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TEXAS REGISTER

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MAY 11 1976
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Public hearing on a superport in the Gulf of Mexico

Mass gatherings rules adopted by the Department of Public Safety

Rules prohibiting false advertising proposed by the Texas Motor Vehicle Commission

Emergency dentistry examination rule adopted by the State Board of Dental Examiners

Procedural rules proposed by the Polygraph Examiners Board



A hearing to receive public comments on the proposed deep-water port in the Gulf of Mexico will be held May 27 in Freeport. Seadock, Inc., of Houston is proposing to construct and operate the port off the Texas coast, about 26 miles from Freeport. U.S. Transportation Secretary William Coleman recently ruled that neither Florida nor Mississippi could prevent the construction of the superport. Those states had charged that heavy oil tanker traffic would increase the chances of environmental damage to the area. The notice of the public hearing appears in the In Addition section.

The Texas Motor Vehicle Commission is proposing rules prohibiting false or misleading advertising by franchised motor vehicle dealers in Texas. If the rules are adopted, dealers may no longer use ambiguous terms, such as "loaded" or "factory equipped," in advertising, nor may they advertise a price that does not include freight and dealer preparation charges. These are the first advertising rules the commission has proposed.

The Department of Public Safety has adopted rules governing mass gatherings. Responding to public comments on the proposed rules, DPS lessened the restrictions in several of the rules. The rules include minimum standards for parking and camping areas, and require that the promoter of the gathering or a representative be present at the site at all times during the event. The rules were adopted pursuant to the Texas Mass Gatherings Act.

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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Requests for Opinions

Summary of Request for Opinion RQ-1377

Request for opinion sent to Attorney General's Opinion Committee by Bob Bullock, Comptroller of Public Accounts, Austin.

Summary of Request: Can moneys be transferred from the General Revenue Fund to the Commodity Distribution Fund under the authority of Section 3, Article V, of the 1973 General Appropriations Bill, Acts 1973, 63rd Legislature, Chapter 659 at 1786?

Filed: May 3, 1976, 12:05 p.m.

Doc. No. 762406

Summary of Request for Opinion RQ-1378

Request for opinion sent to Attorney General's Opinion Committee by Bob Bullock, Comptroller of Public Accounts, Austin.

Summary of Request: Was the comptroller authorized by Acts 1975, 64th Legislature, Chapter 3 at 5, to transfer unexpended balances from 1974 line item salary accounts to 1975 classified salary accounts and use a portion of such funds to hire new employees?

Filed: May 3, 1976, 12:05 p.m.

Doc. No. 762407

Summary of Request for Opinion RQ-1379

Request for opinion sent to Attorney General's Opinion Committee by Kenneth H. Ashworth, Commissioner, Coordinating Board, Texas College and University System, Austin.

Summary of Request: Under the Teacher Retirement System of the Texas Education Code, are teaching assistants who are classified as part-time employees of a university required to be members of the Teacher Retirement System?

Filed: May 3, 1976, 12:05 p.m.

Doc. No. 762408

Summary of Request for Opinion RQ-1380

Request for opinion sent to Attorney General's Opinion Committee by Bob Armstrong, Commissioner, General Land Office, Austin.

Summary of Request: Is Acts 1971, 62nd Legislature, Chapter 883 at 2708, constitutional, since it grants a construction easement on submerged land and permits the City of Corpus Christi to dredge on such land and remove fill from the area without compensating the permanent school fund?

Issued in Austin, Texas, on April 30, 1976.

Doc. No. 762409

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

Filed: May 3, 1976, 12:05 p.m.

For further information, please call (512) 476-5445.

Opinions

Summary of Opinion H-811

Request from Garrett Morris, Chairman, Public Utility Commission of Texas, Austin, concerning assessments of utility companies under the Public Utility Regulatory Act.

Summary of Opinion: The dates provided in Section 79 of the Public Utility Regulatory Act are the dates upon which payments of assessments are due. A payment becomes "late" at the expiration of its due date. A utility must elect to pay its assessment yearly or quarterly.

The assessment began to accrue on September 1, 1975. The commission may select a calculable period for assessments which is different from the due dates contained in Section 79.

The assessment is to be made on "receipts from rates charged the ultimate consumers in Texas," including all such charges which are not collected by a public utility as the agent of a taxing authority.

All public utilities subject to the commission's jurisdiction under Sections 17 and 18 are subject to assessment.

Filed: May 3, 1976, 12:04 p.m.

Doc. No. 762403

Summary of Opinion H-812

Request from Garrett Morris, Chairman, Public Utility Commission of Texas, Austin, concerning application of the Public Utilities Act to retail public utilities and municipally owned utilities.

Summary of Opinion: The Public Utility Regulatory Act requires that municipally owned public utilities obtain a certificate of convenience and necessity for new retail service only when the area to be served is being served by another retail public utility. The present wording of the act does not provide for an appeal by residents of a city from charges established by that city's municipally owned utility.

Filed: May 3, 1976, 12:05 p.m.

Doc. No. 762404

Summary of Opinion H-813

Request from James H. Harwell, Executive Director, Texas Industrial Commission, Austin, concerning contractors' performance and payment bonds required under Articles 5160 and 5472a, Vernon's Texas Civil Statutes.

Summary of Opinion: A contracting governmental authority may require a prime contractor to execute a bond for contracts not in excess of \$15,000. Whether a particular maintenance contract is subject to the provisions of Article 5160 and Article 5472a depends upon whether such contract calls for a "substantial change" to a "public work" or "public building."

Filed: May 3, 1976, 12:05 p.m.

Doc. No. 762405

Summary of Opinion H-815

Request from Emory C. Walton, Criminal District Attorney, Eastland, concerning the jurisdiction of the county and district courts in Eastland County.

Summary of Opinion: Misdemeanor cases in Eastland County should be filed in the county court only in those instances in which the county attorney reasonably believes that the defendant will enter a guilty plea. All other misdemeanors should be filed in the district court. The district and county clerks should collect the fees normally applicable to their respective offices in each case originally filed in the respective courts.

Filed: May 5, 1976, 10:51 a.m.

Doc. No. 762453

Summary of Opinion H-816

Request from George Rodriguez, Jr., El Paso County Attorney, El Paso, concerning whether preliminary and negotiating sessions of a city and police association under the Fire and Police Employees Relations Act are open to the public.

Summary of Opinion: Meetings of a municipal police officers association are not subject to the Open Meetings Act. The internal deliberations of a city's collective bargaining team and its preliminary discussions with elected city officials are open to the public, but sometimes may be closed if counsel participate. The internal deliberations of the collective bargaining team of a municipal police officers association are open to the public if a quorum of members is present, but sometimes may be closed if counsel participate. The actual bargaining sessions between a city and a police officers association are open to the public.

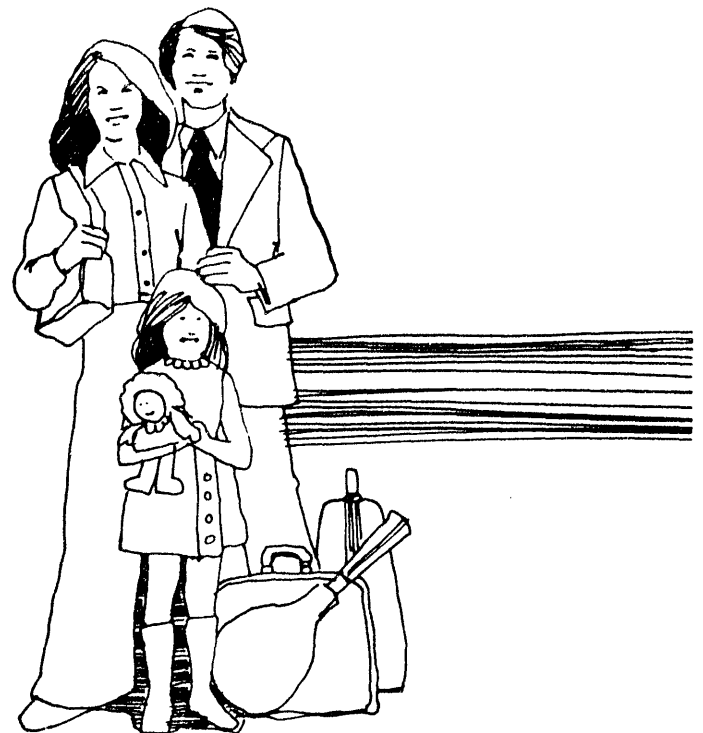
Issued in Austin, Texas, on April 30, 1976.

Doc. No. 762454

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

Filed: May 5, 1976, 10:51 a.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.

State Board of Dental Examiners

Rules and Regulations Pertaining to Dentistry

Examination-- Application 382.01.02

The Texas State Board of Dental Examiners met in Galveston on May 1, 1976, and unanimously declared that an emergency existed and that imminent peril to the public health, safety, and welfare required the adoption of the following amendment; and, in support of the amendment, found that the present rule allowing foreign graduates and graduates of accredited or non-accredited dental schools to apply and be examined for license to practice dentistry in Texas did not specify that such applicant is in compliance with the laws and rules and regulations of that particular jurisdiction. This addition requires that the applicant not be in violation of the laws of that jurisdiction and will protect the public health, safety, and welfare of the citizens of this state.

This emergency amendment is promulgated under the authority of the Texas Administrative Procedures Act, Section 382.13.02.050(d) of the Dental Board's Rules of Procedure Governing Grievances, Hearings, and Appeals, and Article 4551d of the Revised Civil Statutes of Texas, as amended.

.002. *Applicant Categories.*

(d) **Foreign or Nonaccredited Graduates.** To be eligible for examination by the Texas State Board of Dental Examiners, an applicant who is not a graduate of a school of dentistry accredited by the Accrediting Agency of the American Dental Association and the Texas State Board of Dental Examiners must provide and do the following:

(1) present official transcript(s) and diploma(s) in their original version with certified copies thereof and, if the language is other than English, an official translation of these documents, covering both pre-dental and dental education of the applicant;

(2) an official statement from a competent authority that the institution(s) is a legally authorized school(s) in that country for the educational programs reflected in such transcripts; *further, that such applicant has complied with all laws governing the dental profession in such jurisdiction and that such applicant is eligible for licensure to so practice in such jurisdiction;*

(3) have taken and passed the examination given by the National Board of Dental Examiners;

(4) take and pass a technical examination in dental technique approved by the TSBDE;

(5) take and pass a clinical dental examination given by the TSBDE which is designed for applicants who are graduates of schools of dentistry that are not accredited by the accrediting agency of the American Dental Association and the Texas State Board of Dental Examiners.

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

Doc. No. 762458 Carl C. Hardin, Jr.
Executive Director
Texas State Board of Dental
Examiners

Effective Date: May 5, 1976

Expiration Date: July 4, 1976

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

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

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

Numbering System-- Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the 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 Dental Examiners

Rules and Regulations Pertaining to Dentistry

Examination-- Application 382.01.02

The Texas State Board of Dental Examiners is proposing to amend Section (d) of Rule 382.01.02.002, pertaining to foreign or nonaccredited graduates. Other sections of the rule are unchanged.

It is impossible for this agency to personally visit all of the accredited or nonaccredited dental schools in the world, nor can it be thoroughly familiar with the laws and rules and regulations of each particular country or jurisdiction. Applicants from other jurisdictions must have satisfied the legal requirements of that jurisdiction; otherwise, they will not have completed the legal requirements entitling them to special consideration as a graduate of a foreign or nonaccredited dental school.

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

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

.002. *Applicant Categories.*

(d) **Foreign or Nonaccredited Graduates.** To be eligible for examination by the Texas State Board of Dental Examiners, an applicant who is not a graduate of a school of dentistry accredited by the Accrediting Agency of the American Dental Association and the Texas State Board of Dental Examiners must provide and do the following:

(1) present official transcript(s) and diploma(s) in their original version with certified copies thereof and, if the language is other than English, an official translation of these documents, covering both pre-dental and dental education of the applicant;

(2) an official statement from a competent authority that the institution(s) is a legally authorized school(s) in that country for the educational programs reflected in such transcripts; *further, that such applicant has complied with all laws governing the dental profession in such jurisdiction and that such applicant is eligible for licensure to so practice in such jurisdiction;*

(3) have taken and passed the examination given by the National Board of Dental Examiners;

(4) take and pass a technical examination in dental technique approved by the TSBDE;

(5) take and pass a clinical dental examination given by the TSBDE which is designed for applicants who are graduates of schools of dentistry that are not accredited by the accrediting agency of the American Dental Association and the Texas State Board of Dental Examiners.

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

Doc. No. 762456 Carl C. Hardin, Jr.
Executive Director
Texas State Board of Dental
Examiners

Proposed Date of Adoption: June 10, 1976

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



Texas Education Agency Adaptations for Special Populations

Adoption by Reference 226.35.93

The State Board of Education proposes to amend Rule 226.35.93.060, the permanent adoption by reference of *The State of Texas Annual Program Plan for Adult Education Programs*. The state plan has been amended as of May, 1976. The rule has also been rephrased to make clear that it is the state plan which is being adopted and not Public Law 91-230 which was adopted under Rule 226.35.93.010.

