at such meeting, and the procedure hereinbefore set out governing the conduct of hearings shall be followed.

.021. *State Appeals Committee Members.* A majority of the members of the State Appeals Committee shall constitute a quorum and a majority of those present and voting shall control. The rules governing conduct and hearings, including those pertaining to the right to legal counsel, shall be followed.

.022. *Tenure of State Appeals Committee Members.* A state Appeals committee member elected by his area committee shall serve for two (2) years and may be reelected by his area committee in the same manner and at the same time as the election of the area committees.

.023. *Officers of the State Appeals Committee.* The State Appeals Committee members shall elect from its members, a chairman, vice-chairman, secretary, and such other officers as it deems advisable for a term of one year and they may be reelected.

.024. *Meetings of the State Appeals Committee.* The

chairman or a majority of the members may call a meeting of the State Appeals Committee at such times and places as deemed necessary to take care of the committee's business.

.025. *Funds-- Fees.* All funds received shall be properly accounted for and the committee may assess such reasonable fees against the party or parties appealing to it as it deems proper to aid the committee to process and handle such appeal. No State Appeals Committee member shall receive any reimbursement from such assessed appeal fees for his time or expenses while serving as a member of such committee; however, the area which he represents may make such financial reimbursement to its State Appeals Committee member as it may provide.

.026. *Records.* The secretary shall cause to be made and preserved all records of the State Appeals Committee and shall certify and transmit such records upon subpoena to the court of competent jurisdiction subpoenaing same.

.027. *Effective Date.* These rules and any amendments hereto adopted by the State Appeals Committee shall be effective upon compliance with the provisions of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on March 8, 1976.

Doc. No. 761254 Carl C. Hardin, Jr.
Executive Director
State Board of Dental
Examiners

Effective Date: March 29, 1976

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

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 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.

Alcoholic Beverage Commission

Meeting

A meeting of the Alcoholic Beverage Commission will be held on Monday, March 22, 1976, 10 a.m., on the 9th floor, Sam Houston Building, 201 East 14th Street, Austin, to approve minutes of the last meeting and to discuss the administrator's report for each division, budget matters, and any pending unfinished business.

Additional information may be obtained from Luke E. Robinson, P.O. Box 13127, Capitol Station, Austin, Texas 78711, telephone (512) 475-3611.

Filed: March 9, 1976, 2:32 p.m.
Doc. No. 761263

State Banking Board

Hearing

A hearing before the hearing officer of the State Banking Board will be held on Tuesday, May 11, 1976, 9 a.m., in the Hearing Room, 2601 North Lamar, Austin, to consider the charter application of the proposed Texline State Bank to be located in Texline.

Additional information may be obtained from Dan Krohn, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed: March 10, 1976, 9:37 a.m.
Doc. No. 761291

Coordinating Board, Texas College and University System

Meeting Cancellation

The meeting of the Advisory Council for Continuing Education for Nurses in Texas of the Coordinating Board, Texas College and University System, which was to be held on Monday, March 29, 1976, 9:30 a.m., in Room 1-108, Joe C. Thompson Conference Center, 26th and Red River Streets, Austin, has been cancelled.

Additional information may be obtained from Dr. Forrest E. Ward, P.O. Box 12788, Capitol Station, Austin, Texas 78711, telephone (512) 475-3413.

Filed: March 9, 1976, 3 p.m.
Doc. No. 761114A

Meeting

A meeting of the Advisory Council for Continuing Education for Nurses in Texas of the Coordinating Board, Texas College and University System, will be held on Monday, April 19, 1976, 9:30 a.m., in Room 1-126, Joe C. Thompson Conference Center, 26th and Red River Streets, Austin, to discuss criteria for a state plan for continuing education for nurses.

Additional information may be obtained from Dr. Forrest E. Ward, P.O. Box 12788, Capitol Station, Austin, Texas 78711, telephone (512) 475-3413.

Filed: March 9, 1976, 3 p.m.
Doc. No. 761261

State Board of Education

Emergency Addition to Agenda

An emergency addition to the agenda of the State Board of Education meeting held on Saturday, March 13, 1976, 8:30 a.m., at 150 East Riverside Drive, Austin, was made to include consideration of a request for authorization to submit an application for a women's educational equity grant and an application for retirement of bonds.

Additional information may be obtained from M. L. Brochette, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: March 10, 1976, 4:16 p.m.
Doc. No. 761316

Emergency Addition to Agenda

An emergency addition to the agenda of the State Board of Education held on Saturday, March 13, 1976, 8:30 a.m., at 150 East Riverside Drive, Austin, was made to include adoption of the proclamation of the State Board of Education advertising for bids on textbooks.

Additional information may be obtained from M. L. Brochette, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: March 11, 1976, 11:40 p.m.

Doc. No. 761330

Texas Education Agency

Meeting

A meeting of the Teacher's Professional Practices of the Texas Education Agency will be held on Wednesday, March 24, 1976, immediately following a private hearing of the commission to begin at 9 a.m., at 150 East Riverside Drive, Austin, to discuss the distribution and review of the module "Professional Ethics in Texas: A Module for Study."

Additional information may be obtained from Thomas E. Anderson, Jr., 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-6836

Filed: March 10, 1976, 4:16 p.m.

Doc. No. 761317

Commission on Fire Protection Personnel Standards and Education

Hearing

A hearing before the Commission on Fire Protection Personnel Standards and Education will be held on Tuesday, April 20, 1976, 10 a.m., in the Fire Department Auditorium, 1622 Festival Beach Road, Austin, to present recommendations of three subcommittees on proposed changes in the *Minimum Standards Manual*, as accepted by the commission at a special meeting, March 3, 1976: (1) fire protection prevention; (2) investigative personnel; and (3) fire suppression. Proposed changes will provide equivalent requirements in all areas of certification: basic, intermediate, advanced, and master levels, with one (1) year waiting period

from date of employment to actual issue of certificate. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Garland W. Fulbright, Suite 122, 8330 Burnet Road, Austin, Texas 78758, telephone (512) 459-8701.

Filed: March 10, 1976, 9:45 a.m.

Doc. No. 761288

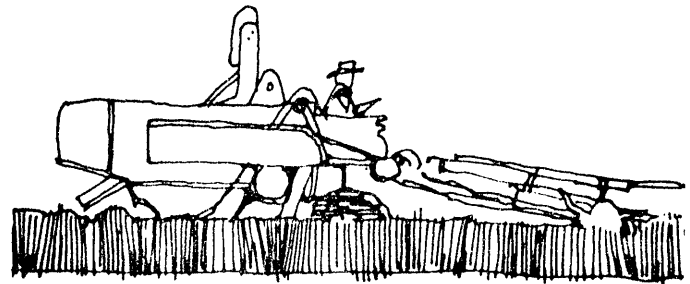
Meeting

A meeting of the Fire Suppression Subcommittee of the Commission on Fire Protection Personnel Standards and Education will be held on Tuesday, April 20, 1976, 3 p.m., at 1622 Festival Beach Road, Austin, to continue study of guidelines for certification of fire protection personnel training facilities, and potential issuance of certificates of approval to qualifying departments and agencies or organizations.

Additional information may be obtained from Garland W. Fulbright, Suite 122, 8330 Burnet Road, Austin, Texas 78758, telephone (512) 459-8701.

Filed: March 10, 1976, 9:46 a.m.

Doc. No. 761289



Meeting

A meeting of the Commission on Fire Protection Personnel Standards and Education will be held on Wednesday, April 21, 1976, 9 a.m., at 1622 Festival Beach Road, Austin, to conduct the regular quarterly meeting and to report on results of the public hearing conducted on April 20, 1976, reviewing comments received from witnesses, on the recommendations of three subcommittees, and taking necessary action.

Additional information may be obtained from Garland W. Fulbright, Suite 122, 8330 Burnet Road, Austin, Texas 78758, telephone (512) 459-8701.

Filed: March 10, 1976, 9:46 a.m.

