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TEXAS REGISTER

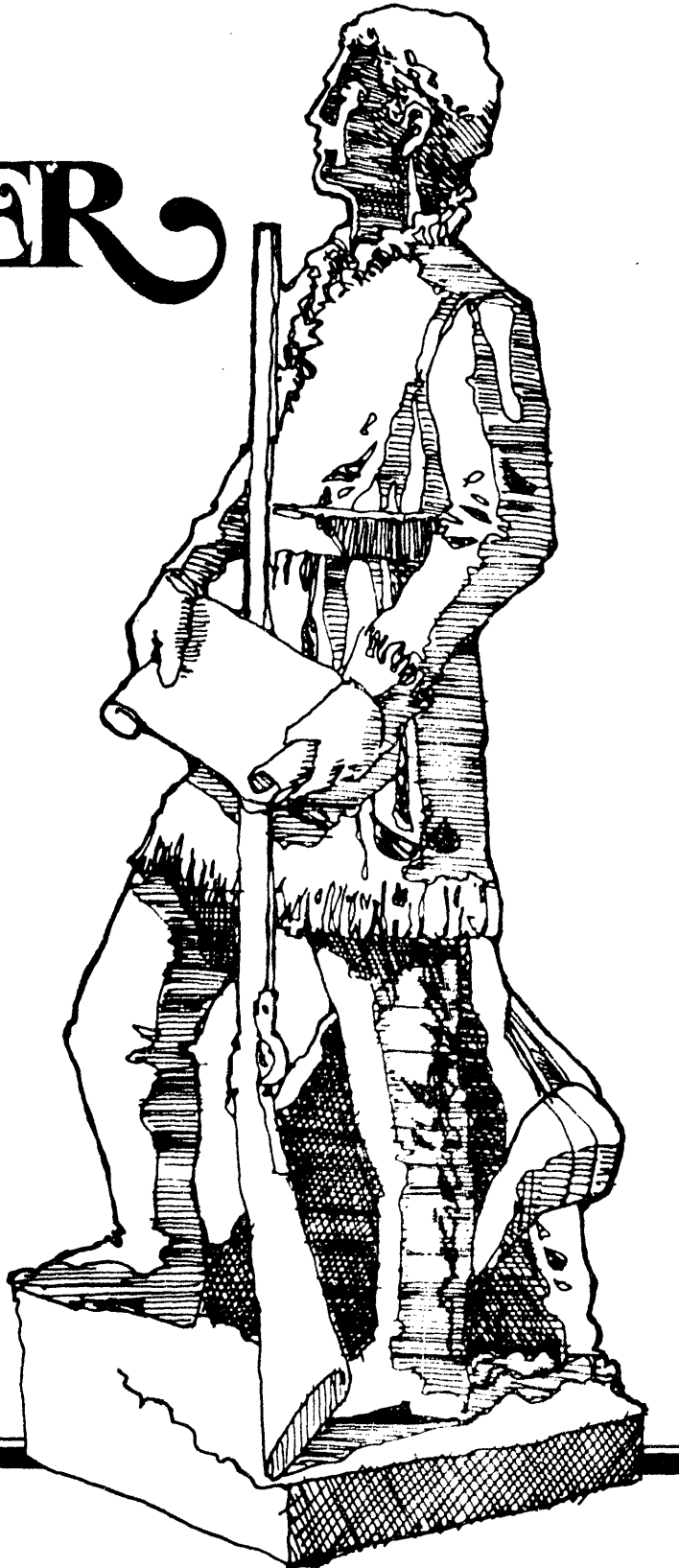
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Emergency sales tax amendments
by the Comptroller of Public Ac-
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Emergency health maintenance
organizations amendments by the
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Amendments to milk and dairy
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Amendment of filing of exceptions
and replies as proposed by the
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Office of the Secretary of State

NOTES ON THE ISSUE

A Health Maintenance Organization (HMO) is a group whose members are provided with a health care plan. It differs from other kinds of medical and hospital insurance in that an HMO provides the actual medical services, at least in part, as well as indemnification against the cost of the services. The Texas Health Maintenance Act, passed by the 64th Legislature, gives regulatory responsibility over HMO's to the commissioner of insurance. The State Board of Insurance has amended its HMO rules so that certain items formerly required to be in the HMO by-laws may now be provided in the form of written assurances. Because the board has recently received applications for HMO certificates, these amendments have been enacted on an emergency basis.

In other emergency action, the Comptroller of Public Accounts has amended the sales tax rule on imports and exports to allow retailers to prove by means other than the Mexican *pedimento de importaciones* that merchandise was sold for export. The Mexican government prohibits certain goods from importation and does not issue the importation document for those goods. The same amendments are proposed for permanent adoption. The emergency amendments and the proposal are published in this issue.