Public comment on the proposed amendment to Rule 226.35.93.060 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, Associate Commissioner for Policies and Services, at (512) 475-4789, or by writing to him at 201 East 11th Street, Austin, Texas 78701.

This rule is promulgated under the authority of Public Law 91-230 as amended by Public Laws 91-600, 92-318, 93-29, 94-23, 45 Code of Federal Regulations (CFR), Chapter 1, Part 166, *Federal Register*, Volume 40, Number 79, April 23, 1975, and 45 CFR, Chapter 1, Part 166, *Federal Register*, Volume 40, Number 205, October 22, 1975.

.060. Public Law 91-230-- The State of Texas Annual Program Plan for Adult Education Programs. The rules for adult education are described in *The State of Texas Annual Program Plan for Adult Education Programs*, as amended, **May, 1976**, which is adopted by this reference as the Texas Education Agency's official rule. [, which] **This plan** was developed as a requirement under Public Law 91-230 as amended by Public Law 91-600, 92-318, 93-29, 93-380, 94-23, 45 CFR, Chapter 1, Part 166, *Federal Register*, Volume 40, Number 79, April 23, 1975, and 45 CFR, Chapter 1, Part 166, *Federal Register*, Volume 40, Number 205, October 22, 1975 [, which is adopted by this reference as the Texas Education Agency's official rule]. A copy is available for examination during regular office hours, 3 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency (headquarters) Building, 201 East 11th Street, Austin, Texas.

Issued in Austin, Texas, on May 3, 1976.

Doc. No. 762438 M. L. Brockette
 Commissioner of Education

Proposed Date of Adoption: June 10, 1976

For further information, please call (512) 475-2268.

Texas Motor Vehicle Commission

Advertising Rules

Advertising of New Motor Vehicles 067.03.00

The Texas Motor Vehicle Commission is proposing the adoption of Rules 067.03.00.101-.126, governing the advertising of new motor vehicles in the State of Texas.

The proposed rules are considered by the commission to be necessary to implement the intent of the legislature and to prescribe certain standards to govern the advertising of new motor vehicles in the State of Texas by licensed new motor vehicle dealers, manufacturers, and distributors, to the end that false, deceptive, and misleading advertising be prohibited in the interest of furthering truthful and accurate advertising practices for the benefit of the citizens of this state.

Public comment on these proposed rules is invited. Persons should submit their comments in writing to Russell Harding, Executive Director, Texas Motor Vehicle Commission, P.O. Box 13287, Capitol Station, Austin, Texas 78711. Comments will be accepted until June 30, 1976.

These rules are promulgated under the authority of Sections 1.02, 5.01(2), and 5.02(4) of the Texas Motor Vehicle Commission Code, Article 4413(36), Vernon's Texas Civil Statutes.

.101. Objectives. It is the purpose of these rules to implement the intent of the legislature as declared in Sections 1.02, 5.01(2), and 5.02(4) of the Texas Motor Vehicle Commission Code by providing for the regulation of the advertising of new motor vehicles in the State of Texas by licensed new motor vehicle dealers, manufacturers, and distributors, to the end that false, deceptive, and misleading advertising be prohibited in the interest of furthering truthful and accurate advertising practices for the benefit of the citizens of this state.

.102. General Prohibition. Licensees shall not use false, deceptive, unfair, or misleading advertising. As used herein, the term "advertising" includes, but is not limited to, any form of public notice or statement however disseminated or utilized. Representations made by a dealer's salesman are considered to be "advertising" for purposes of these rules.

.103. Specific Rules. The following are specific rules governing the advertising of new motor vehicles in the State of Texas. The enumeration of specific prohibited practices in these rules is not intended to be

exclusive, and any other advertising or advertising practices which may be in violation of the general prohibition set forth in Rule .102 above shall also be prohibited by these advertising rules.

.104. Bait Advertising. "Bait" advertising is an unfair and deceptive practice, and shall not be used by any licensee. Bait advertising is an alluring but insincere offer to sell a product, the primary purpose of which is to obtain leads to persons interested in buying merchandise of the type advertised. Advertising a motor vehicle at a price which does not include certain standard equipment with which the vehicle is fitted or is ordinarily fitted, without disclosing such fact, or eliminating any such equipment for the purpose of advertising a low price and "baiting" the customer into charges above the advertised price is prohibited as misleading and deceptive.

.105. Availability of Vehicles. Each specific vehicle advertised for sale shall be in the possession of the dealer advertising same, and shall be willingly shown and sold, as advertised, illustrated, or described, at the advertised price and terms, at the advertised address. When the advertising dealer has only a small or limited number of vehicles of a specified type advertised, that fact shall be clearly stated in such advertisement. If, in order to make delivery of the advertised vehicle, the dealer must obtain the vehicle from the manufacturer or some other source, such fact must be disclosed and an approximate delivery time in which delivery can reasonably be expected shall be disclosed, such as "allow six weeks for delivery."

.106. Accuracy. All advertised statements, including those specifying year, make, engine size, model, type, equipment, price, trade-in allowance, terms, or other claims or conditions pertaining to the offer for sale of any vehicle, or to the vehicle itself, shall be accurate and clear. They shall not be phrased or presented in any manner readily subject to misunderstanding or misinterpretation.

.107. Underselling; Lowest Price Claims. No statements shall be used in advertising which falsely represent or imply as a fact, any of the following:

- a. that the advertiser's prices are always or generally lower than competitive prices;
- b. that the advertiser's prices are not met or equalled, or cannot be met or equalled by others;
- c. that the advertiser always or generally undersells competitors;
- d. that the advertiser's prices are always or generally the lowest available;
- e. that no other advertiser or dealer has lower prices;
- f. that the advertiser is never undersold;
- g. that no other advertiser or dealer will have a lower price.

.108. Untrue Claims. The following statements shall not be used in any advertising by any dealer:

- a. statements such as "write your own deal," "name your own price," "name your own monthly payments," etc.;
- b. statements such as "everybody financed," "no credit rejected," "we finance anyone," and other similar statements representing or implying that no prospective credit purchaser will be rejected because of his inability to qualify for credit;
- c. statements representing or implying that no other dealer grants greater allowances for trade-ins, however stated;
- d. statements representing that because of its large sales volume a dealer is able to purchase vehicles for less than another dealer selling the same make of vehicles.

.109. Layout-Type Size. The layout, headlines, illustrations, or type size of a printed advertisement, and the broadcast words or pictures of radio/TV advertisements shall not convey or permit an erroneous impression as to which vehicle or vehicles are offered at featured prices. No advertised offer, expression, or display of price, terms, down payment, trade-in allowance, cash difference, savings, etc., shall be misleading by itself, and any necessary qualifications shall be clearly and conspicuously set forth in comparable type size and style, location, layout, etc., to prevent misunderstanding.

.110. Identification. When the cash price or time price of a vehicle is stated in any advertisement, the vehicle shall be clearly identified as to year, make, engine size, model, and commonly accepted trade, brand, or style name, and the equipment included in the advertised price. No licensee shall advertise a new vehicle at a price which does not include equipment with which it is fitted or certain standard equipment with which it is ordinarily fitted, without disclosing such fact. Expressions such as "fully equipped," "factory equipped," "loaded," etc., can be deceptive and misleading and shall not be used in any advertisement which contains the price of a vehicle unless the optional equipment on the vehicle is listed in the advertisement. Any illustration used in any advertising media, including television, must be that of the motor vehicle advertised.

.111. Vehicle Prices. When the price of a vehicle is advertised, such price must include all charges (including freight and dealer preparation charges) which the customer must pay for the car, excepting only state and local tax, license and title fees, and the advertisement shall clearly state that all taxes, license, and title fees are excluded. A price which is not the full cash price shall not be advertised, even though qualified by expressions such as "with trade," "with acceptable trade,"

or otherwise. Such statements as "as low as," "from," etc., must not be used in connection with the price unless a reasonable number of vehicles are available at the dealership location in each of the years, makes, models, and types named in conjunction with the "as low as" price quoted. The featured price must be the selling price of the vehicle advertised, and not the unpaid balance after down payment or trade-in. It is the intent of these rules that the price advertised be the true retail price of the vehicle in order that the full selling price will be known to the reader of the advertisement. No listing of vehicles by chart or otherwise, shall be used which may create the impression that the prices listed for certain vehicles apply to others, when such is not the fact. If a special price is being offered on a vehicle for a limited period of time, the duration of the offer must be clearly stated.

.112. Manufacturer's Price. The "manufacturer's suggested list price" may be used in advertising in connection with the dealer's own selling price for a new vehicle, provided the use of such "manufacturer's suggested list price" is truthful and accurate.

.113. Advertising at Cost. "Dealer's cost" shall be deemed the actual cash price paid by the dealer to the manufacturer or distributor for the vehicle or vehicles offered. Any representation that an automobile can be purchased for a price related to "dealer's cost," however denominated, must be accurate when literally construed.

.114. Trade-in Allowances. Since the amounts of trade-in allowances will vary depending on the condition, model, mileage, or age of a buyer's vehicle, no specific trade-in amount, or range of amounts, shall be featured in advertising. Where a purchase order or agreement includes the amount of trade-in allowance, subject to official acceptance and appraisal, the order or agreement shall so state prominently. If the order, including the trade-in allowance, has been accepted so as to be binding upon the dealership, the trade-in allowance may not be decreased upon reappraisal unless the condition of the vehicle has been changed due to accident, failure of or damage to major components, removal or substitution of equipment or accessories, or substantial additional mileage. If the amount of the trade-in allowance is decreased on reappraisal, for whatever reason, unless the customer agrees to such reappraisal, he shall be entitled to an immediate refund of any monies paid and return of all papers given to the dealer, and the dealer's purchase order forms shall so state. A person who signs a purchase order for a new or used vehicle is entitled to notice of acceptance or rejection within a reasonable time, which should not exceed three working days. The price of a vehicle, once stated on a purchase order or agreement form and accepted so as to be binding upon the dealership, may not

thereafter be increased for any reason, except in the event of an increase in the price of the vehicle subsequently disclosed to the dealer by the manufacturer or distributor and which is applicable to the unit which is the subject of the purchase order, and in such event the customer shall be extended an opportunity to rescind the agreement in full and receive an immediate refund of any monies paid and return of the customer's trade-in, if any, and return of all papers given to the dealer.

.115. Used Vehicles. Used vehicles shall not be advertised in any manner which creates the impression that they are new. Such used vehicles must be described in advertising as "used" unless the statement of the year or the nature of the advertising clearly indicates that they are used. Vehicles of the current and preceding model year, which are used, must be clearly identified as "used," or "executive driven," or "demonstrator," or "driver training," etc., as the case may be. Descriptions such as "low mileage," "slightly driven," may also be applied if accurate. The word "new" shall not be used as an adjective or in any phrase in direct descriptions of used vehicles. Phrases such as "last of the remaining," "close out," "final clearance," and others of similar import may not be used in advertising used vehicles so as to convey the impression the vehicles offered are holdover new vehicles. When new and used vehicles of the current and preceding model year are offered in the same advertisement, such offers shall be clearly separated by description, layout, and art treatment, and the used vehicles shall be clearly identified as such.

.116. Demonstrators, Executives' and Officials' Vehicles. The word "demonstrator" shall be understood to refer to a vehicle which has never been sold to a member of the public. This term shall include vehicles used by new vehicle dealers or their salesmen for demonstrating performance ability, but not vehicles purchased by such dealers or salesmen and used as their personal vehicles. Demonstrators may be advertised for sale as such only by a dealer franchised for the sale of such make of new vehicles. "Executives" and "officials" vehicles, when so advertised, must have been used exclusively by executives of the dealer's franchising manufacturer or distributor, or by an executive of the franchised dealership. These vehicles, so advertised, must not have been sold to a member of the public prior to the appearance of the advertisement. Vehicles described as "executives" must be qualified by the words, "driven" or "used." "Demonstrators," "executives," and "officials" vehicles shall be clearly and prominently qualified as such in immediate conjunction with the year, make, and model offered.

.117. Fleet, Rental, etc., Vehicles. Fleet, rental, leased, wrecked, flooded, taxi, or police vehicles must be so identified in advertising and selling. The word "com-

mercial" or similar ambiguous terms may not be used alone to describe such vehicles.

.118. *Repossessed Vehicles.* The term "repossessed" shall be used to describe only such vehicles as have been taken back from a purchaser and not yet resold to an ultimate user. Advertisers offering repossessed vehicles must be able to offer proof of such repossession.

.119. *Auction.* Terms such as "auction" or "auction special" and other terms of similar import shall be used only in connection as offered or sold at a *bona fide* auction.