Doc. No. 761290

Joint Advisory Committee on Government Operations

Meeting

A meeting of the Policy and Structure Subcommittee of the Joint Advisory Committee on Government Operations will be held on Thursday, March 18, 1976, 7 p.m., in the lieutenant governor's apartment in the Capitol Building, Austin, to review progress reports of Subcommittees on Administrative Support and Fiscal Management; Natural Resources; Education; Economic Development and Law Enforcement; and Health and Welfare.

Additional information may be obtained from Karol Middleton, 704 Sam Houston Building, Austin, Texas 78711, telephone (512) 475-6565.

Filed: March 11, 1976, 11:39 a.m.

Doc. No. 761328

Meeting

A meeting of the Joint Advisory Committee on Government Operations will be held on Friday, March 19, 1976, 10 a.m., in the Old Court of Criminal Appeals Room, Capitol Building, Austin, to discuss the progress reports of Subcommittees on Administrative Support and Fiscal Management; Natural Resources; Education; Economic Development and Law Enforcement; and Health and Welfare.

Additional information may be obtained from Karol Middleton, 704 Sam Houston Building, Austin, Texas 78711, telephone (512) 475-6565.

Filed: March 11, 1976, 11:39 a.m.

Doc. No. 761329

Office of the Governor

Change of Date

The meeting of the Criminal Justice Division of the Governor's Office originally scheduled for March 12, 1976, has been rescheduled and will be held on Friday, March 19, 1976, 9 a.m., in Room 2-102, Joe C. Thompson Conference Center, 26th and Red River Streets, Austin. The agenda is unchanged.

Additional information may be obtained from Willis Whatley, 411 West 13th Street, Austin, Texas 78711, telephone (512) 475-6065.

Filed: March 9, 1976, 2:40 p.m.

Doc. No. 761262

Meeting

A meeting of the representatives of the Governor's Energy Advisory Council will be held on Thursday, March 18, 1976, 10 a.m., in the fourth floor conference room, 411 West 13th Street, Austin, to work on policy paper and consider contracts. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Jean C. McEireath, 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-5491.

Filed: March 9, 1976, 9:34 a.m.

Doc. No. 761251

Meeting

A meeting of the Interagency Transportation Council Budget and Planning Division of the Office of the Governor will be held on Monday, March 31, 1976, 2 p.m., in the 4th floor conference room, 411 West 13th Street, Austin, to review and discuss the questionnaire regarding the work program on transportation funding.

Additional information may be obtained from Don Harley, 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-2411.

Filed: March 10, 1976, 9:42 a.m.

Doc. No. 761294

Texas Health Facilities Commission

Emergency Addition to Agenda

An emergency addition to the agenda of a meeting of the Texas Health Facilities Commission held on Thursday, March 11, 1976, 10 a.m., at Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, included applications by: High Plains Hospital, Amarillo (AH75-1104-014); St. Anthony's Hospital, Amarillo (AH75-1201-002); and R. K. Harrison and Harold Short, Texarkana (AN75-0826-002D).

Additional information may be obtained from Michael R. Sharp, Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, Texas 78752, telephone (512) 475-6940.

Filed: March 10, 1976, 11:39 a.m.

Doc. No. 761303

Meeting

A meeting of the Texas Health Facilities Commission will be held on Wednesday, March 17, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall

Boulevard, Austin, to discuss the adoption of THFC Emergency Rules 3, 6, 8, 9, 10, and 11 as permanent rules. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: March 9, 1976, 4:23 p.m.

Doc. No. 761276

Meeting

A meeting of the Texas Health Facilities Commission will be held on Thursday, March 18, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall, Austin, to consider applications for certificates of need, declaratory rulings, exemption certificates, and other items. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Michael R. Sharp, Suite 450, One Highland Center, 314 Highland Mall, Austin, Texas 78752, telephone (512) 475-6940.

Filed: March 10, 1976, 11:39 a.m.

Doc. No. 761304

Texas Department of Health Resources

Hearing

A hearing by the Environmental Engineering Division of the Texas Department of Health Resources will be held on Tuesday, March 23, 1976, 10:30 a.m., in the County Courtroom, Gray County Courthouse, Pampa, to consider the application of the City of Higgins to locate a solid waste disposal site near Higgins.

Additional information may be obtained from Jack C. Carmichael, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 454-3781, extension 258.

Filed: February 27, 1976, 2:24 p.m.

Doc. No. 761125

State Board of Insurance

Hearing

A hearing of the Commissioner's Hearing Section of the State Board of Insurance will be held on Tuesday, March 16, 1976, 10:30 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider the application of

Government Personnel Mutual Life Insurance Company, San Antonio, for approval of transaction with affiliate under Article 1.29.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: March 9, 1976, 2:59 p.m.

Doc. No. 761259

Postponement of Hearing

The hearing of the State Board of Insurance originally scheduled for March 17, 1976, will be held on Thursday, April 22, 1976, 9 a.m., in Room 408, 1110 San Jacinto Street, Austin, to consider repeal of Rule 059.01.04.020 of the Rules of Practice and Procedure adopted by Board Order 30129 on December 17, 1975.

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

Filed: March 9, 1976, 2:59 p.m.

Doc. No. 761260

Hearing

A hearing of the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, March 18, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider the application of Dependable Insurance Company, Inc., Jacksonville, Florida, for reservation of corporate name protested by Dependable Life Insurance Company, Waco, Texas.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: March 9, 1976, 3 p.m.

Doc. No. 761257

Hearing

A hearing of the Commissioner's Hearing Section of the State Board of Insurance will be held on Tuesday, March 23, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider the application of FTS Life Insurance Company, Dallas, for approval of original articles of incorporation.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: March 9, 1976, 3 p.m.

Doc. No. 761258

Commission on Law Enforcement Officer Standards and Education

Emergency Addition to Agenda

An emergency agenda addition has been made for a meeting of the Commission on Law Enforcement Officer Standards and Education scheduled for Friday, March 19, 1976, 10 a.m., at Plaza Hotel, El Paso. The addition includes the following: discussion of the proposed amendment of Rule 210.01.02.001 as it pertains to felony conviction and probation as a disqualification to be appointed as a peace officer; appointment of hearing officers for the expedited docket and the contested docket and authorization for the executive director to assign hearing officers to specific cases; discussion of the establishment of minimum standards for continued service for peace officers and the authority to revoke certification for violation of these minimum standards of continued service; activity reports of all divisions; and discussion of the effect of the Privacy Act on activities of the commission.

Additional information may be obtained from Fred Toler, 503E Sam Houston Building, Austin, Texas 78701, telephone (512) 475-5637.

Filed: March 10, 1976, 1:33 p.m.
Doc. No. 761307

Texas Medical Professional Liability Study Commission

Meeting

A meeting of Subcommittee II of the Texas Medical Professional Liability Study Commission will be held on Thursday, March 18, 1976, 8:30 a.m., in the Senate Reception Room of the State Capitol, Austin, to discuss health care aspects of the malpractice problem.

Additional information may be obtained from William Wade, G-38, State Capitol, Austin, Texas 78711, telephone (512) 475-4240.

Filed: March 9, 1976, 2:42 p.m.
Doc. No. 761266

Meeting

A meeting of the Texas Medical Professional Liability Study Commission will be held on Friday, March 19, 1976, 10 a.m., in the Senate Chamber of the Texas State Capitol, Austin, to discuss arbitration of malpractice claims; malpractice screening panels; reinsurance; the Joint Underwriting Association; patient's compensation funds; and physician self-insurance.

Additional information may be obtained from William Wade, G-38, State Capitol, Austin, Texas 78711, telephone (512) 475-4240.

Filed: March 9, 1976, 2:41 p.m.
Doc. No. 761267

Meeting

A meeting of the Texas Medical Professional Liability Study Commission will be held on Thursday, April 15, 1976, 10 a.m., in the Senate Chamber of the State Capitol, Austin, to continue discussion of topics delineated for discussion at the March 19, 1976, meeting of the commission.

Additional information may be obtained from William Wade, G-38, State Capitol, Austin, Texas 78711, telephone (512) 475-4240.

Filed: March 9, 1976, 2:41 p.m.
Doc. No. 761268

Midwestern State University

Emergency Meeting

An emergency meeting of the Board of Regents of Midwestern State University was held on Tuesday, March 9, 1976, 3 p.m., at Hardin Administration Building, Midwestern State University Campus, Wichita Falls, to discuss approval of a fine arts building contract and of plans and specifications of the food service remodel. The emergency meeting was necessary to meet the contract-award deadline.