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

The *Texas Register* is published twice weekly, 100 times a year by the Texas Register Division, Office of the Secretary of State; Box 819, Texas Commodore Building; Austin, Texas 78701. Telephone (512) 475-7886.

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

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The Governor

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Appointments

Board of Directors of the Brazos River Authority

Appointed May 7, 1976, for a six-year term to expire February 1, 1981:

Don T. Kearby
P.O. Box 614
Mineral Wells, Texas 76067

Mr. Kearby is replacing Charles G. Lee of Mineral Wells, Palo Pinto County, who is deceased.

Board of Directors of the Rio Grande Valley Pollution Control Authority

Appointed May 7, 1976, for a two-year term to expire April 30, 1978:

Richard C. Roland
Box 631
La Feria, Texas 78559

Jim Mathis
1320 Ivy Lane
Edinburg, Texas

Mr. Roland and Mr. Mathis are being reappointed.

Requests for Opinions

Summary of Request for Opinion RQ-1385

Request for Open Records Decision sent to Attorney General's Opinion Committee by Wilson E. Speir, Director, Texas Department of Public Safety, Austin.

Summary of Request:

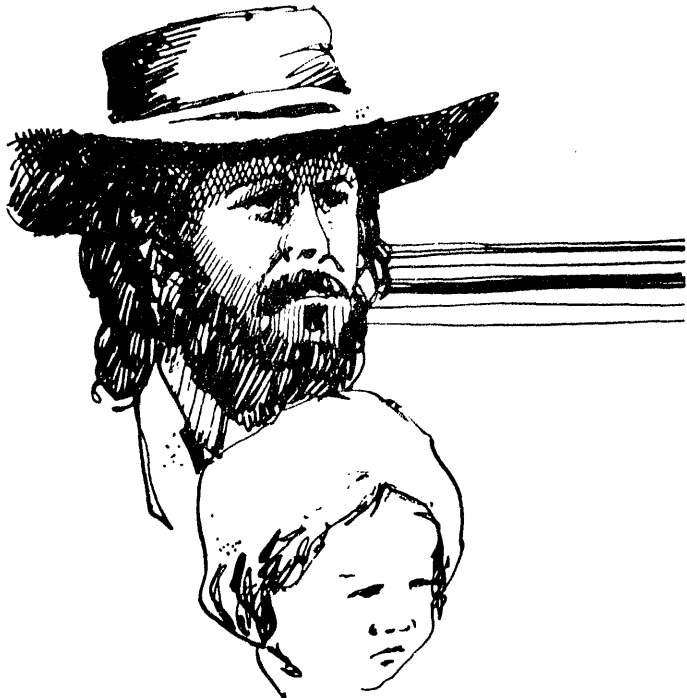
(1) Does an order of forfeiture entered under Article 6687-1, Section 49(d)(6), which does not cite an offense and does not recite that the owner of the vehicle cannot be located place valid title to the vehicle in the Department of Public Safety?

(2) Does Section 49 of Article 6687-1, Vernon's Texas Civil Statutes, provide a constitutional procedure for forfeiting vehicles to the state?

(3) If the answer to Question 2 is affirmative, is it necessary that the state plead and prove final disposition of charges in order to receive valid legal title of any vehicle forfeited under the statute?

Filed: May 12, 1976, 10:33 a.m.

Doc. No. 762578



Summary of Request for Opinion RQ-1386

Request for opinion sent to Attorney General's Opinion Committee by Hugh C. Yantis, Jr., Executive Director, Texas Water Quality Board, Austin.

Summary of Request:

(1) When the Justice Department, acting under the Federal Voting Rights Act, has prohibited citizens, property holders, and taxpayers residing in a newly-annexed area of a city from voting participation in an election which authorized issuance of bonds, can the city spend bond proceeds for sewage treatment and collection facilities which will provide city-wide service or service which is relatively city-wide?

(2) Under the same circumstances, can the city spend proceeds from the bonds for sewerage system construction which will provide service largely within the non-voting area?

(3) What legal relief is available to an area to which state law and action by the United States Justice Department deny all forms of governmental organization but which needs to provide itself with sewerage service through utilization of construction grant funding under Title II of the Federal Water Pollution Control Act?

Filed: May 12, 1976, 10:33 a.m.

Doc. No. 762579

Summary of Request for Opinion RQ-1387

Request for opinion sent to the Attorney General's Opinion Committee by Ben Ramsey, Chairman, Railroad Commission of Texas, Austin.

Summary of Request: Does the Texas Surface Mining and Reclamation Act, Article 5920-10, Vernon's Texas Civil Statutes, apply to clay mining which incidentally produces some lignite?