.120. *Disclosure of Seller.* Any vehicle not owned by the dealership offering same for sale must be so identified with an accurate description of its ownership. Vehicles owned by the dealership may not be advertised for sale without the inclusion of the name of the dealer or the word "dealer," or in any other manner so as to create an impression that the vehicles are being offered for sale by a private party. Phrases such as "take over payments," "can be purchased by paying storage bill and taking over payments," and others of similar import falsely implying private party and/or distress appeals must not be used. Vehicles consigned by private parties to a dealer for sale may be advertised, provided the offer conspicuously states, "consigned to dealer."

.121. *Guarantee or Warranty.* When words such as "guarantee," "warranty," or other terms implying protection are used in advertising, an explanation shall be given in clear and concise language as to the terms and conditions thereof. Advertising of guarantees or warranties shall be in accordance with Federal Trade Commission Rules. Phrases such as "manufacturer's warranty" may be used in advertising only in reference to vehicles covered by a *bona fide* factory warranty for that particular make of vehicle. Such phrases in connection with advertised offers of demonstrators, executives, or used vehicles (which carry the unused portion of the manufacturer's warranty), may be used only in immediate conjunction with a phrase such as "unused portion." If reference is made in advertising to any type of guarantee including the manufacturer's warranty, the terms, duration, and basic limitations shall be stated in the advertisement, and the purchaser shall be provided with a written document clearly stating all of the terms and conditions of the guarantee upon delivery of the vehicle. If either labor or parts are not included in any such guarantee, or if the amount guaranteed is only a portion or percentage of parts or labor, the advertising of such guarantee shall so state.

.122. *Free Offers.* No equipment, accessory, or other merchandise, shall be described as "free" if its cost, or any part of its cost, is included in the price of the vehicle, or if the vehicle can be purchased for a lesser

price without such equipment, accessory, or merchandise. Advertising shall describe the conditions under which the "free" offer may be obtained, in direct and conspicuous connection with the term "free," e.g., "free with the purchase of _____."

.123. *Deceptive Circulars.* Use of cards, circulars, or other advertising containing such offers as "Would You Take \$——," "If I Could Get You \$—— For Your Car," etc., is considered to be deceptive and detrimental to the public interest and shall not be used, inasmuch as such devices are misleading and are used unfairly to attract purchasers who are not offered the trade allowances quoted.

.124. *Gas Mileage Claims.* Advertising which includes a gas mileage claim, i.e., a certain miles-per-gallon claim, must be qualified by giving the source of information and authenticity of the claim. Such an advertisement must include a clear statement as to whether the claimed miles-per-gallon can be expected to be attained under normal or usual driving conditions.

.125. *Credit Advertising.* When credit terms in selling motor vehicles are advertised, they must comply with the specific disclosure requirements of the Texas Consumer Credit Code and the Federal Truth-In-Lending law.

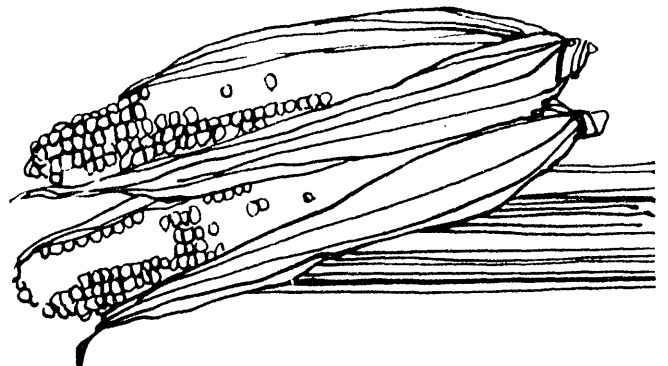
.126. *Authorized Dealer.* The term "authorized dealer," or similar terms, shall not be used in any way so as to mislead as to the make or makes of vehicles for the sale of which the advertising dealer is franchised.

Issued in Austin, Texas, on May 3, 1976.

Doc. No. 762443 Russell Harding
Executive Director
Texas Motor Vehicle
Commission

Proposed Date of Adoption: July 15, 1976

For further information, please call (512) 476-3587.





Polygraph Examiners Board

General Rules of Practice and Procedure 379.04.00

The Polygraph Examiners Board is proposing to adopt Rules 379.04.00.001-.048 setting forth the provisions for the administrative procedures consistent with the act establishing the board.

The board plans to adopt these proposed rules at its first regularly scheduled meeting which occurs more than 30 days after the proposed rules are published. The rules, as adopted, will take effect 20 days after their adoption. The rules establish procedures for practice before the board.

Public comment on Proposed Rules 379.04.00.001-.048 is invited. Persons shall submit their comments in writing to Gene R. Danish, Chairman, Polygraph Examiners Board, Box 9346, San Antonio, Texas 78285. Comments will be accepted until May 30, 1976.

These rules are proposed and promulgated under the authority of Section 6, Article 4413(29cc), Vernon's Civil Statutes.

Because of the length of these rules, the text will not be published in the *Register*. The rules may be examined at the office of the *Texas Register*, Suite 550, Texas Commodore Building, 8th and Brazos Streets, Austin, during business hours.

Listed below are the numbers and titles of the rules in this category:

- .001. *Definitions.*
- .002. *Object of Rules.*
- .003. *Scope of Rules.*
- .004. *Filing of Documents.*
- .005. *Computation of Time.*
- .006. *Agreements to be in Writing.*
- .007. *Service in Rulemaking Proceedings.*
- .008. *Service in Nonrulemaking Proceedings.*
- .009. *Conduct and Decorum.*
- .010. *Classification of Parties.*
- .011. *Parties in Interest.*
- .012. *Appearances Personally or by Representative.*
- .013. *Classification of Pleadings.*
- .014. *Form and Content of Pleadings.*
- .015. *Examination by the Secretary.*
- .016. *Motions.*
- .017. *Amendments.*
- .018. *Incorporation by Reference of Board Records.*
- .019. *Contested Proceedings.*
- .020. *Personal Service.*
- .021. *Pre-Hearing Conference.*
- .022. *Motions for Postponement, Continuance, Withdrawal, or Dismissal of Applications and Appeals or Other Matters Before the Board.*
- .023. *Place and Nature of Hearings.*
- .024. *Hearings.*
- .025. *Order of Procedure.*
- .026. *Reporters and Transcript.*
- .027. *Formal Exceptions.*
- .028. *Dismissal Without Hearing.*
- .029. *Rules of Evidence.*
- .030. *Documentary Evidence and Official Notice.*
- .031. *Prepared Testimony.*
- .032. *Limitations on Number of Witnesses.*
- .033. *Exhibits.*
- .034. *Offer of Proof.*
- .035. *Depositions.*
- .036. *Proposals for Decision.*

- .037. *Filing of Exceptions, Briefs, and Replies.*
- .038. *Form and Content of Briefs, Exceptions, and Replies.*
- .039. *Oral Argument.*
- .040. *Final Decisions and Orders.*
- .041. *Administrative Finality.*
- .042. *Motions for Rehearing.*
- .043. *Rendering of Final Decision or Order.*
- .044. *The Record.*
- .045. *Contents of Notice.*
- .046. *Suspension of Rules.*
- .047. *Amendments to Rules.*
- .048. *Effective Date.*

Issued in Austin, Texas, on April 21, 1976.

Doc. No 762424 Gene R. Danish
 Chairman
 Polygraph Examiners Board

Proposed Date of Adoption: After June 10, 1976

For further information, please call (512) 451-7481.

State Department of Public Welfare

General Information

Temporary Adoptions 326.01.01.001

The Department of Public Welfare proposes to amend its rule adopting by reference the *Aid to Families with Dependent Children (AFDC) Handbook* to reflect the proposed revision of Section 5314, which addresses one aspect of the Work Incentive Program (WIN).

The primary intent of the revision is to clarify that a 90-day or six-month penalty applies to mandatory WIN registrants who fail for the second time to appear for their scheduled appraisal interview, as well as to those failing to appear for the first time. The penalty involves excluding the client from WIN registration and omitting that person's needs from the AFDC grant.

The section has also been reorganized to list in detail the actions taken by the financial services worker when the registrant refuses to appear.

Written comment is invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 249, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

This amendment is proposed under the authority of Article 695c, Texas Civil Statutes.

.001. *AFDC Handbook*. The Department of Public Welfare adopts by reference the rules contained in the policy and procedure narrative sections of the *AFDC Handbook as amended in May, 1976*.

Issued in Austin, Texas, on May 3, 1976.

Doc. No. 762421 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption: June 10, 1976

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

326.01.01.006

The Department of Public Welfare proposes to amend its rule adopting by reference the *Medicaid Eligibility Handbook*. This is to reflect several minor revisions throughout Section 5000. All changes involve replacing references to Forms 619 and 620 with references to Form 652-A, following a forms revision. The new Form 652-A, Medical-Nursing Care Evaluation, is used in obtaining level of care determinations as well as in medical reviews.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 255, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

The amendment is proposed under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

.006. *Medicaid Eligibility Handbook*. The Department of Public Welfare adopts by reference the rules contained in the policy and procedures narrative sections of the *Medicaid Eligibility Handbook as amended in May, 1976*.

Issued in Austin, Texas, on May 3, 1976.

Doc. No. 762422 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption: June 10, 1976

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

Skilled Nursing Facility

Administrative Management 326.32.03

The Department of Public Welfare proposes to amend its rules requiring skilled nursing facilities to provide for institutional planning as a condition for participation. The proposed amendment is required by federal regulations governing skilled nursing facilities under Titles XVIII and XIX of the Social Security Act.

The proposed amendment provides additional details for the skilled nursing facility concerning the capital expenditure plan. The budget and capital expenditure plan must be prepared at least annually. The rest of the rule remains unchanged.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 256, State Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

This amendment is proposed under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

.004. Financial Records.

(a) **Institutional planning.** *The skilled nursing facility, under the direction of the governing body, prepares an overall plan and budget which provides for an annual operating budget and a capital expenditure plan.*

(1) **The annual operating budget** [The institution plan provides for an annual operating budget which] includes all anticipated income and expenses related to items which would, under generally accepted accounting principles, be considered income and expense items. It is not necessary to prepare an item identification of the components of each type of anticipated expenditure or income.

(2) **There must be** [In addition, the institutional plan provides for] a capital expenditure plan for at least a three-year period, including the year of the operating budget. [which includes and identifies in detail the anticipated sources of financing for and the objectives of each anticipated expenditure in excess of \$100,000 related to the acquisition of land, the improvement of land, building, and equipment, and the replacement, modernization, and expansion of the building and equipment, which would, under generally accepted accounting principles, be considered capital items. (20 CFR 405.1121(f)) **This plan specifies any anticipated expenditure related to the acquisition, improvement, modernization, expansion, or replacement of land, physical plant, building, equipment, or other such capital items. Also included are certain other direct or indirect costs related to capital expenditures. When the amount exceeds \$100,000, the plan must**

identify in detail the anticipated sources of financing and the objectives of the expenditures.

If the anticipated source of financing for capital expenditures is, in any part, the anticipated reimbursement from Title V (maternal and child health and crippled children's services), Title XVIII (health insurance for the aged and disabled), or Title XIX (grants to state for medical assistance programs) of the Social Security Act, the capital expenditure plan must state:

(A) **whether the proposed capital expenditure is required or is likely to be required to conform to current standards, criteria, or plans developed pursuant to applicable federal or state laws;**

(B) **whether a capital expenditure proposal has been submitted to the Texas Health Facilities Commission; and.**

(C) **what action was taken by the Texas Health Facilities Commission.**

(3) **The annual budget and capital expenditure plan is prepared under the direction of the governing body of the skilled nursing facility by a committee consisting of representatives of the governing body, the administrative staff, and the medical staff or medical director. This committee reviews and updates the budget and capital expenditure plan at least annually.**

Issued in Austin, Texas, on May 3, 1976.

Doc. No. 762423 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Proposed Date of Adoption: June 10, 1976

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

Railroad Commission of Texas

Transportation Division

Tariffs and Schedules 051.03.08

Pursuant to an application filed by Thomas F. Sedberry on behalf of A. O. Easley Truck Lines, Inc., and Long Transport, Inc., the Railroad Commission of Texas is proposing to amend Rule 051.03.08.006, which prescribes the requirements relating to the obtaining of weights to be used in assessing freight charges on truckload traffic.

The proposed amendment would add an exception to Section (B)(2) by providing that weights to be used in assessing freight charges on shipments of peanuts, where the shipment is at the direction or under the control of a federal or state governmental body requiring visual certification of weighings by its agents or representatives, either origin or destination weight will govern, depending upon the location of the governmental agent or representative. Section (A), Sections (B)(1) and (3), and Sections (C)-(F) are unchanged by this amendment.