Additional information may be obtained from the President's Office, 3400 Taft, Wichita Falls, Texas 76308, (817) 692-6611, extension 211.

Filed: March 9, 1976, 10:34 a.m.
Doc. No. 761256

Board of Pardons and Paroles

Meeting

A meeting of the Board of Pardons and Paroles will be held on Monday, Tuesday, and Friday, March 22, 23, and 26, 1976, 9 a.m. each day, at 711 Stephen F. Austin Building, Austin, to review cases of inmates for parole consideration, to act on emergency reprieve requests and other acts of executive clemency, and to review reports regarding persons on parole.

Additional information may be obtained from Richard Fortenberry, Room 711, Stephen F. Austin Building, Austin, Texas 78711, telephone (512) 475-3363.

Filed: March 10, 1976, 9:29 a.m.

Doc. No. 761293

Hearing

A hearing before the Board of Pardons and Paroles will be held on Wednesday and Thursday, March 24 and 25, 1976, 9 a.m., at the Diagnostic Unit, Texas Department of Corrections, Huntsville, to consider parole violations.

Additional information may be obtained from Richard Fortenberry, 711 Stephen F. Austin Building, Austin, Texas 78711, telephone (512) 475-3363.

Filed: March 10, 1976, 9:30 a.m.

Doc. No. 761292

Texas Parks and Wildlife Department

Meeting

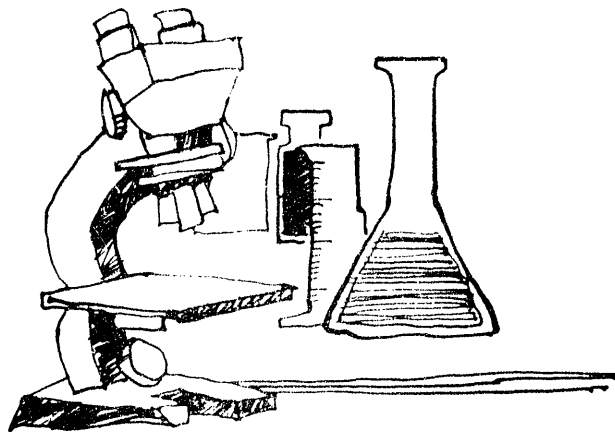
A meeting of the Parks and Wildlife Commission of the Texas Parks and Wildlife Department will be held on Thursday, March 18, 1976, 9 a.m., in Room 105, John H. Reagan Building, 15th and Congress, to consider the concession contract at San Jacinto Battleground State Historical Park; Stephen F. Austin log cabin project; Wildlife Operational Plan 1976-77; mitigation by certain Corps of Engineers chloride control projects on the Red River; American Peregrine Falcon Survey Program; rules and regulations of the Black Gap Wildlife Management Area; Galveston Island Park design development; and residences at state parks. The com-

plete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Perry Spalding, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-3074.

Filed: March 8, 1976, 4:06 p.m.

Doc. No. 761246



Meeting

A meeting of the Parks and Wildlife Commission of the Texas Parks and Wildlife Department will be held on Friday, March 19, 1976, 9 a.m., in Room 105, John H. Reagan Building, 15th and Congress, to discuss proposed missions; Rockport Aquarium; Galveston Island State Park; Fulton House; the Sam Bell Maxey House; State Railroad Project; Rancho De Las Cabras Site; Queen Isabella State Fishing Pier; squirrel hunting dates at the Engeling Wildlife Management Area; the operational plan, Upland Game Program; Chaparral Wildlife Management Area oil and gas lease; mitigation of certain Corps of Engineers chloride control projects on the Red River; plans for wildlife resources; American Peregrine Falcon Survey; local land and water conservation fund projects, guidelines; and the Fort McKavett State Historical Site. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Perry Spalding, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-3074.

Filed: March 8, 1976, 4:07 p.m.

Doc. No. 761247

Texas Public Utility Commission

Meeting

A meeting of the Public Utility Commission was held on Monday, March 15, 1976, 10 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to discuss commission membership in the National Association of Regulatory Utility Commissioners and the Midwest Association of Railroad and Utilities Commissioners and to consider approval of new employee hirings.

Additional information may be obtained from Roy Henderson, 7800 Shoal Creek Boulevard, Austin, Texas 78756, telephone (512) 475-7921.

Filed: March 8, 1976, 4:34 p.m.
Doc. No. 761248

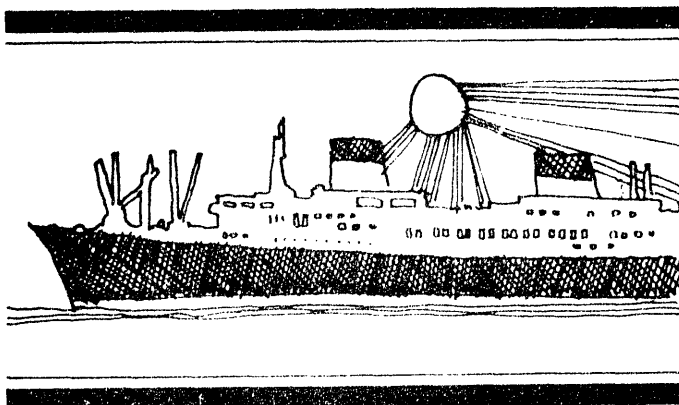
State Department of Public Welfare

Date Change

The meeting of the State Board of Public Welfare originally scheduled for March 8, 1976, was held on Friday, March 12, 1976, 10 a.m., in Room 411, John H. Reagan Building, Austin. The agenda was unchanged.

Additional information may be obtained from William Woods, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-6297.

Filed: March 8, 1976, 5:15 p.m.
Doc. No. 761250



Meeting

A meeting of the Social Services Advisory Committee of the State Department of Public Welfare will be held on Wednesday, March 17, 1976, 9:30 a.m., in Room 411, John H. Reagan Building, Austin, to announce reappointments of committee members and acceptance to full three year terms; to elect officers; to hear briefs on the child care licensing hearings, the preparation for legislative session, Title XX informal coalition activities, and the Child Welfare Board; to hold subcommittee meetings and reports; and to discuss follow-up on recommendations on CANRIS and on recoupmnt.

Additional information may be obtained from Buron Raiford, Winters Building, 200 East Riverside, Austin, Texas 78701, telephone (512) 475-6561.

Filed: March 11, 1976, 11:47 a.m.
Doc. No. 761327

Railroad Commission of Texas

Emergency Meeting

A meeting of the Oil and Gas Division of the Railroad Commission of Texas was held on Wednesday, March 10, 1976, 11:45 a.m., at the Ernest O. Thompson Building, 10th and Colorado Streets, Austin, to consider the application of W. W. Oatman. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Lloyd Muennink, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-3255.

Filed: March 10, 1976, 9:34 a.m.
Doc. No. 761295

Meeting

A meeting of the Transportation Division of the Railroad Commission of Texas was held on Monday, March 15, 1976, 9 a.m., at the Ernest O. Thompson Building, 10th and Colorado, Austin, to consider contested and uncontested public convenience and necessity applications; uncontested rate applications; fee reinstatements; exempt commodity applications; exempt commodity authority; I.C.C. authority; uncontested railroad applications; and amendments to motor transportation regulations. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Meiling Newman, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-3207.

Filed: February 27, 1976, 2 p.m.
Doc. No. 761120

Emergency Amendment to Agenda

The agenda to the meeting of the Transportation Division of the Railroad Commission held on Monday, March 15, 1976, 9 a.m., at the Ernest O. Thompson Building, 10th and Colorado, Austin, was amended to include the consideration of contested public convenience and necessity applications; uncontested public convenience and necessity applications; uncontested rate applications; insurance reinstatements; fee reinstatements; exempt commodity authority; Interstate Commerce Commission authority; and miscellaneous items. This amendment to the March 15, 1976, agenda was necessary because the Railroad Commission conference scheduled for March 1, 1976, was not held. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Meiling Newman, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-3207.

Filed: March 9, 1976, 3:46 p.m.
Doc. No. 761264

Meeting

A meeting of the Gas Utilities Division of the Railroad Commission of Texas will be held on Friday, March 19, 1976, 9 a.m., at the Ernest O. Thompson Building, 10th and Colorado, Austin, to consider a motion for rehearing filed by Southern Union Gas Company and the City of Austin, and to consider a motion for entry of final order filed by Houston Pipe Line Company. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Frank Youngblood, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-2747.

Filed: March 9, 1976, 3:45 p.m.
Doc. No. 761265

Meeting

A meeting of the Transportation Division of the Railroad Commission will be held on Tuesday, March 30, 1976, 9 a.m., at the Ernest O. Thompson Building, 10th and Colorado, Austin, to consider contested rate applications; uncontested public convenience and necessity applications; fee reinstatements; exempt commodity applications; I.C.C. applications; and miscellaneous items. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Meiling Newman, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-3207

Filed: March 10, 1976, 1:54 p.m.
Doc. No. 761314

State Board of Registration for Professional Engineers

Emergency Meeting

An emergency meeting of the State Board of Registration for Professional Engineers was held on Monday, March 15, 1976, 10 a.m., in Room 200, John H. Reagan Building, 1400 Congress, Austin, to swear in new board members.

Additional information may be obtained from Donald C. Klein, Room 200, Reagan Building, Austin, Texas 78711, telephone (512) 475-3141.

Filed: March 10, 1976, 2:13 p.m.
Doc. No. 761313



Advisory Council for Technical-Vocational Education in Texas

Meeting

A meeting of the Steering Committee of the Advisory Council for Technical-Vocational Education in Texas was held on March 11, 1976, 7 p.m., in Room 604, International Life Building, 815 Brazos Street, Austin, to review recent impact conferences, State Board of Education responses to council recommendations, and other items. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Nell Littrell, P.O. Box 1886, Austin, Texas 78767, telephone (512) 475-2046

Filed: March 10, 1976, 10:25 a.m.

Doc. No. 761302

Texas A&M University System

Meeting

A meeting of the Committee for Service Units of the Board of Regents, Texas A&M University System, will be held on Friday, March 19, 1976, 9:45 a.m., at the Amarillo Airport, Amarillo, to inspect agricultural research facilities and programs in the Amarillo area. A quorum of the board may or may not be present.

Additional information may be obtained from Robert G. Cherry, Texas A&M University, College Station, Texas 77843, telephone (713) 845-4334.

Filed: March 10, 1976, 9:33 a.m.

Doc. No. 761298

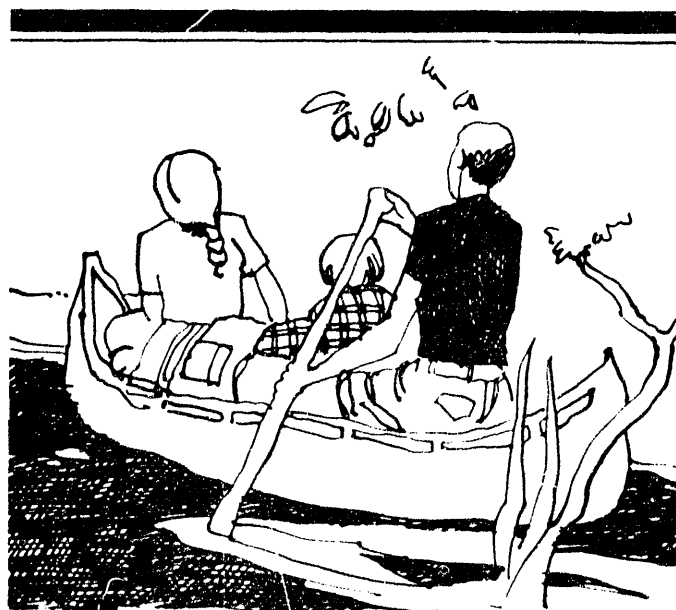
Meeting

A meeting of the Committee for Academic Campuses of the Board of Regents, Texas A&M University System, will be held on Sunday, March 21, 1976, 3:30 p.m., in the Office of the Provost, Moody College of Marine Sciences and Marine Resources, Galveston, to review programs and to inspect facilities of Moody College of Marine Sciences and Maritime Resources. A quorum of the board may or may not be present.

Additional information may be obtained from Robert G. Cherry, Texas A&M University, College Station, Texas 77843, telephone (713) 845-4334.

Filed: March 10, 1976, 9:33 a.m.

Doc. No. 761299



Texas Eastern University

Meeting

A meeting of the Board of Regents, Campus and Building Committee, of Texas Eastern University was held on Friday, March 12, 1976, 3 p.m., at 100 East Berta, Tyler, to review Phase II architectural schematics, to consider construction of health and physical education facilities as a part of Phase I construction, and to discuss any business that may properly come before the Campus and Building Committee of the Board of Regents.

Additional information may be obtained from Dr. James H. Stewart, Jr., 100 East Berta, Tyler, Texas 75701, telephone (214) 595-0711.

Filed: March 8, 1976, 2:14 p.m.

Doc. No. 761245

Texas Water Development Board

Meeting

A meeting of the Texas Water Development Board will be held on Tuesday, March 16, 1976, 9 a.m., in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, to discuss approval of the minutes of preceding meeting; staff reports on agency work plan progress and weather modification permit adjudicative hearings; development fund manager's report; a policy statement from the board on water resource development; a rule amendment to require a Notice of Intention to Apply for Financial Assistance; Water Quality Enhancement Loan Application by the Cities of Atlanta, Bangs, and Highland Village; City of San Augustine loan commitment increase to \$500,000; City of Stephenville application for financial assistance of \$1,600,000; report on the creation of South Bear Creek Levee Improvement District; interagency contract with Texas A&M University, Remote Sensing Center; and the election of vice chairman of the board. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from James M. Rose, P.O. Box 13087, Capitol Station, Austin, Texas 78711, telephone (512) 475-3187.

Filed: March 8 1976, 4:44 p.m.

Doc. No. 761249



Texas Water Quality Board

Hearing

A hearing before the Hearings Division of the Texas Water Quality Board will be held on Thursday, March 19, 1976, 10 a.m., in Conference Room C, Municipal Building, 509 East 7th Avenue, Amarillo, to consider the application by the City of Stinnett, P.O. Drawer 909, Stinnett, Texas 79083, for an amendment to Permit 10291 for a discharge not to exceed an average flow of 300,000 gallons per day of domestic sewage effluent from the municipal sewage treatment plant which is located 200 feet east of the C.R.I. and P. Railroad, 0.4 mile south of its crossing of State Highway 152, south of Stinnett, Hutchinson County. The treated domestic sewage effluent will be discharged into Tar Box Creek, thence into the Canadian River. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Phillip J. Paine, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7845.

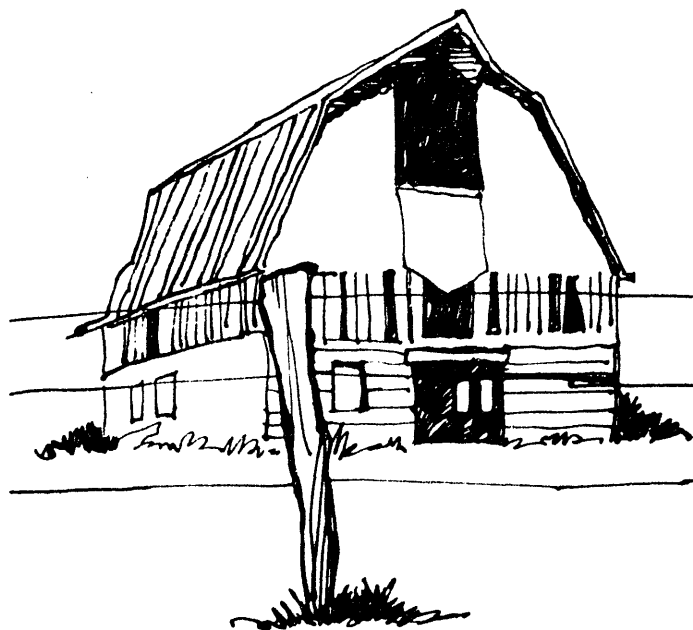
Filed: March 9, 1976, 4:54 p.m.