Public comment on the proposed amendment to Rule 051.03.08.006 is invited. Comments may be submitted in writing to James H. Cowden, Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711. Comments will be accepted until June 7, 1976.

This regulation is proposed under the authority of Section 4(a) of Article 911b, Texas Civil Statutes.

.006. Weights to be Used in Assessing Freight Charges.

(B)(2) All shipments shall be weighed at point of origin if practical to do so; otherwise, at destination or at a point within five miles of the most direct route available for truck travel between point of origin and destination, if scales are available. *Exception-- in the assessment of charges based on rates published in RCT Motor Freight Commodity Tariff No. 29 series for the transportation of peanuts, where the shipment is at the direction or under the control of a federal or state governmental body requiring visual certification of weighings by its agents or representatives, either origin or destination weight will govern, depending upon the location of the governmental agent or representative. The carrier shall place on the carrier's bill of lading the location of the governmental agent or representative.*

Issued in Austin, Texas, on April 30, 1976.

Doc. No. 762383 James H. Cowden, Director
Transportation Division
Railroad Commission of Texas

Proposed Date of Adoption: June 14, 1976

For further information, please call (512) 475-3207.

Motor Bus Companies 051.03.13

Pursuant to an application filed on April 23, 1976, by Dan Felts on behalf of Transportation Enterprises, Inc., which seeks to amend Regulation 051.03.13.033, the Railroad Commission of Texas is initiating a rulemaking proceeding in accordance with Section 5 of the Ad-

ministrative Procedure and Texas Register Act, Article 6252-13a, Texas Civil Statutes.

Regulation 051.03.13.033 currently outlines the procedures and requirements relating to the operation of charter service by a motor bus company. The proposed amendment would delete language from Section (A). The effect of the deletion is to eliminate certain restrictions that are presently applicable to the exemption to the definition of a charter or special party. Sections (B)-(E) are unchanged by this amendment.

Public comment on the proposed amendment to Regulation 051.03.13.033 is invited. Comments may be submitted in writing to James H. Cowden, Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711. Comments will be accepted until June 7, 1976.

This regulation is proposed under the authority of Sections 4(a) and 4(d) of Article 911a, Texas Civil Statutes.

.033. Charter Operation.

(A) "Charter or special party" means a group of persons who, pursuant to a common purpose and under a single contract, have acquired exclusive use of a passenger carrying motor vehicle to travel together as a group to a specified destination or on a particular itinerary, either agreed in advance or subject to modification; provided, however, that said term shall not include children 18 years of age or younger, who in the course of secondary or elementary public school activities, under the direction of public school authorities, acquire the exclusive use of a passenger carrying vehicle and travel together as a group; and, provided further, however, that the movement must (1) be directly connected with and contribute to the educational development of school children; and (2) be sponsored by the school and supervised by school authorities; and (3) be considered an official school function; and (4) be performed in vehicles employed solely in transporting school children and teachers and which are (A) owned and operated by a school under the jurisdiction of the Central Education Agency of the State of Texas (Section 1102 (B), Texas Education Code Annotated), or county or other state subdivision which operates a public free school; or (B) owned and operated by a *bona fide* parochial or private school which is permanently established at a fixed location].

Issued in Austin, Texas, on April 30, 1976.

Doc. No. 762381 James H. Cowden, Director
Transportation Division
Railroad Commission of Texas

Proposed Date of Adoption: June 14, 1976

For further information, please call (512) 475-3207.

ADOPTED RULES

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

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

Numbering System-- Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the 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.

Comptroller of Public Accounts

Tax Administration

Sales Tax Division-- State Taxes 026.02.20

Under the authority of Article 20.11A, Title 122A, Texas Civil Statutes, the Comptroller of Public Accounts has amended Rule 026.02.20.016 to read as follows:

.016. Agriculture, Animal Life, Feed, Seed, Plants, and Fertilizer.

(3)(a) Repair or replacement parts which are for farm machinery or farm equipment are also expendable supply items. Tractor tires are exempt as equipment to be exclusively used on a farm or ranch. Automobile tires and truck tires sold for use on a vehicle registered for highway operation are not exempt. Automobile tires and truck tires designated "not for highway use" by the manufacturer are exempt.

Issued in Austin, Texas, on May 6, 1976.

Doc. No. 762451 Bob Bullock
Comptroller of Public Accounts

Effective Date: May 26, 1976

For further information, please call (512) 475-2148

State Board of Dental Examiners

Dental Board Procedures

Rules of Procedure Governing Grievances, Hearings, and Appeals 382.13.02

These rules are promulgated under the authority of the Texas Administrative Procedures 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.

.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. This 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 (a) 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 May 4, 1976.

Doc. No. 762457 Carl C. Hardin, Jr.
Executive Director
Texas State Board of Dental
Examiners

Effective Date: May 24, 1976

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

Railroad Commission of Texas

Transportation Division

General and Special Rules of Practice and Procedure 051.03.50

Under the authority of Articles 6448 and 6450, Texas Civil Statutes, the Railroad Commission of Texas has amended Rule 051.03.50.101 to read as follows:

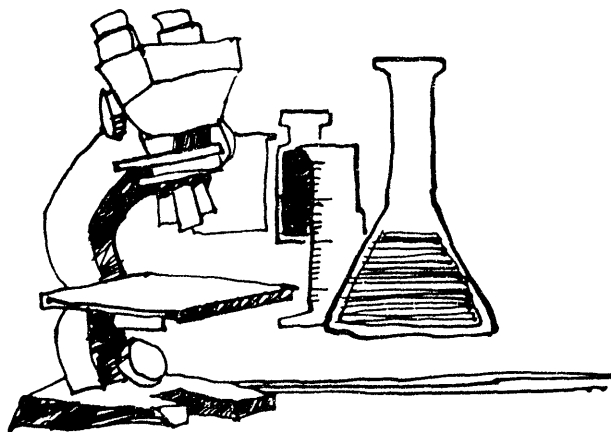
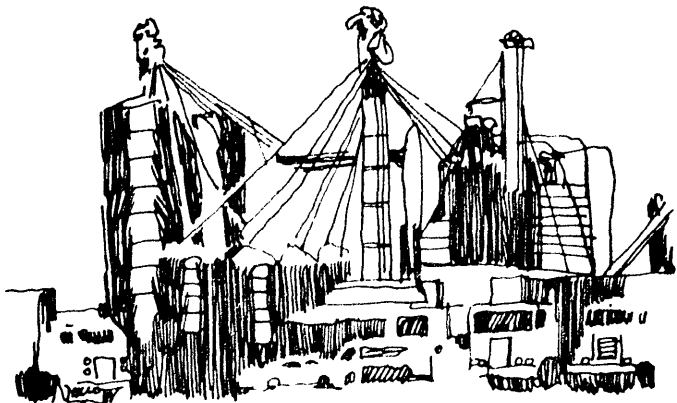
.101. Additional Representatives Authorized. In all proceedings for the determination, establishment, interpretation, or enforcement of tariffs, rates, charges, or any classification, rule, or regulation pertaining thereto, any party may appear and be represented by any person who is licensed to practice before the Interstate Commerce Commission, or by any person who has regularly represented clients before the Rate Section of the Transportation Division of the Railroad Commission of Texas for at least 10 years prior to the effective date of these rules. Further, in all proceedings with respect to structures near railroad tracks under the provisions of Articles 6559a-6559f, Texas Civil Statutes, any party may appear and be represented by any person who has 10 or more years of experience in such proceedings prior to the effective date of these rules.

Issued in Austin, Texas, on April 26, 1976.

Doc. No. 762382 James H. Cowden, Director
Transportation Division
Railroad Commission of Texas

Effective Date: May 20, 1976

For further information, please call (512) 475-3207.



Texas Real Estate Commission

Rules Relating to the Provisions of the Real Estate License Act

Suspension and Revocation of Licensure 402.03.15

The Texas Real Estate Commission has amended Rule 402.03.15.027.

There were no comments on Rule 402.03.15.027 as proposed and printed in the *Texas Register*, Volume 1, Number 25, dated March 30, 1976, and the amendment was adopted as published.

The Texas Real Estate Commission, by authority of Article 6573a, Texas Civil Statutes, has amended Rule 402.03.15.027, to read as follows:

.027. Section 15(4)(V): Grounds for Suspension or Revocation: Dishonesty; Bad Faith; Untrustworthiness.

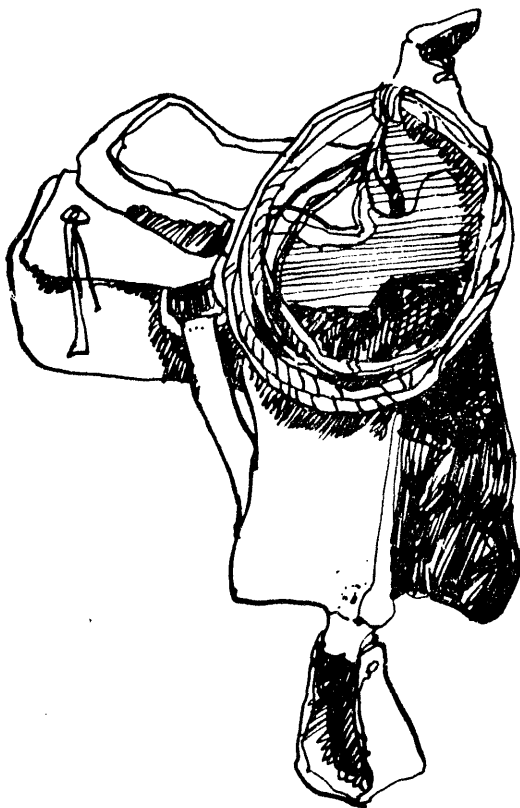
1. A licensee's relationship with his principal is that of a fiduciary. The licensee should convey to his principal all known information which would affect the principal's decision on whether or not to accept or reject offers.

Issued in Austin, Texas, on May 3, 1976.

Doc. No. 762436 Andy James
Administrator
Texas Real Estate Commission

Effective Date: May 24, 1976

For further information, please call (512) 475-8693.



Texas Department of Public Safety

Organization and Administration

Rules and Regulations for Public Safety at Mass Gatherings 201.01.13

The Department of Public Safety has adopted Rule 201.01.13.001 with four changes in the proposed text.

These changes are:

1. Section 1. The language is changed to broaden the scope and method of identifying admission tickets and the number of persons in attendance.
2. Section 2(a) is changed to be more definitive about the parking space that shall be available.

3. Section 2(b). The language is changed so as not to be unreasonably restrictive on type of surface but to require assurance of vehicle maneuverability for any weather condition.

4. Section 2(c) has been deleted completely because it was so restrictive that compliance was impossible.

Only one comment was received by the department concerning the adoption of Rule 201.01.13.001. This comment suggested the language in Section 1 requiring admission tickets for over and under 12 hours each to be separately serially numbered was too restrictive and that compliance with Section 2(c) of the rule was virtually impossible. After discussion of the comments, the department agreed in both instances and has changed the content in Section 1 concerning admission tickets and completely deleted Section 2(c). The department, after reviewing Rule 201.01.13.001, Section 2(a) and Section 2(b), decided that these subsections were also very restrictive and needed modification which has also been done.

The Texas Department of Public Safety, by authority of Article 9002, Vernon's Civil Statutes, has adopted Rule 201.01.13.001 to read as follows:

.001. Rules and Regulations for Public Safety at Mass Gatherings.

Section 1. Control of admission to spectators. All admission tickets sold or offered for sale by the promoter, or by others acting in his behalf, will be serially numbered or otherwise coded in such a manner so as to be able to determine the days of admission and the number of people that have been admitted at any given time. The promoter will advise the issuing officer at the time of the hearing on the application of the number of tickets known or believed to have been sold and the anticipated number to be sold.

The promoter will certify to the sheriff or the issuing officer, upon request, the number of tickets known to have been sold at the time the request is made.

The promoter will grant admission to spectators only on the presentation of a valid ticket to the event, and each spectator will be required to present an individual ticket. The promoter will retain all tickets so presented, and will make them available for inspection by the sheriff of the county in which the mass gathering is being held, or by any other peace officer, at any time during the period of time for which the permit is granted, and for 10 days thereafter.

Section 2. Adequate parking space required. An adequate parking space shall be provided for the parking of vehicles. The parking area shall be deemed adequate if it meets the following requirements:

(a) Provides a parking space large enough to accommodate one four-wheeled vehicle for each four tickets sold.

(b) The parking area shall be well drained and the surface of such consistency so as to provide for easy entry and exit during any type of weather conditions.

Section 3. Camping area. Any area provided by the promoter as a camping area for the benefit of paying spectators shall be separated from the entertainment area and the area provided for the parking of vehicles by a distance of at least 1,000 feet. No overnight camping will be permitted in the area designated for the parking of vehicles.