Doc. No. 761277

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Friday, April 2, 1976, 9 a.m., in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin, pursuant to Joint State-Federal Permit Certification. The following are the applicants and the permit numbers:

American Teachers Associates, Inc., 11649
 Blue Water Oaks Service Company, 11429
 Callaway and Saville, Inc., 11588
 Canfield-Shaw Enterprises, 11268
 Community Treatment, Inc., 10827-04
 City of Como, 11313
 Evant Water Supply Corporation, 11011
 Foseco Minsep, Inc., 11148
 Gulf Holding Corporation, 11266
 Max T. Hagen, doing business as Casa de Pescadores, 11368
 Jacintoport Corporation, 11127-01-02
 Jewel Foliage Company, 11640
 Johnson-Loggins, Inc., 11593
 L.W.C. Corporation, doing business as King's Row, 11340
 Lackland City Water Company, 10212
 Lake Water Supply Corporation, 11621



Marisol Corporation, 11396
 Marshall Creek Estates, 11072
 W. A. Matkin, 11341
 Mischer Corporation, 11093
 Monesson and Company, 11488
 Carl Morris, 11532
 Mortgage and Trust, Inc., 11040
 Morton Salt Company, 00340
 Moscow Water Supply Corporation, 11139
 Fabens Delinting Plant, 00516
 Navarro Properties, 11083
 Robert E. Nesmith, 11442
 A. J. Nitsch, 10419
 Northline Corporation, 10518
 Padre Island Inn, Inc., 11525
 Peninsula, Ltd., 11478
 Prairie View A&M, 11275
 Properties International, 11056
 Rayburn Country, Inc., 10788
 Redwater Water Supply Corporation, 10926
 Rio Valley Joint Venture, 11469
 Bruce J. Robbins, 11067
 Saginaw Park Utility Company, 10605
 San Antonio MUD No. 1, 11647
 Texas City Dike and Marina, Inc., 10711
 Tiki Island Utility Company, 10879
 Truck Harbor, Inc., 01265
 United Inns, doing business as Airport Utilities, 11159
 Urban Utility Company, 11154
 Valley View Disposal and Water Supply, 11164

Young Properties Corporation, 11678
 Breezes, Inc., 11552
 City of Commerce, 10555
 Diana Water Supply Corporation, 11199
 Houston Lighting and Power, 11555
 Lake Bayou Corporation, 11397
 County of Palo Pinto, 11698
 Texas First Mortgage Reit, 11490

The purpose of the hearing will be to amend the existing permit and decide whether certification should be given pursuant to Section 401 of the Federal Water Pollution Control Act Amendments of 1972. If necessary, this will change the parameter and grab sample requirements of the existing permit.

Additional information may be obtained from James Swearingen, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-6658.

Filed: March 9, 1976, 4:55 p.m.

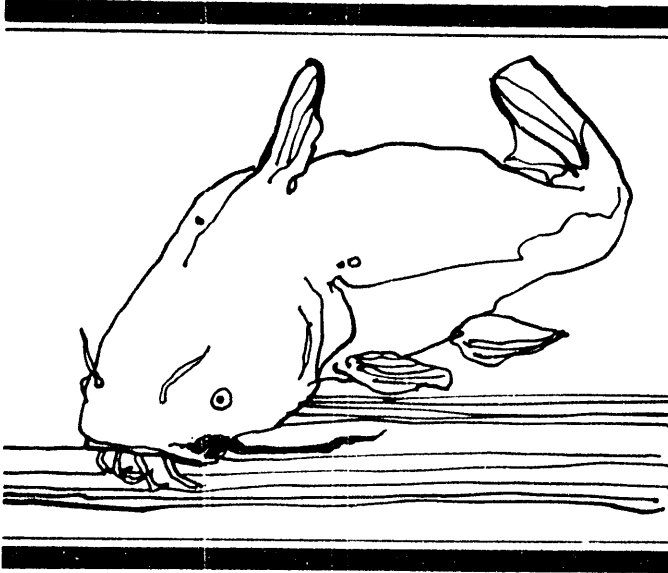
Doc. No. 761278

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Tuesday, April 6, 1976, 10 a.m., in Commissioners Courtroom, McLennan County Courthouse, Waco, to consider the following:

(1) the application of Round Rock Lime Company (Blum Plant), P.O. Box 38, Blum, Texas 76627, for a permit to dispose of a variable flow of industrial wastewater effluent (process water, rainfall runoff) from the lime production plant which is located approximately four (4) miles south-southwest of the intersection of FM Road 933 with State Highway 174 in Blum, Hill County. The industrial wastewater effluent will be retained in an impoundment and used for plant make-up water and maintenance of plant grounds and haul road. There will be no discharge to the surface waters of the state.

(2) the application of the City of Marlin, P.O. Box 980, Marlin, Texas 76661, for an amendment to Permit 10110 for a discharge not to exceed an average flow of 45,000 gallons per day of water treatment plant wastes from the municipal surface water treatment plant located on the north side of FM Road 147 and immediately south of the dam at Marlin Lake, approximately three (3) miles east of Marlin, Falls County. The water treatment plant wastes will be discharged into Big Sandy Creek, thence into Big Creek, thence into Little Brazos River, thence into the Brazos River.



(3) the application of the City of Arlington, P.O. Box 231, Arlington, Texas 76010, for an amendment to Permit 10324 for a discharge not to exceed an average flow of 19,600 gallons per day of domestic sewage effluent from the municipal sewage treatment plant (Bicentennial Estates) which is located approximately eight (8) miles southwest of Arlington and south of the intersection of Kennedale Sublett County Road 2056 and Kelly Elliott Road in Tarrant County. The treated domestic sewage effluent will be discharged into Rush Creek, thence into Village Creek, thence into the West Fork of the Trinity River.

(4) the application of the City of Copperas Cove, P.O. Drawer 280, Copperas Cove, Texas 76522, for an amendment to Permit 10045 for a discharge not to exceed an average flow of 1,000,000 gallons per day of domestic sewage effluent from the municipal sewage treatment plant (south plant) which is located east of FM Road 3046, approximately 2500 feet south of the intersection of FM Road 3046 and FM Road 116, and approximately one and one-half (1.5) miles south of Copperas Cove, Coryell County. The treated domestic sewage effluent will be discharged into Clear Creek, thence into the Lampasas River, thence into Stillhouse Hollow Reservoir, thence into Little River, thence into the Brazos River. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Phillip J. Paine, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7845.

Filed: March 9, 1976, 4:55 p.m.

Doc. No. 761279-761282

Hearing

A hearing before the Hearings Division of the Texas Water Quality Board will be held on Wednesday, April 7, 1976, 1 p.m., in the Council Chamber, City Hall, 411 West 8th Street, Odessa, to consider the application of Shell Oil Company, P.O. Box 2352, Odessa, Texas 79760, for an amendment to Permit 01437 for a discharge of variable flow of industrial wastewater effluent (storm-water runoff) from the Odessa refinery which is located on South Grandview Street, Odessa, Ector County. The industrial wastewater effluent will be discharged into a drainage ditch, thence into Monahans Draw, thence into Midland Draw, thence into Mustang Creek, thence into Beals Creek, thence into the Colorado River. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Patsy Viccinelli, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7861.

Filed: March 9, 1976, 5 p.m.

Doc. No 761283

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday, April 8, 1976, 10 a.m., in the High Plains Underground Water Conservation District Office No. 1 Conference Room, 2930 Avenue Q, Lubbock, to consider the following:

(1) the application of Agrow Swine Corporation, Route 3, Brownfield, Texas 79316, for a permit pertaining to process generated wastewater and/or any amount of rainfall runoff containing wastes from the swine farm (10,000 hogs) which is located adjacent to a county road, on the east side of U.S. Highway 62, approximately three (3) miles northeast of the intersection of FM Roads 303 and 215 in Terry County. The process-generated wastewater and/or rainfall runoff containing wastes will be retained in a playa lake and utilized for irrigation. There will be no discharge to the surface waters of the state.

(2) the application of American Magnesium Company, Route 1, Box 666, Snyder, Texas 79549, for a permit for a discharge not to exceed an average flow of 125,000 gallons per day of industrial wastewater effluent (industrial saline wastewater) from the magnesium metal production plant located approximately two (2) miles south of the intersection of U.S. Highway 180 and FM Road 1606, and approximately ten (10) miles west of Snyder, Scurry County. The treated industrial wastewater effluent will be retained in holding ponds and disposed of by subsurface injection and evaporation. There will be no discharge to the surface waters of the state.

(3) the application of Laurin W. Prater Cattle Company, Route 1, Box 99, Abernathy, Texas 79311, for a permit pertaining to process-generated wastewater and/or any amount of rainfall runoff containing wastes from the cattle feedlot (900 head) which is located on the north side of a county road, approximately 1.5 miles southeast of the intersection of FM Roads 1264 and 597 in Lubbock County, Texas. The process-generated wastewater and/or rainfall runoff containing wastes will be retained in holding ponds and utilized for irrigation. There will be no discharge to the surface waters of the state. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Patsy Viccinelli, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7861.

Filed: March 9, 1976, 5:02 p.m.

Doc. No. 761285 through 761287

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Tuesday, April 23, 1976, 9 a.m., in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, pursuant to Joint State-Federal Permit Certification. The following are the applicants and the permit numbers:

Ana-Lab Corporation, 11328
 Ana-Lab Corporation, 11327
 Beacon Bay, 11197
 City of Bellaire, 10550
 Bridgeport, Inc., 11100
 Castaways Condominium, Inc., 11625
 Community Treatment, 10827-02
 Community Treatment, 10825-03
 Craft and Sons, doing business as James Truck Stop, 11436
 Mr. and Mrs. Jerry F. Curl, 11357
 Czech Home for the Aged, 10935
 Dal Sasso Construction Company, 11589
 W. S. Dickey Clay Manufacturing Company, 01433
 Emerald Forest Utility District, 11201
 Gospel Assembly Church, 11517
 Greater Houston Area YMCA, 11644
 Greenwood Utility District, 11061
 GCWDA, 11538
 W. L. Hall (Sam Rayburn KOA), 11438
 Hank's Creek Marina, 11229
 Ken Manning, doing business as Harborlight Resort, 11432
 David A. Hull, 11466
 Jackson Hill Marina, Inc., 11111
 City of Jacinto City, 10195
 A. J. Johnson, 11657

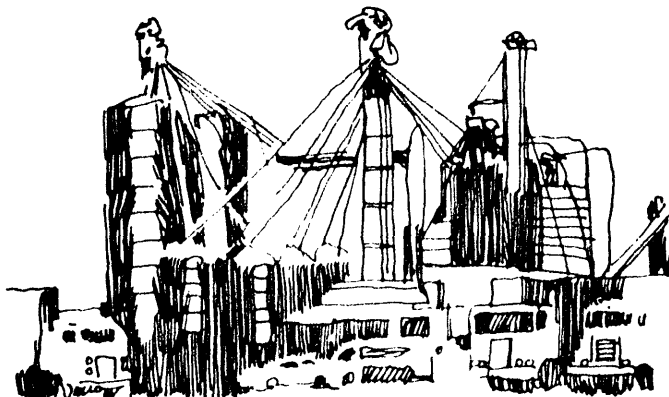
Jones and Laughlin Steel Corporation, 01372
 Lake-Butler Development, 11592
 Lakeside Village Water, Inc., 11697
 La Solana Condominiums, 11481
 Longhorn Machine Works, 00315
 Manning MUD, 11354
 Matagorda Waste Disposal and Water, 10913
 Meadows MUD of Fort Bend County, 11039
 Mitchell Development Corporation, 10997
 New Waverly Water Supply Company, 11020
 Paradise Isle, Inc., 11489
 Park 10 MUD, 11455
 Red Fox Industries, 11522
 Riverside Company, 10428
 Riverside Country Club, 11602
 Sea-Gun Sports Inn, 10669
 Shirley Creek Corporation, 10947
 Southeast Church of Christ, 11616
 South Texas Beef Industries, Inc., 0038407
 Southwest Utility Company, Inc., 10512
 Tennessee Pipeline Construction Company, 11205
 Tennis West, Inc., 11605
 Toledo Yacht Club and Marina, 11099
 Twin Dikes Marina, Inc., 11101
 Union Stockyards, 00968

The purpose of the hearing will be to amend the existing permit and decide whether certification should be given pursuant to Section 401 of the Federal Water Pollution Control Act Amendments of 1972. If necessary, this will change the parameter and grab sample requirements of the existing permit.

Additional information may be obtained from James Swearingen, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-6658.

Filed: March 9, 1976, 5:01 p.m.

Doc. No. 761284



Texas Water Rights Commission

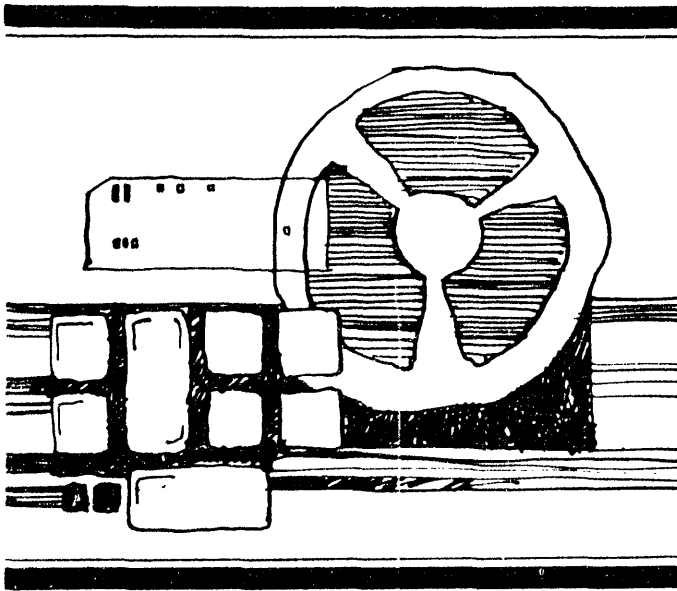
Emergency Addition to Agenda

An emergency addition to the agenda of the meeting of the Texas Water Rights Commission to be held on Monday, March 15, 1976, 10 a.m., at 1700 North Congress, Stephen F. Austin Building, Austin, is made to include consideration of the adjudication of water rights in the Upper Colorado River segment of the Colorado River Basin. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone, (512) 475-4514.

Filed: March 9, 1976, 4:14 p.m.

Doc. No. 761275



Meeting

A meeting of the Texas Water Rights Commission will be held on Monday, March 22, 1976, 10 a.m., at the Stephen F. Austin Building, to discuss the following items:

(1) applications for permits by Sunset Advertising, Inc. (Sabine River Basin--Wood County); Margaret S. Hoerner (Red River Basin--Carson County); notice of appeal on Claim 6321 of Brothers Estate; water district matters such as appointment of directors; petition for conversion, dissolution of a district, requests for releases of money from escrow funds;

(2) motions or conditional motions for rehearing on related matters pertaining to Application 3229 and CA-327 of Houston Lighting and Power Company filed by Attorney General Hill, *et al.*; Lower Colorado River Authority; and Barrie Kitto, *et al.*; and

(3) applications for approval of plans, contractual permits, and extensions of time; and a motion for rehearing by Arrowhead Development, Inc., re: petition to compel the City of Wichita Falls to furnish water. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas (512) 475-4512.

Filed: March 11, 1976, 8:16 a.m.

Doc. No. 761322

Hearing

A hearing of the Texas Water Rights Commission will be held on Wednesday, March 31, 1976, 9:30 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to discuss applications for temporary permit: TA-2489, TA-2510, TA-2511, TA-2513, TA-2514, TA-2515, TA-2516, TA-2517, TA-2518, TA-2519, TA-2520, TA-2521, TA-2522, TA-2523. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: March 11, 1976, 8:16 a.m.