Section 4. Adequate lighting. Provisions shall be made to light adequately the entire area provided for the occupancy of spectators. The required lighting shall be deemed adequate if it is sufficient to make clearly recognizable the features of any person within the area provided for the occupancy of spectators by an observer 50 feet from that person, and if the required illumination may be turned on by the operation of not more than two devices.



Section 5. Access by emergency vehicles. The promoter will at all times during the time for which the permit is issued maintain a clear and unobstructed access route through the area under his control for the use of emergency vehicles attempting to reach any platform, stage, bandstand, grandstand, or other seating facility, concession stand, or parking area.

Section 6. Access to facility without undue delay. The promoter will plan, construct, or otherwise make provisions necessary to assure that spectators or others seeking admittance to the facility under his control at which the mass gathering is to be held may enter the facility without impeding the progress of those who follow to the extent that exit from any federal, state, or county highway giving access to the facility is delayed in any manner.

This section is to be interpreted to mean that it is the responsibility of the promoter to expedite, by any necessary means, the flow of traffic into the facility he provides to the extent that persons seeking admission will not be delayed to the extent that their presence will interfere with the normal movement of traffic on adjacent public streets or highways.

Section 7. Construction of public facilities. Any platform, bandstand, stage, grandstand, or other facility upon which people may assemble to make music, dance, or otherwise entertain or sit or stand as spectators shall be constructed in such a manner as to safely support the weight of the maximum number of people who are able to assemble thereon.

Section 8. Preservation of order. The promoter will be responsible for and will be held accountable for preserving order within the confines of the area designated in the permit application.

Section 9. Promoter to be available at all times. The promoter or a representative designated by him in his permit application will be present and available on the grounds at all times during the period for which the permit is issued and until all those in attendance have departed the area. The permit application shall specify a location on the grounds at which the promoter or his designated representative may be located without undue delay.

Issued in Austin, Texas, on April 30, 1976.

Doc. No. 762455 Wilson E. Speir
Director
Texas Department of Public
Safety

Effective Date: May 25, 1976

For further information, please call (512) 452-0331.



Texas Water Quality Board

General Regulations Incorporated into Permits

Self Reporting System 130.24.01

The Texas Water Quality Board has adopted Rules 130.24.01.005-.009 concerning reporting and monitoring requirements for the holders of waste discharge permits issued by the Texas Water Quality Board. These rules specify (1) the parameters to be monitored; (2) the monitoring location; (3) the frequency of analysis or measurement; and (4) the submission and form of monthly effluent reports.

In order to allow interested persons an opportunity to submit data, views, or arguments, a public hearing was held on January 20, 1975, in Austin, in accordance with the rules of the Texas Water Quality Board.

Copies of the document are available for inspection in the offices of the Texas Register Division of the Secretary of State's Office as well as the offices of the Texas Water Quality Board. Any comments concerning this document or request for copies may be sent to Marvin Moos, Texas Water Quality Board, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-5647.

These proposed rules, as well as any comments received, were presented to the Texas Water Quality Board for final adoption at its regular meeting beginning at 9 a.m. on April 27, 1976, in the Madrid-Granada Rooms, Sheraton-Crest Inn, 111 East 1st Street, Austin, Texas.

These proposed rules are promulgated under the authority of Section 21.094, Vernon's Texas Civil Statutes, Water Code.

.005. Parameters to be Monitored. Each permittee will be required to monitor on a regular basis each and every parameter which is included in the applicable permit. Each permittee may also be required to monitor any other such parameters as the executive director of the board may reasonably deem necessary to adequately monitor the quality of any discharge. Should the analysis for any additional parameters not already mentioned be required of the permittee, that permittee will be notified in writing of such requirements prior to the initiation of the requirement.

.006. Required Sampling Location and Frequency of Analysis or Measurement. The necessary samples shall be taken from the effluent at the discharge point as described in the governing permit unless an alternate sampling and measuring point is agreed upon in advance in writing by the Executive Director of the Texas Water Quality Board or his appointed representative. Samples shall be taken and measurements shall be made at the frequencies specified in the governing permit for each parameter. Should any permit not specify a sampling frequency or should the sampling frequency be stamped out using an "NPDES Requirement Only" stamp, the discharger shall follow the frequencies set forth in Tables 1 and 2 in Rule 130.24.01.009, basing the frequency of analysis on the currently applicable permitted average daily flow. Table 1 shall be applicable to treated domestic sewage effluent, while Table 2 shall be applicable to all other wastewater effluents. Should a parameter included in a permit not be listed in the applicable table, the permittee will be instructed in writing as to what frequency of analysis shall be followed.

.007. Documentation of Effluent Reports.

(a) The monthly effluent report speaks only to summarized data concerning the quality and quantity of the final effluent and says nothing to the records and laboratory control tests which should be performed in the interest of treatment plant process control. For each measurement or sample taken pursuant to the requirements of this document, the permittee shall record the following information:

- (1) the exact place, date, and time of sampling;
- (2) the dates the analyses were performed;
- (3) the person(s) who performed the analyses;
- (4) the analytical techniques or methods used;

and

- (5) the results of all required analyses.

(b) The permittee shall be subject to routine inspection of Items 1 through 5 of Section (a) of this rule.

(c) All records and information resulting from the required monitoring activities including all records of analyses performed, calibration, and maintenance of instrumentation shall be retained for a minimum of three years or for a longer period if requested by the Texas Water Quality Board.

.008. *Required Signatures.* Each effluent report shall contain two signatures. One signature must be that of the superintendent of wastewater treatment facility or other appointed person associated with the operation of the treatment facility. The other signature should be as follows:

(a) If submitted by a public entity, a state or federal agency, or a corporation, the report should be signed by a principal executive officer, ranking elected official, commanding officer, or other employee duly authorized by the principal executive officer.

(b) If submitted by a partnership, the report should be signed by a general partner.

(c) If submitted by a sole proprietor, the report should be signed by the proprietor.

.009. *Self Monitoring Schedules.* The Texas Water Quality Board adopts the following tables by reference:

(a) Table 1-- Self Monitoring Schedule for domestic sewage treatment effluent.

(b) Table 2-- Frequency of Measurement for non-domestic wastewater effluent.

Issued in Austin, Texas, on February 23, 1976.

Doc. No. 762450 William E. Berger
Staff Assistant
Texas Water Quality Board

Effective Date: May 25, 1976

For further information, please call (512) 475-5347.

(Tables 1 and 2 appear on pages 1258 and 1259)

FREQUENCY OF MEASUREMENT								
Design Capacity MGD	Flow	B.O.D. mg/l ⁵	Total Suspended Solids	Settleable Solids ml/l	Chlorine Residual	pH	Fecal Coliform (N per 100 ml.)	Collecting of Samples
0 to 0.05	One instantaneous measurement each working day but not less than two measurements per week (b) (c)	One every three months	One every three months	Two each week	One each working day but not less than two per week	One per month	One every three months	The laboratory tests shall be made on a grab sample collected at peak loading periods.
0.05 to 0.10	One instantaneous measurement each working day but not less than two measurements per week (b) (c)	One each month	One each month	Two each week	One each working day but not less than two per week	One per month	One every month	The laboratory tests shall be made on a grab sample collected at peak loading periods.
0.10 to 0.50	One instantaneous measurement each working day but not less than five measurements per week (b) (c)	Two every month	Two every month	Two each week	One each working day but not less than five per week	Two per month	Two every month	The laboratory tests shall be made on a grab sample collected at peak loading periods.
0.50 to 1.00	The daily flow measured by a totalizing meter	Three every month	Three every month	Two each week	One every day of the week	Two per month	Three every month	The laboratory test excepting the chlorine residual test and the fecal coliform test shall be made on a composite sample made up of three portions collected no closer together than 1 hr. and with the first sample collected no earlier than 10:00 a.m.
1.00 to 5.0	The daily flow measured by a totalizing meter	One each week	One each week	Two each week	One every day of the week	One per week	One each week	The laboratory test excepting the chlorine residual test and the fecal coliform test shall be made on a composite sample made up of six portions collected no closer together than 1 hr. and with the first sample collected no earlier than 10:00 a.m.
5.00 to 10.0	The daily flow measured by a totalizing meter	One per weekday (a)	One per weekday (a)	One per weekday (a)	One every day of the week	One per weekday (a)	One per weekday (a)	The laboratory test excepting the chlorine residual test and the fecal coliform test shall be made on 24-hr. composite samples collected in at least 12 individual portions.
Greater than 10.0	The daily flow measured by a totalizing meter	One per day	One per day	One per day	One every day of the week	One per day	One per day	The laboratory test excepting the chlorine residual test and the fecal coliform test shall be made on 24-hr. composite samples collected in at least 12 individual portions.

(a) Weekday - Monday thru Friday

(b) Where a totalizing meter is provided, the actual volume of water which has been processed each day should be reported and noted as such.

(c) Working day - A day when the plant is visited for routine work.

NOTE: The sampling frequency should not be anything less than that routinely practiced at the facility if that frequency is greater than the minimum shown above.

Table 1
Self-Monitoring Schedule

Parameter	Frequency of Measurement Volume in MGD				
	0 to 0.05	.05 to 0.50	.50 to 2.0	2.00 to 10.0	>10.0
Flow	One instantaneous measurement per operating day excepting sample days when 3 instantaneous measurements made concurrently with the collection of sample portions are required.	One instantaneous measurement per operating shift - on sample days concurrent with the collection of a sample portion.	One instantaneous measurement per operating shift - on sample days concurrent with the collection of a sample portion or the reading from a totalizing flow meter.	Six instantaneous measurements per day spaced at equal intervals during the operating period or the reading from a totalizing flow meter.	Instantaneous measurements made each operating hour or the reading from a totalizing flow meter.
pH (a)	1 per day	1 per day	1 per day	1 per day	1 per day
Temperature (b)	1 per day	3 per day	3 per day	6 per day	12 per day
BOD	1 per week	2 each week	2 each week	3 each week	1 per day
COD	1 per week	2 each week	2 each week	3 each week	1 per day
TOC	1 per week	2 each week	2 each week	3 each week	1 per day
Oil & Grease (a)	1 per week	2 each week	2 each week	3 each week	1 per day
Ammonia Nitrogen	1 per week	2 each week	2 each week	3 each week	1 per day
Arsenic	1 per week	2 each week	2 each week	3 each week	1 per day
Barium	1 per week	2 each week	2 each week	3 each week	1 per day
Boron	1 per week	2 each week	2 each week	3 each week	1 per day
Cadmium	1 per week	2 each week	2 each week	3 each week	1 per day
Chromium	1 per week	2 each week	2 each week	3 each week	1 per day
Copper	1 per week	2 each week	2 each week	3 each week	1 per day
Lead	1 per week	2 each week	2 each week	3 each week	1 per day
Manganese	1 per week	2 each week	2 each week	3 each week	1 per day
Mercury	1 per week	2 each week	2 each week	3 each week	1 per day
Nickel	1 per week	2 each week	2 each week	3 each week	1 per day
Selenium	1 per week	2 each week	2 each week	3 each week	1 per day
Silver	1 per week	2 each week	2 each week	3 each week	1 per day
Zinc	1 per week	2 each week	2 each week	3 each week	1 per day
TSS	1 per week	2 each week	2 each week	3 each week	1 per day
TDS	1 per week	2 each week	2 each week	3 each week	1 per day
Chloride	1 per week	2 each week	2 each week	3 each week	1 per day
Sulphate	1 per week	2 each week	2 each week	3 each week	1 per day
Nitrate Nitrogen	1 per week	2 each week	2 each week	3 each week	1 per day
Sulfide (a)	1 per week	2 each week	2 each week	3 each week	1 per day
Phenol	1 per week	2 each week	2 each week	3 each week	1 per day
Collection of Samples	Samples shall be composite samples made up of three portions, sized proportional to flow, collected no closer together than one hour and over a span of time not exceeding 24 hours.	Samples shall be composite samples made up of three portions, sized proportional to flow, one portion being collected during each operating shift or otherwise suitably distributed throughout the operating day.	Samples shall be composite samples made up of three portions, sized proportional to flow, one portion being collected during each operating shift or otherwise suitably distributed throughout the operating day.	Samples shall be composite samples made up of six portions, sized proportional to flow, collected concurrently with the instantaneous flow measurements made during a 24 hour time span.	Samples shall be 24 hour composite samples collected in 12 or more individual portions, sized proportional to flow, equally spaced throughout the operating day.

Table 2

(a) The required laboratory tests shall be made on grab samples.
 (b) The temperature shall be measured in situ on the water at the permit sampling point.

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.

Texas Antiquities Committee

Meeting

A meeting of the Texas Antiquities Committee will be held on Tuesday, May 11, 1976, 10 a.m., at Gethsemane Lutheran Church, 1510 North Congress, Austin. The committee will consider the approval of the minutes of last meeting; the financial report; a discussion of the 1978-1979 budget submission; status of publications; plans for traveling exhibit of antiquities; and a progress report on cultural resources management requirements on the state submerged lands.