Doc. No. 761323

Quasi-State Agencies

Meetings Filed March 9, 1976

The Education Service Center Region XX, Board of Directors, met in the main office of the center, 1550 Northeast Loop 410, San Antonio, on March 12, 1976, at 2 p.m. For further information contact Dwain M. Estes, 1550 Northeast Loop 410, San Antonio, Texas 78209, telephone (512) 828-3551.

The Capital Area Planning Council, Executive Committee, will meet in Suite 400, 611 South Congress, Austin, on March 16, 1976, at 2 p.m. For further information contact Richard G. Bean, Suite 400, 611 South Congress, Austin, Texas 78704, telephone (512) 443-7653.

Doc. No. 761300

Meetings Filed March 10, 1976

The Deep East Texas Council of Governments, Alcohol and Drug Abuse Subcommittee, will meet at 211 Shepherd Street, Lufkin, on March 17, 1976, at 7 p.m. For further information contact Gary Butler, 272 East Lamar, Jasper, Texas 75951, telephone (713) 384-5704.

The Deep East Texas Council of Governments, Project Review Subcommittee, met at 211 Shepherd Street, Lufkin, on March 15, 1976, at 7 p.m. For further information contact Gary Butler, 272 East Lamar, Jasper, Texas 75951, telephone (713) 384-5704.

The Middle Rio Grande Development Council, Staff Insurance Committee, will meet at City Hall, Uvalde, on March 16, 1976, at 4:30 p.m. For further information contact Richard P. Thomas, Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

The Coastal Bend Council of Governments, Human Resource Committee, will meet at the Mercantile National Bank Assembly Room, Port-Ayers, Corpus Christi, on March 16, 1976, at 1:30 p.m. For further information contact John Simer, P.O. Box 6609, Corpus Christi, Texas 78411, telephone (512) 854-3081.

The Trinity River Authority of Texas, Basin Planning Committee, held an emergency meeting at the Joe C. Thompson Center, 26th and Red River, Austin, on March 11, 1976, at 9 a.m. For further information contact William J. Philbin, P.O. Box 5768, Arlington, Texas 76011, (817) 461-3151.

The Trinity River Authority of Texas, Administrative Committee, will meet at 701 Gateway Plaza, 2723 Avenue E East, Arlington, on March 16, 1976, at 1:30 p.m. For further information contact William J. Philbin, P.O. Box 5768, Arlington, Texas 76011, (817) 461-3151.

The Trinity River Authority of Texas, Basin Planning Committee, will meet at 701 Gateway Plaza, 2723 Avenue E East, Arlington, March 18, 1976, at 9 a.m. For further information contact William J. Philbin, P.O. Box 5768, Arlington, Texas 76011, (817) 461-3151.

The Coastal Bend Council of Governments, Public Protection Committee, will meet in the CBCOG Conference Room, 4600 Parkdale Drive, Corpus Christi, on March 17, 1976, at 10 a.m. For further information contact Doyle Rachel, P.O. Box 6609, Corpus Christi, Texas 78411, telephone (512) 853-3081.

Doc. No. 761318

Meetings Filed March 11, 1976

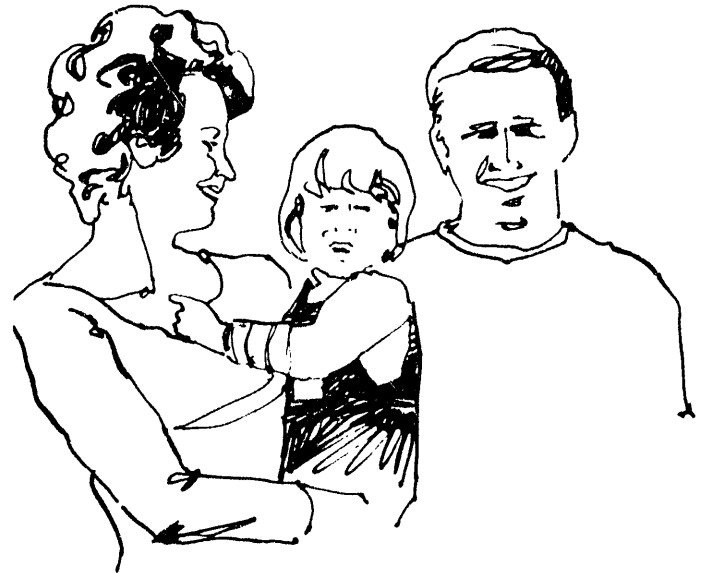
The Permian Basin Regional Planning Commission, Permian Basin Health Systems Agency, met at the Terminal Office Building, Midland Air Terminal, Midland, on March 15, 1976, at 7:30 p.m. Further information may be obtained from Harley Reeves, P.O. Box 6391, Midland, Texas 79701, telephone (915) 563-1061.

The Permian Basin Regional Planning Commission, Criminal Justice Division, will meet at PBRPC's conference room, Terminal Office Building, Midland, on March 17, 1976, at 10 a.m. Further information may be obtained from Richard Kleinhans, P.O. Box 6391, Midland, Texas 79701, telephone (915) 563-1061.

The Guadalupe-Blanco River Authority, Board of Directors, will meet in the Offices of the Authority, Seguin, on March 18, 1976, at 10 a.m. Further information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, telephone (512) 379-5822.

The San Antonio River Authority, Board of Directors, will meet in the conference room of the general offices, 100 East Guenther Street, San Antonio, on March 17, 1976, at 2 p.m. Further information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, Guilbeau Station, San Antonio, Texas, telephone (512) 227-1373.

Doc. No. 761332



State Bar of Texas

Institute on Texas Administrative Law and Procedure

The State Bar of Texas Institute on Administrative Law and Procedure will be held at the Sheraton-Crest Inn, Austin, on Friday, March 19, 1976. Registration will begin at 8:30 a.m.

The institute is designed primarily to aid practitioners in practicing before state agencies under their new procedures. (The first workshop on the new act in September 1975 was designed to help state agencies draft procedural rules as required by the act.)

The program will include discussions on the following topics: an overview of Texas Administrative Procedure Act; rulemaking; contested cases; licensing and rate making; contested cases-- prehearing stage; the hearing stage; post-hearing stage; judicial review-- history; judicial review under the Texas Act; judicial review-- constitutional issues. A question-and-answer session will be held at the end of the morning and afternoon sessions.

Extensive written material, bound in booklet form, will include detailed articles on each topic plus supplemental material and will be over 300 pages in length. The book was edited by Professor Frank Newton and staff members of *Baylor Law Review*.

Nonlawyers are welcome to attend this institute on the same basis as lawyers. The fee will be \$25 for pre-registration or \$30 at the door. For registration or more information, write:

State Bar of Texas
Administrative Law and Procedure
P.O. Box 12487, Capitol Station
Austin, Texas 78711.

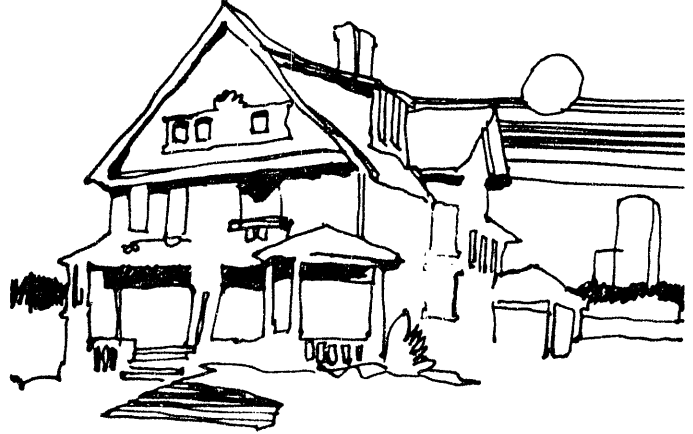
Dan Price may be called at (512) 476-6823.

Filed: March 10, 1976, 3:07 p.m.
Doc. No. 761315

Texas Health Facilities Commission

Notice of Applications

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory ruling or exemption certificate received during the period of February 24, 1976, through March 9, 1976.