Additional information may be obtained from Truett Latimer, Box 12276, Capitol Station, Austin, Texas 78711, telephone (512) 475-6328.

Filed: May 3, 1976, 3 26 p.m.

Doc. No. 762414

State Banking Board

Hearing

A hearing before the Hearing Officer of the State Banking Board will be held on Wednesday, July 28, 1976, 9 a.m., at 2601 North Lamar, Austin, to consider the charter application for proposed First Texas Bank and Trust of Plano, to be located in Plano.

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

Filed: May 4, 1976, 9 55 a.m.

Doc. No. 762435

State Board of Barber Examiners

Hearing

A hearing by the State Board of Barber Examiners will be held on Monday, June 7, 1976, 1 p.m., in Room 117, Sam Houston Building, 201 East 14th Street, Austin. The hearing concerns Proposed Rule 378.01.04.001 for complete separation of facilities whenever a barber shop and a beauty parlor operate in the same building.

Additional information may be obtained from Otis W. McStay, 512 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-2289.

Filed: May 5, 1976, 12 15 p.m.

Doc. No. 762463

Texas Department of Community Affairs

Meeting

A meeting of the Advisory Council of the Texas Department of Community Affairs will be held on Thursday, May 13, 1976, 10 a.m., at 210 Barton Springs Road, Austin. The council will discuss recently completed TDCA meetings with various councils of governments, information on budget instructions from the Legislative Budget Board, and department operations.

Additional information may be obtained from Tom Laramie, P.O. Box 13166, Austin, Texas 78711, telephone (512) 475-6903.

Filed: May 3, 1976, 2 28 p.m.

Doc. No. 762412

Texas Cosmetology Commission

Emergency Addition to Agenda

An emergency addition has been made to the agenda of the meeting of the Texas Cosmetology Commission scheduled for Sunday, May 16, 1976, 10 a.m., at 1111 Rio Grande, Austin. The agenda has been revised to in-

clude consideration of a resolution concerning two instructors on duty and recommendations on warning violations. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Ron Resch, 1111 Rio Grande, Austin, Texas 78701, telephone (512) 475-3304.

Filed: May 5, 1976, 11:31 a.m.

Doc. No. 762462

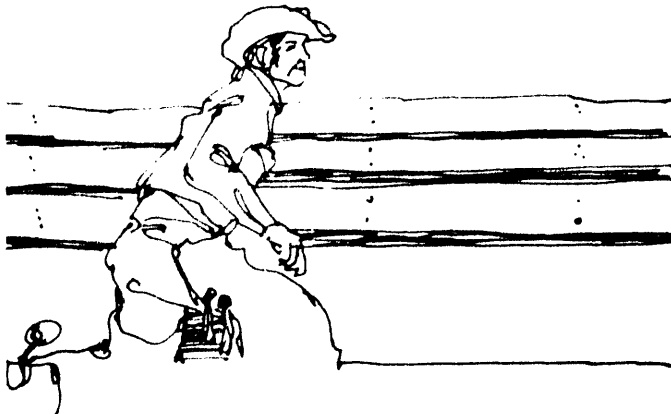
Texas Education Agency Meeting

A meeting of the Advisory Committee for the Texas Personnel Interchange Program of the Texas Education Agency will be held on Tuesday, May 11, 1976, 9 a.m., at the Quality Inn, 2200 South Interregional, Austin. The committee will discuss a report on funding of the Personnel Interchange Program; subcommittee meetings; Secondary School Committee report comments; the Community and Junior College Committee report; the Senior College Committee report; the Mexico Interchange Committee report; and the Selection Committee report. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Russell A. Walker, 11th and Brazos Streets, Austin, Texas 78701, telephone (512) 475-2268.

Filed May 3, 1976, 2:52 pm

Doc No 762415



Governor's Energy Advisory Council Meeting

A meeting of the representatives of the Governor's Energy Advisory Council will be held on Friday, May 14, 1976, 10 a.m., in Room 301, State Capitol, Austin. The council will consider the calendar of events; report on Solar Energy Research Institute proposals; the status report on the Federal Energy Administration's (FEA) guidelines for a state energy conservation program; the proposed contracts for research work; the program section contracts with cities, consultants, and universities; and preparation of the agenda for the council meeting.

Additional information may be obtained from Susan Conway, 7703 North Lamar, Austin, Texas 78752, telephone (512) 475-5491.

Filed May 4, 1976, 10:01 a.m.

Doc. No 762429 and 762461

Joint Advisory Committee on Government Operations

Hearing

A hearing by the Education Subcommittee of the Joint Advisory Committee on Government Operations will be held on Friday, May 14, 1976, 9:15 a.m., in the Old Supreme Court Room, State Capitol, to consider renewal and accountability in public education.

Additional information may be obtained from J. B. Pace, Room 207-A, State Capitol, Austin, Texas 78711, telephone (512) 475-3426.

Filed: May 4, 1976, 9:57 a.m.

Doc. No. 762431

Hearing

A hearing by the Health and Welfare Subcommittee of the Joint Advisory Committee on Government Operations will be held on Friday, May 14, 1976, 10 a.m., in the Lieutenant Governor's Committee Room, State Capitol, Austin, to receive testimony from the Department of Community Affairs.

Additional information may be obtained from Tom Scott, Executive Office Building, Austin, Texas 78701, telephone (512) 475-3440.

Filed: May 5, 1976, 8:13 a.m.
Doc. No. 762445

Hearing

A hearing by the Health and Welfare Subcommittee of the Joint Advisory Committee on Government Operations will be held on Monday, May 17, 1976, 10 a.m., in the Lieutenant Governor's Committee Room, State Capitol, Austin, to receive testimony from the Department of Mental Health and Mental Retardation and the Commission on Alcoholism.

Additional information may be obtained from Tom Scott, Executive Office Building, Austin, Texas 78701, telephone (512) 475-3440.

Filed: May 5, 1976, 8:13 a.m.
Doc. No. 762446

Hearing

A hearing by the Education Subcommittee of the Joint Advisory Committee on Government Operations will be held on Tuesday, May 18, 1976, 9:30 a.m., in the Old Supreme Court Room, State Capitol, Austin, to consider special education.

Additional information may be obtained from Paulette Alexander, Room 704, Sam Houston Building, Austin, Texas 78701, telephone (512) 475-6565.

Filed: May 5, 1976, 8:13 a.m.
Doc. No. 762447

Meeting

A meeting of the Joint Advisory Committee on Government Operations will be held on Friday, May 21, 1976, 10:30 a.m., in the Senate Chamber, State Capitol, Austin, to discuss recommendations in an initial report of the Administrative Support and Fiscal Management Subcommittee.

Additional information may be obtained from Bill Wells, Room 704, Sam Houston Building, Austin, Texas 78701, telephone (512) 475-6565.

Filed: May 5, 1976, 8:14 a.m.
Doc. No. 762448

Office of the Governor Meeting

A meeting of the Budget and Planning Office, Regional Council Executive Directors of the Office of the Governor, will be held on Monday, May 17, 1976, 1:30 p.m., in the 4th Floor Conference Room, Executive Office Building, 411 West 13th, Austin. The general session will consider the organization structure of the Budget and Planning Office; HUD 701 Planning and Management; state planning assistance; economic development and transportation; natural resources; state review process; and the 11th Annual Governor's Conference. A Texas Association of Regional Councils meeting will follow.

Additional information may be obtained from Leon Willhite, 411 West 13th, Austin, Texas 78701, telephone (512) 475-6156.

Filed: May 6, 1976, 8:59 a.m.
Doc. No. 762470

Texas Health Facilities Commission

Emergency Addition to Agenda

An emergency addition was made to the agenda of the meeting of the Texas Health Facilities Commission held on Thursday, May 6, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin. The addition was made to include applications by Bristol General Hospital, Dallas; Texas Healthcare Facilities, Inc., Dallas; Texas Department of MH/MR, Austin; Vernon State Center, Vernon; Valley Community Hospital, Brownsville; Allen McDonald Foundation, Waco; Franklin County Hospital, Mount Vernon; Southland General Hospital, Dallas; and Houston Northeast Medical Center, Humble. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: May 5, 1976, 11:49 a.m.
Doc. No. 762465

Meeting

A meeting of the Texas Health Facilities Commission will be held on Thursday, May 13, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin. The commission will consider 14 applications for declaratory rulings, certificates of need, exemption certificates, and administrative orders. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: May 4, 1976, 11:50 a.m.

Doc. No. 762466



Texas Department of Health Resources

Meeting

A meeting of the Regional Medical Program of Texas Regional Advisory Group of the Texas Department of Health Resources will be held on Friday, May 14, 1976, 10 a.m., at the Host Airport Hotel, Houston, to discuss the director's report; phase-out and close-out of Regional Medical Program of Texas, Inc.; phase-out of the Regional Advisory Group; and the status of Public Law 93-641.

Additional information may be obtained from John G. Daily, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 475-3781, extension 524.

Filed: May 3, 1976, 4:30 p.m.

Doc. No. 762417

Hearings

The following hearings by the Environmental Engineering Division of the Texas Department of Health Resources will be held to consider applications to locate solid waste disposal sites. Listed are the hearing dates and times; the location of the hearings; and the applicants and the site locations.

Friday, May 14, 1976

10 a.m.-- Houston City Health Department Auditorium, 1115 North MacGregor Street, Houston; Lawrence Petitt, applying for a site near Houston.

Monday, May 24, 1976

10 a.m.-- City Hall, 124 Moody Street, Mason; the City of Mason, applying for a site near Mason.

Tuesday, May 25, 1976

9 a.m.-- Commissioners Courtroom, Second Floor, Eastland County Courthouse, Eastland; the City of Cisco, applying for a site near Cisco.

9:30 a.m.-- Same location as above; the City of Ranger, applying for a site near Ranger.

10 a.m.-- Same location as above; the City of Comanche, applying for a site near County-City Airfield in Comanche.

10:30 a.m.-- Same location as above; the City of Albany, applying for a site near Albany.

10 a.m.-- Randall County Courthouse Annex, 411 South Georgia Street, Amarillo; the City of Dumas, applying for a site near Dumas (dual applications).

10:30 a.m.-- Same location as above; the City of Dimmitt, applying for a site near Dimmitt.

2 p.m.-- County Courtroom, Cooke County Courthouse, Gainesville; H&H Wrecking Yard, applying for a site east of Bonham in Fannin County.

3 p.m.-- Same location as above; the City of Saint Jo, applying for a site near Saint Jo.

4 p.m.-- Same location as above; the City of Nocona, applying for a site near Nocona.

Wednesday, May 26, 1976

10 a.m.-- City Council Chambers, City Hall, 211 Southwest 1st Avenue, Mineral Wells; the City of Mineral Wells, applying for a site near Mineral Wells (dual applications).

Thursday, May 27, 1976

10 a.m.-- Conference Room 2, San Antonio Metropolitan Health District, 131 West Nueva Street, San Antonio; the City of San Antonio, applying for a site near San Antonio.

10:30 a.m.-- Same location as above; R.A.S. Sanitation, Inc., applying for a site near San Antonio.

1:30 p.m.-- Same location as above; the County of Zavala, applying for a site near La Pryor and Batesville (dual applications).

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

Filed May 3, 1976, 4:31 p.m.
Doc. No. 762420

Meeting

A meeting by the Arthritis Advisory Committee of the Regional Medical Program of Texas (RMPT) of the Texas Department of Health Resources will be held on Monday, May 17, 1976, 3 p.m., in Room 411-L, UT Health Science Center at San Antonio, to discuss progress reports on projects; report from Dr. Goehrs; Sections III and IV of the Guidelines for Future Activities of the Arthritis Advisory Committee; project final reports; future of Arthritis Advisory Committee; and report from Mona Crum on phase-out of RMPT.

Additional information may be obtained from Sylvia Wessels, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 475-3781, extension 523.

Filed: May 3, 1976, 4:32 p.m.
Doc. No. 762419

Hearing

A hearing by the Health Planning Division of the Texas Department of Health Resources will be held on Monday, May 17, 1976, 7:30 p.m., at 1100 West 49th Street, Austin, to consider the Texas Department of Health Resources proposed State Administrative Program to be submitted to HEW for adoption, designation, and funding.

Additional information may be obtained from Don Kretsinger, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 475-3781.

Filed: May 3, 1976, 4 29 p.m.
Doc. No. 762418

State Board of Insurance Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, May 12, 1976, 9 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider the application of Norse Mutual Fire Insurance Association, Clifton (a farm mutual), for original articles of incorporation under Article 16.21.

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

Filed: May 4, 1976, 10 12 a.m.
Doc. No. 762425

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, May 12, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application of New Cooperative Security Life Insurance Company, Tyler (stipulated premium company), for temporary certificate of authority.

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

Filed: May 4, 1976, 10:12 a.m.
Doc. No. 762428

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Tuesday, May 18, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application of Robert Daryle Farris, Fort Worth, for Group II life insurance agent's license.

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

Filed: May 4, 1976, 10:13 a.m.
Doc. No. 762426

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Tuesday, May 25, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider the application of Legal Security Life Insurance Company, Wichita Falls, for rehearing to consider increasing valuation of property.

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

Filed: May 4, 1976, 10:13 a.m.

Doc. No. 762427



Commission on Jail Standards

Meeting

A meeting of the Subcommittee on Personnel of the Commission on Jail Standards will be held on Wednesday, May 12, 1976, 8:30 a.m., in the Conference Room, 5th Floor, American Bank Tower, 221 West 6th, Austin, to consider a status report and to meet in executive session pursuant to Section 2(g), Article 6252-17, Vernon's Annotated Civil Statutes, to consider employment applications for position of executive director.

Additional information may be obtained from James Greenwood III, 2550 First City National Bank Building, Houston, Texas 77004, telephone (713) 236-2663.

Filed: May 4, 1976, 2:02 p.m.

Doc. No. 762440

Texas State Board of Medical Examiners

Meeting

A meeting of the Texas State Board of Medical Examiners will be held Sunday through Thursday, June 13 through 17, 1976, 8:30 a.m. each day, at the Shamrock-Hilton Hotel, Houston. The board will consider reciprocity and examination applications; review reinstatement applications; consider duplicate licenses and temporary licenses; and discuss committee reports and other matters related to licensing.

Additional information may be obtained from J. C. Randolph, 211 East 7th, Austin, Texas 78701, telephone (512) 474-6335.

Filed: May 6, 1976, 8:59 a.m.

Doc. No. 762471

Texas Optometry Board Meeting

A meeting of the Texas Optometry Board will be held on Wednesday, May 12, 1976, 8 p.m., at the Driskill Hotel, Austin. The general business meeting will include action on specific letters from licensees and others; report of general counsels; percentage reports of holders of advertising permits; alleged violations and possible action on two optical companies in Lubbock; and committee reports and action on recommendations. An executive session will follow to consider a matter involving qualification of a board member under Section 2.02 of the Texas Optometry Act.

Additional information may be obtained from Lois Ewald, Room 115, 603 West 13th, Austin, Texas 78701, telephone (512) 475-4133.

Filed: May 4, 1976, 12:09 p.m.

Doc. No. 762437

Pan American University Meeting

A meeting of the Academic and Developmental Affairs Committee, Board of Regents, of Pan American University will be held on Wednesday, May 12, 1976, 1:30 p.m., in the Conference Room, Administration Building, Edinburg. The committee will meet in executive session to consider the employment of personnel.

Additional information may be obtained from Dr. Ralph F. Schilling, President, Pan American University, Edinburg, Texas 78539, telephone (512) 381-2101.

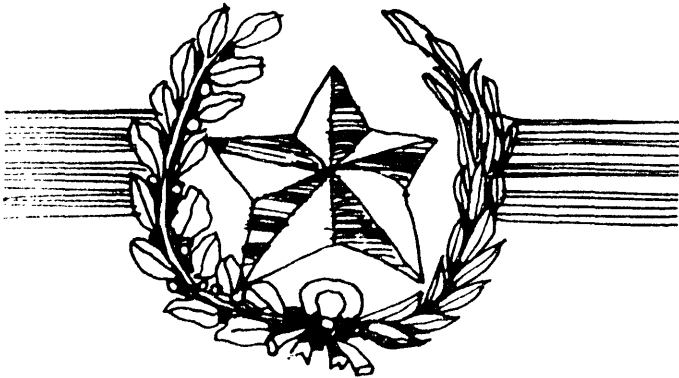
Filed: May 4, 1976, 9:56 a.m.
Doc. No. 762432

Meeting

A meeting of the Board of Regents, Building and Grounds Committee, of Pan American University will be held on Wednesday, May 12, 1976, 2:30 p.m., in the Conference Room, Administration Building, Edinburg, to consider the awarding of a contract to construct an academic support facility.

Additional information may be obtained from Dr. Ralph F. Schilling, President, Pan American University, Edinburg, Texas 78539, telephone (512) 381-2101.

Filed: May 4, 1976, 9:56 a.m.
Doc. No. 762433



Meeting

A meeting of the Board of Regents of Pan American University will be held on Wednesday, May 12, 1976, 4 p.m., in the Conference Room, Administration Building, Edinburg, to discuss budget changes and reports of the Buildings and Grounds Committee, the Academic and Developmental Affairs Committee, and the Ad Hoc Committee.

Additional information may be obtained from Dr. Ralph F. Schilling, President, Pan American University, Edinburg, Texas 78539, telephone (512) 381-2101.

Filed: May 4, 1976, 9:56 a.m.
Doc. No. 762434

Board of Pardons and Paroles

Meeting

A meeting by the Board of Pardons and Paroles will be held on Monday, Tuesday, Thursday, and Friday, May 17, 18, 20, and 21, 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 Ken Casner, Room 711, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: May 5, 1976, 11:21 a.m.
Doc. No. 762460

Hearing

A hearing by the Board of Pardons and Paroles will be held on Wednesday, May 19, 1976, 9 a.m., at the Diagnostic Unit, TDC, Huntsville, to consider parole violations.

Additional information may be obtained from Ken Casner, Room 711, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: May 5, 1976, 11:20 a.m.
Doc. No. 762459

Texas Parks and Wildlife Department

Hearing

A hearing by the Parks Division of the Texas Parks and Wildlife Department will be held on Thursday, June 10, 1976, 2 p.m., in Room 100, John H. Reagan Building, Austin. The hearing concerns the proposed construction at Lake Somerville State Park in Lee and Burleson Counties. The improvements will include the main equestrian and hiking trail; primitive foot trail; primitive camping area loop trail; Somerville Lake loop trail; spur trails; and renovation of two vehicle bridges over Yegua Creek.

Additional information may be obtained from Dr. Harold D. Toy, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-2666.

Filed: May 3, 1976, 2:03 p.m.
Doc. No. 762411

Governor's Commission on Physical Fitness

Meeting

A meeting of the Governor's Commission on Physical Fitness will be held on Saturday, May 22, 1976, 9:30 a.m., at the Barcelona Room, Sheraton-Crest Hotel, 1st and Congress, Austin, to discuss the director's report; zero-base budget for 1977-1978 consideration; committee reports; and to hear guest speakers.

Additional information may be obtained from A. A. Rooker, 4200 North Lamar, Austin, Texas 78753, telephone (512) 475-6718.

Filed: May 3, 1976, 2:50 p.m.

Doc. No. 762416

Public Utility Commission of Texas

Emergency Meeting

An emergency meeting of the Public Utility Commission of Texas was held on Friday, May 7, 1976, 2 p.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider the current status of electric power interconnections in Texas for the purpose of assuring a reliable adequate supply of electricity to Texas consumers. The parties involved were the City of San Antonio Public Service Board; City of Austin; Brazos Electric Power Cooperative, Inc., and its co-op members; the Lower Colorado River Authority; Houston Lighting and Power Company; Central Power and Light Company; Texas Power and Light Company; Dallas Power and Light Company; Texas Electric Service Company; and the Texas Municipal Power Agency.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78767, telephone (512) 475-7921.

Filed: May 6, 1976, 9:24 a.m.

Doc. No. 762472

Meeting

A meeting of the Public Utility Commission of Texas will be held on Monday, June 7, 1976, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to discuss applications on Docket No. TCH-2. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78767, telephone (512) 475-7921.

Filed: May 6, 1976, 12:04 p.m.

Doc. No. 762483

Meeting

A meeting of the Public Utility Commission of Texas will be held on Monday, June 7, 1976, 9:30 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to discuss applications on Docket No. ECH-6. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78767, telephone (512) 475-7921.

Filed: May 6, 1976, 12:05 p.m.

Doc. No. 762484

Meeting

A meeting of the Public Utility Commission of Texas will be held on Monday, June 21, 1976, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to discuss applications for certificates of convenience and necessity. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78767, telephone (512) 475-7921.

Filed: May 6, 1976, 12:05 p.m.

Doc. No. 762485

Railroad Commission of Texas

Emergency Meeting

An emergency meeting of the Transportation Division of the Railroad Commission of Texas was held on Wednesday, May 5, 1976, 4 p.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to consider an application by Central Texas Bus Lines, Inc.

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

Filed: May 5, 1976, 11:54 a.m.

Doc. No. 762468

Texas Eastern University Emergency Meeting

An emergency meeting of the Board of Regents of Texas Eastern University was held on Wednesday, May 5, 1976, 4 p.m., at 100 East Berta, Tyler, to consider a Campus and Building Committee report relative to the erection of campus flagpole facilities, an architectural progress report on Phase I and Phase II facilities, reports from standing committees, and other business.

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

Filed: May 6, 1976, 11:25 a.m.

Doc. No. 762481



Texas Water Development Board

Emergency Meeting

An emergency meeting of the Texas Water Development Board was held on Friday, May 7, 1976, 10 a.m., in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin. The board considered a final decision and order concerning the contested applications for permits for weather modification and control operations by Plains Weather Improvement Association, Inc., and Atmospherics Incorporated; considered the hearing examiner's report relating to the uncontested application for a weather modification and control operation by Irving P. Krick, Inc., of Texas; and discussed matters relating to the Texas Weather Modification Act. 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: May 5, 1976, 10:06 a.m.

Doc. No. 762449

Texas Water Quality Board

Hearing

A hearing by the Enforcement Division of the Texas Water Quality Board will be held on Thursday, June 3, 1976, 9 a.m., in the auditorium of the Central Power and Light Building, 540 South Kansas Street, Weslaco, to explore the status of compliance with the terms and conditions of Zapata County Waterwork's Permit 10462, and of the City of Donna's Permit 10504. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: May 4, 1976, 4:25 p.m.

Doc. No. 762444

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday, June 10, 1976, 10 a.m., in Conference Room C, Municipal Building, 509 East 7th Avenue, Amarillo, to consider applications for amendments to permits from the City of Lubbock, Lubbock Power and Light (Holly Avenue Plant), P.O. Box 2000, Lubbock, Texas 79408, Permit 01895; and Sugarland Feedyards, Inc., P.O. Box 186, Hereford, Texas 79045, Permit TX0038172. The complete dockets are 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: May 6, 1976, 9:18 p.m.

Doc. No. 762478

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday, June 10, 1976, 10 a.m., in Conference Room C, Municipal Building, 509 East 7th Avenue, Amarillo, to consider applications for permits from Walter J. Paetzold doing business as Western Feedlot, Route 3, Hereford, Texas 79045, and the Western Ammonia Corporation, P.O. Box 1008, Dimmitt, Texas 79027. The complete dockets are 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: May 6, 1976, 9:18 p.m.

Doc. No. 762479

Texas Water Rights Commission

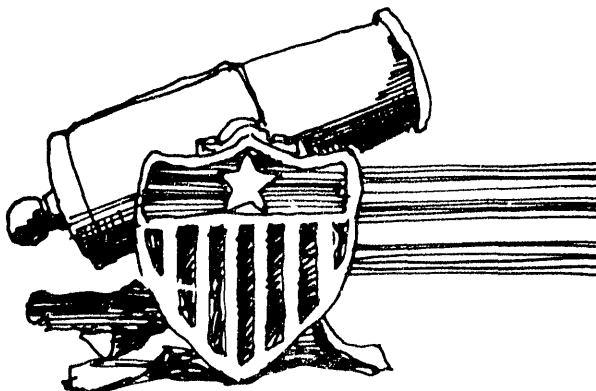
Hearing

A hearing by the Texas Water Rights Commission will be held on Thursday, May 13, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider the adjudication of the water right claims of the Lower Colorado River Authority in the Middle Colorado River Segment of the Colorado River Basin. The complete notice is posted in the East Wing of the State Capitol.

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

Filed: May 4, 1976, 2:57 p.m.

Doc. No. 762442



Meeting

A meeting of the Texas Water Rights Commission will be held on Monday, May 17, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to discuss an application by Westwood Shores Municipal Utility District for approval of a bond issue increase; applications for permits in the Nueces and Brazos River Basins; cancellation of a permit in the name of Ralph H. Meriwether; applications for contractual permits by James Farmer, Sanford P. Fagadau, City of Azle, and Lakeway Development Company; denying or granting applications for rehearing in the matter of adjudication of water rights in the Pecan Bayou River Segment and the Concho River Segment of the Colorado River Basin.

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

Filed: May 6, 1976, 10:21 p.m.

Doc. No. 762480

Hearing

A hearing by the Texas Water Rights Commission will be held on Wednesday, June 16, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider the partial cancellation of Permit 2056 of the Alice Water Authority. The complete docket is posted in the East Wing of the State Capitol.

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

Filed: May 4, 1976, 2:58 p.m.