Should any person wish to contest any application for a declaratory ruling or exemption certificate, that person must file a notice of intent to contest the application with the chairman of the commission within 12 days after the enclosed listing is published. The first day for calculating this 12-day period is the first calendar day following the dating of the publishing. The 12th day will expire at 5 p.m. on the 12th consecutive day after said publishing if it is a working day. Since the 12th day is Sunday, March 28, the last day shall be extended to 5 p.m. of the next day, March 29. When notice of intent to contest is mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, it must be postmarked no later than the day prior to the last day allowed for filing notice of intent to contest.

The contents and form of a notice of intent to contest an application for an exemption certificate or declaratory ruling must meet the minimum criteria set out in THFC-ERR 8, Section A(4). Failure of a contesting party to supply the minimum necessary information in the correct form by the 12th day will result in a defective notice of intent to contest, and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. Regardless of whether or not an application is formally contested, it will be approved only if the commission determines that it qualified under the criteria of Sections 3.02, 3.03, or 6.02 of Article 4418(h), Vernon's Annotated Texas Statutes, and THFC-ERR 8 and 11.

In the following list, the applicant is listed first, the file number second, and the relief sought and project description third. EC indicates exemption certificate; DR indicates declaratory ruling.

Jefferson County Council on Alcoholism Unity House,
Beaumont

AS76-0308-017

EC-- Modification of existing facility by enlarging
kitchen and dining areas

Central Texas Rehabilitation Center for Children and
Adults, Waco

AS76-0305-1010

EC-- Purchase of a specially equipped van for transpor-
tation of patients; resurfacing of driveway and doorway
of facility to accommodate unloading of patients

Brookhollow Manor Nursing Home, Inc., Grapevine

AN76-0304-005

EC-- Reclassification of 15 ICF-III beds to skilled care

Medical Professional Building, El Paso

AS76-0304-007

DR-- Construction of an office building for physicians

All Saints Episcopal Hospital of Fort Worth

AH76-0303-008

DR-- Replacement of existing cardiac care equipment

Stamford Manor, Stamford

AN76-0301-024

EC-- Reclassification of 102 bed ICF-III facility to ICF-
MRV

Clear Lake Professional Park, Webster

AO76-0223-024

DR-- Construction of private physician offices on 17
acre tract of land

Correction of Previous Posting:

Francis Hospitel, Inc.

AN75-0919-016-E

Extension on EC-- This application has not been ac-
cepted by the Texas Health Facilities Commission. Dis-
regard the posting of this application.

Medicenters of America, Inc., Corpus Christi

AN75-1002-016

EC-- Reactivation of 86 beds in existing facility and
change in licensure of facility to 174 total nursing
home beds

Issued in Austin, Texas, on March 10, 1976.

Doc. No. 761308 Michael R. Sharp
 General Counsel
 Texas Health Facilities
 Commission

Filed: March 10, 1976, 12:04 p.m.

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

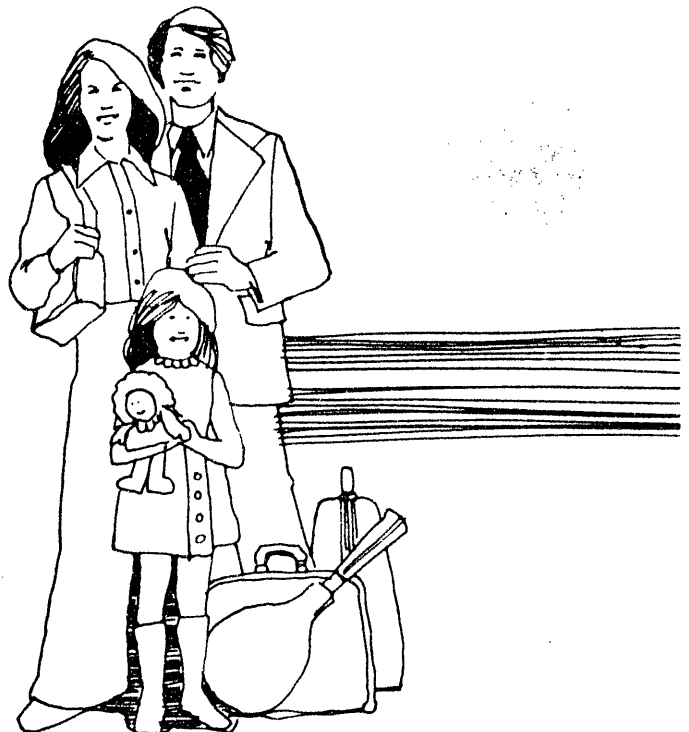
Railroad Commission of Texas

Correction of Error

The published version of the adopted rules of the Sur-
face Mining Division of the Railroad Commission of
Texas which appeared in the March 2, 1976 (Volume 1,
Number 17) issue of the *Texas Register* contained three
errors.

Rule 051 07.02.100, "Confidentiality," which was part
of the original proposal published in the January 20,
1976, *Register*, was deleted in full from the adopted ver-
sion. The complete text of the deleted rule is as follows:

.100. *Confidentiality.* Any information required to
be included in the application or any other paper which
is filed with the commission which is confidential infor-
mation as provided for in Section 24 of the Act shall be
so identified at the time of filing. The commission shall
thereafter retain such information in confidence unless
it is determined by the commission that the informa-
tion is essential to inform the public of the nature of ap-
plicant's proposed mining and reclamation plans. Upon



such determination by the commission, applicant shall be notified, together with the reasons; and the commission shall not release such information for a period of thirty (30) days after such notification to applicant. During this thirty- (30) day period, the applicant shall have the right to present evidence and arguments to the commission or a member of the staff delegated the authority by the commission to hear the evidence in support of applicant's request for confidential treatment. Within seven (7) days following such presentation the commission shall, in a written statement to applicant, either confirm or reverse its opinion. If the commission confirms its decision, it shall not release such information for an additional period of ten (10) days following the submission of such statement to applicant during which period applicant shall have the right to withdraw this application whereupon all such information shall be returned to the applicant.

Rule 051.07.02.101, "Time Extensions," was renumbered 051.07.02.100 in the adopted version. The complete text of the adopted rule is as follows:

100. Time Extensions. The commission may approve an extension of any time limitations established for an applicant or permit holder under these rules upon petition by the applicant or permit holder well in advance of the time limitation requested and a showing of good cause. Such extension may be granted when in the opinion of the commission the applicant or permit holder is unable to meet the time limitation through no fault or dereliction on his part.

A new rule 051.07.02.101, "Petition for Adoption of Rules," which was not part of the original proposal, was adopted, but not published in the *Register*. The complete text of the adopted rule is as follows:

101. Petition for Adoption of Rules. Any interested person may petition an agency requesting the adoption of a rule. Within sixty (60) days following the date of receipt by the commission of the petition, the commission shall determine the completeness and validity of the petition and notify the petitioner of the result of such determination. If the petition is found to be complete and valid, the commission shall hold a hearing to consider the petition in accordance with the notice, hearing and filing requirements of subsections (a) and (b) of Section 7 of the "Texas Surface Mining and Reclamation Act." If the petition is rejected, the notice of rejection shall set forth each of the reasons for such rejection. The determination to accept or reject the petition shall be published in the *Texas Register*.

Office of State-Federal Relations Meeting Notice

The Lubbock District Advisory Council to the Small Business Administration will hold its semiannual public meeting at 9 a.m., Friday, April 9, 1976, at the Lubbock Christian College, 5601 West 19th Street, Lubbock. Advisory Council members, staff of the Small Business Administration, and other interested parties will discuss area-wide small business matters and programs.

Further information may be obtained from Philip J. O'Jibway, 712 Federal Office Building and Courthouse, 1205 Texas Avenue, Lubbock, Texas 79401, telephone (806) 762-7462.

The Office of State-Federal Relations is publishing notice of this meeting as part of its responsibility to provide information and coordination on federal government activities of interest to the government and citizens of Texas.

Additional information may also be obtained from Dennis Thomas, P.O. Box 13005, Capitol Station, Austin, Texas 78711.

Issued in Austin, Texas, on March 9, 1976.

Doc. No. 761305 Dennis Thomas
Associate Director
Office of State-Federal
Relations

Filed: March 10, 1976, 11:36 a.m.

For further information, please call (512) 475-7805.