Doc. No. 762441

Quasi-State Agencies

Meetings Filed May 4, 1976

The South Texas Health Systems Agency will meet at the Gymnasium Building, Texas A&I University, Corpus Christi, on May 16, 1976, at 2 p.m. For further information contact Richard Kull, P.O. Box 6609, Corpus Christi, Texas 78411, telephone (512) 854-3081.

The South Plains Association of Governments, Board of Directors, will meet at 9th and Ash, Plainview, on May 11, 1976, at 10 a.m. For further information contact Truett Mayes, 1611 Avenue M, Lubbock, Texas 79401, telephone (806) 762-8721.

The Central Counties Center for MH/MR, Long-Range Planning Committee, Board of Trustees, met at the Holiday Inn, Killeen, on May 6, 1976, at 8 a.m. The Personnel Committee, Board of Trustees, met at the Ponderosa Inn, Temple, on May 10, 1976, at 6:30 a.m. The Budget and Finance Committee, Board of Trustees, met at the Franks Lakeview Inn, Lake Belton, on May 10, 1976, at 7 p.m. The Board of Trustees met at the Franks Lakeview Inn, Lake Belton, on May 10, 1976, at 8 p.m. For further information contact Dr. Steven B. Schnee, P.O. Box 1025, Temple, Texas 76501, telephone (817) 778-4841.

The Trinity River Authority of Texas, Administration Committee, met at the TRA General Office, 2723 Avenue E East, Arlington, on May 6, 1976, at 2 p.m. For further information contact William J. Philbin, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

The East Texas Council of Governments, Executive Committee, met at the Blue Room, Allied Citizens Bank Building, Kilgore, on May 6, 1976, at 7 p.m. For further information contact Don R. Edmonds, Fifth Floor, Allied Citizens Bank Building, Kilgore, Texas 75662, telephone (214) 984-8641.

Doc. No. 762430

Meetings Filed May 5, 1976

The Brazos Valley MH/MR Center, Board of Trustees, will meet at the Brazos County Courthouse, Bryan, on May 18, 1976, at 5 p.m. For further information contact Norman Beal, 202 East 27th, Bryan, Texas 77801, telephone (713) 779-6467.

The Education Service Center Region XVI, Board of Directors, will meet at 1601 South Cleveland, Amarillo, on May 20, 1976, at 1 p.m. For further information contact Dr. Kenneth M. Laycock, 1601 South Cleveland, Amarillo, Texas 79102, telephone (806) 376-5521.

The Harris County Water Control and Improvement District No. 76, Board of Directors, met at 12203 Frazier River Drive, Houston, on May 10, 1976, at 7:30 p.m. For further information contact Una Webb, 1114 Thornton, Houston, Texas 77018, telephone (713) 388-2131.

The Education Service Center Region XVII, Board of Directors and Joint Committee, met at the Hilton Inn, Lubbock, on May 5, 1976, at 10 a.m. For further information contact Ray Lanier, 700 Texas Commerce Bank Building, Lubbock, Texas 79401, telephone (806) 763-4127.

Doc. No. 762464

Meetings Filed May 6, 1976

The Ark-Tex Council of Governments, Executive Committee, met at the Edge O' Texas Restaurant, North State Line, Texarkana, on May 6, 1976, at 5 p.m. The Board of Directors met at the State First National Bank, Texarkana, on May 6, 1976, at 7:30 p.m. Further information may be obtained from Vicky Morris, P.C. Box 5307, Texarkana, Texas 75501, telephone (501) 774-3481.

Doc. No. 762482

Texas Health Facilities Commission

Notice of Hearings

The following hearings will be conducted in the offices of the Texas Health Facilities Commission, Suite 450, One Highland Center, Austin.

Dallas Hospital District also known as Parkland Hospital (AH76-0223-009), Dallas, is scheduled to appear at 2 p.m. May 13, 1976, to petition the commission for a declaratory ruling to acquire a computerized axial tomographic scanner.

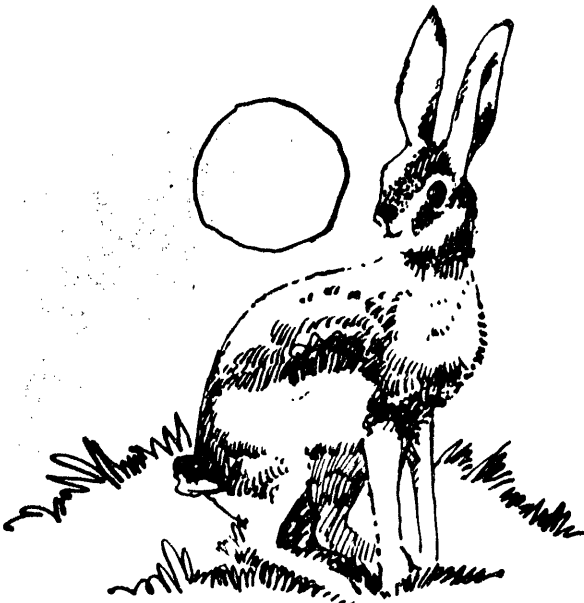
Allen McDonald Foundation doing business as The Regis (AN75-1007-019E), Waco, is scheduled to appear at 10 a.m. May 11, 1976, to petition the commission for an administrative order to extend the time in which to begin development on the project previously granted a Section 6.02 exemption certificate.

Issued in Austin, Texas, on May 3, 1976.

Doc. No. 762410 Michael R. Sharp
General Counsel
Texas Health Facilities
Commission

Filed: May 3, 1976, 12:46 p.m.

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



Notice of Applications

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory rulings, exemption certificates, or administrative orders received during the period of April 27 through May 3, 1976, and others not previously posted.

Should any person wish to contest the application for a declaratory ruling, exemption certificate, or administrative order, 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 the 12th day is a working day. If the 12th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. When notice of intent to 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, declaratory ruling, or administrative order 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 qualifies 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 notice, 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; AO indicates administrative order.

Presbyterian Hospital of Dallas, Dallas
AH76-0430-001

EC-- Replacement and renovation of two existing fluoroscopic radiographic rooms

Gregg-Harrison MH/MR Center Female Group Home-Halfway House (location undetermined), Longview or Marshall

AA76-0503-002

DR-- To establish a halfway house facility offering extended living services to mentally retarded women

Texas Department of MH/MR, Denton State School, Denton

AA75-0918-001E

AO-- Request for 60-day extension of deadline date to complete conversion of beds as approved in THFC exemption certificate AA75-0918-001

Menard Manor, Menard

AN75-0915-021E

AO-- Request for six-month extension of deadline date to correct Life Safety Code deficiencies by replacing a 31-bed Type III wing with a 24-bed Type III wing

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

Doc. No. 762467 Michael R. Sharp
 General Counsel
 Texas Health Facilities
 Commission

Filed: May 5, 1976, 11:50 a.m.

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

Texas Office of State-Federal Relations

Hearings

Employee Retirement Income Security Act of 1974

The Ways and Means Committee (Oversight Subcommittee) of the U.S. House of Representatives will hold hearings in Houston, on Friday, May 28, on the impact of the Employee Retirement Income Security Act of 1974, which established federal regulation over employee benefit plans in the private sector. The hearings will focus on the costs of pension plan administration and on terminations of existing plans and the establishment of new plans. The actual site of the hearings will be announced at a later date. Subcommittee member Jake Pickle (D-Tex) will assist in the conduct of the hearings.

Requests to testify at the hearings must be submitted in writing no later than the close of business, Wednesday, May 19, 1976, to John M. Martin, Jr., Chief Counsel, Committee on Ways and Means, Attention: Oversight Subcommittee, Room 1102, Longworth House Office

Building, Washington, D.C. 20515, telephone (202) 225-3625. Requests to testify must contain the following information: (1) the name, address, telephone number, and capacity in which the witness will appear; (2) a list of persons or organizations the witness represents, and, in the case of associations and organizations, their total membership and where possible a membership list; (3) an indication of whether or not the witness is supporting or opposing any specific proposal or proposals on which he desires to testify; and (4) a topical outline or summary of the comments and recommendations which the witness proposes to make.

The subcommittee will accept written statements for inclusion in the printed record of the hearings in lieu of personal appearances. Three copies of each statement should be submitted by Friday, May 21, to John M. Martin, Jr., at the address indicated above.

Additional information may be obtained from Dennis Thomas, P.O. Box 13005, Capitol Station, Austin, Texas 78711, telephone (512) 475-7805.

Issued in Austin, Texas, on May 3, 1976.

Doc. No. 762413 Dennis Thomas
 Associate Director
 Office of State-Federal
 Relations

Filed: May 3, 1976, 3:05 p.m.

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

Hearing

Deepwater Port License Application

A public hearing pursuant to Section 5(g) of the Deepwater Port Act of 1974 (P.L. 93-627) will be held at 9 a.m. on Thursday, May 27, 1976, in the Houston Lighting and Power Company Auditorium, at the junction of Routes 288 and 332, Freeport. The hearing will be informal and conducted jointly by the U.S. Coast Guard, the Secretary of Transportation's Office of Deepwater Ports, and the U.S. Army Corps of Engineers.

The purpose of this hearing is to receive public views on an application filed with the Coast Guard by Seadock, Inc., Houston. The applicant seeks all federal authorizations required for a license to own, construct, and operate a deepwater port proposed in the Gulf of Mexico, approximately 26 miles south of Freeport. Views will also be heard on the attendant Environmental Impact Statement (EIS) being prepared and processed by the Coast Guard, as lead federal agency, pursuant to the National Environmental Policy Act of 1969.

Any person desiring to appear and be heard at this public hearing may do so. Information and material relevant to the issuance or denial of the deepwater port license and other related federal authorizations is welcome. Interested persons may submit briefs and oral argument at a time determined by the presiding officer during the hearing. Persons unable to attend the hearing or those in attendance who wish to submit supplemental information may do so within 15 days after the date of the hearing, at which time the hearing record will be closed.

Persons planning to make hearing presentations are encouraged to submit their views, in writing, to the Commandant, (G-WDWP/61), 400 Seventh Street, S.W., Washington, D.C. 20590, seven days prior to the hearing, indicating for oral presentation the approximate amount of time required to make their presentation. Time limitations may be imposed by the presiding officer, within his sole discretion, at any time during the hearing. Organizations or groups of individuals are requested to limit their presentations to a single speaker on behalf of the organization or group.

Comments previously submitted in response to a public notice issued by the Galveston District Corps of Engineers on February 23, 1976, should not be duplicated, in the interest of making a clear record of this proceeding. Likewise, comment on the draft EIS already submitted or intended to be submitted in response to the usual EIS development and processing procedures need not be presented at the hearing.

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

Doc. No. 762452 Dennis Thomas
Associate Director
Office of State-Federal
Relations

Filed: May 5, 1976, 10:51 a.m.

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

Texas Register

Correction of Error

The proposed date of adoption for Rule 226.23.04.130 of *Texas Education Agency* was published as September 1, 1976, in the May 4, 1976, *Texas Register* (Volume 1, Number 25). The correct proposed date of adoption is June 12, 1976. The effective date of that rule will be September 1, 1976.

The proposed amendment to *Texas Education Agency* Rule 226.41.11.010, concerning foundation school program grants to school districts, which was published in the April 30, 1976, *Texas Register* (Volume 1, Number 34), should read as follows:

.010. Foundation Grant to Districts.

(e) **Guaranteed Minimum Aid.** For the 1975-76 and 1976-77 school years each school district is guaranteed 104 percent of the state aid per student in average daily attendance (ADA) during the current school year that it received per student in average daily attendance in the 1974-75 school year.

The state aid per student in 1974-75 is determined by dividing the sum of regular program salaries, operating costs, and transportation less the local fund assignment by the refined current average daily attendance plus ineligible special education ADA.

The state aid per student in 1975-76 [and 1976-77] is determined by the following:

$$\text{State Aid per Pupil} \\ \frac{[\text{RPFS} + \$90(\text{RPADA}) + \text{CA} + \text{RT}] - \text{LFA}}{\text{CRADA}}$$

RPFS Regular Program Foundation Salaries

CA Categorical Aid

RT Regular Transportation

LFA Local Fund Assignment

CRADA Current Refined Average Daily Attendance

The state aid per student in 1976-77 is determined by the following:

$$\text{State Aid per Pupil} \\ \frac{[\text{RPFS} + \$95(\text{RPADA}) + \text{CA} + \text{RT}] - \text{LFA}}{\text{CRADA}}$$

Should the aid per ADA in 1975-76 or 1976-77 be less than 104 percent of the aid per ADA in 1974-75, the difference times the current refined ADA shall be added to the district's salary and operation grant from the foundation school fund.

Should the district be "budget balance" in 1975-76 or 1976-77, the district shall be granted the difference between 104 percent of the 1974-75 aid per ADA and the current aid per ADA times current ADA less the "budget balance."

If the district was "budget balance" in 1974-75, state aid is not guaranteed.