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

Doc. No. 762580

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

Filed: May 12, 1976, 10:33 a.m.

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

Opinions

Summary of Opinion H-817

Request for opinion by Bob Bullock, Comptroller of Public Accounts, Austin, concerning availability of an appropriation to Texas State Technical Institute.

Summary of Opinion: The appropriation to Texas State Technical Institute provided in Acts 1975, 64th Legislature, Chapter 339 at 907, is available for expenditure.

Filed: May 12, 1976, 10:33 a.m.
Doc. No. 762574

Summary of Opinion H-818

Request for opinion by O. W. McStay, Executive Secretary, State Board of Barber Examiners, Austin, concerning expiration dates for barbering specialty licenses and related matters.

Summary of Opinion: Under the Texas Barber Law, Article 8407a, Vernon's Texas Civil Statutes, the renewal fee for barber shop permits cannot be prorated. The specialty licenses issued pursuant to that article have no fixed expiration date, but the durations of such licenses are subject to termination or modification by the legislature.

Filed: May 12, 1976, 10:33 a.m.
Doc. No. 762575

Summary of Opinion H-819

Request for opinion by Kenneth Gaver, M.D., Commissioner, Texas Department of Mental Health and Mental Retardation, Austin, concerning whether "institutions" as used in appropriation item include MH/MR central office.

Summary of Opinion: The Department of Mental Health and Mental Retardation may allocate money to its central office from the Reserve Fund.

Filed: May 12, 1976, 10:33 a.m.
Doc. No. 762576

Summary of Opinion H-820

Request for opinion by John Lawhon, District and County Attorney, Denton, concerning whether certain procedures for selling chances to win prizes in a drawing constitute a lottery.

Summary of Opinion: The Texas Constitution and the Texas Penal Code prohibit lotteries even though they may be conducted for a charitable purpose.

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

Doc. No. 762577 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: May 12, 1976, 10:33 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.

Comptroller of Public Accounts

Tax Administration

Sales Tax Division-- State Taxes

026.02.20

The normal flow of commerce between Texas retailers and citizens of the Republic of Mexico was affected by the adoption of Rule 026.02.20.043, effective January 1, 1976, as a result of the requirement that Texas retailers secure a copy of the *pedimento de importaciones* or "formal entry" document issued by Mexican Customs as proof that items sold by the retailer were exported to Mexico and therefore exempt from Texas sales tax. The *pedimento de importaciones* is in many cases impossible to obtain, which in some instances causes Texas retailers to experience a competitive disadvantage; consequently, the Comptroller of Public Accounts has amended Rule 026.02.20.043 by including a newly prescribed State of Texas proof of export form as verification that the item sold was exported from Texas to the Republic of Mexico. Due to the emergency nature of this matter, this amended Rule 026.02.20.043 is effective immediately upon filing with the *Texas Register*.

This rule has been promulgated under the authority of Article 20.11(A), Title 122A, Texas Civil Statutes.

.043. *Imports and Exports (20.04(C), 20.04(G)(1))*. On the basis of the "import and export" clause of the United States Constitution (Clause 2, Section 10, Article 1), tangible personal property imported into or exported from the State of Texas is exempt from taxation by Article 20.04(C) of the Limited Sales, Excise, and Use Tax Act so long as the property retains its character as an import or export. Property shipped outside the State of Texas may also be exempt under Article 20.04(G)(1) of the Limited Sales, Excise, and Use Tax Act.

(1) Exports.

(a) The exemption provided for tangible personal property exported to a foreign country arises only when the property is irrevocably committed to the process of exportation from Texas to the designated foreign country. Intent of the seller and purchaser that the property will be exported is not sufficient to establish the exemption; nor does delivery of the property to a point in Texas for subsequent transport outside Texas necessarily constitute placing the property irrevocably in the exportation process. Proof that property is placed in final movement out of Texas may be shown by shipping documents such as land, air, and ocean bills of lading, which reflect delivery of the property by the retailer to a [customs broker, forwarding agent, or] carrier and shipment thereafter to a foreign destination. *Conclusive evidence that property has been exported to the Republic of Mexico may be established by the State of Texas proof of export form signed by a forwarding agent.*

(b) The retailer is responsible for obtaining proof of exportation. Certifications, affidavits, or statements from the purchaser that the goods will be or have been exported is not sufficient to exempt the sale as an export. [If the customer takes possession of the goods within the boundaries of the State of Texas, sales tax is due and is not refundable.]

(c) The retailer may claim exemption and need not collect sales tax at the time of sale if proof of export can be shown by any of the three following methods:

Method 1: The retailer delivers the goods to a foreign destination using his own mode of transportation.

The retailer must retain in his records, trip tickets, truck log records, or other documentation reflecting the specific items and foreign destination.

Method 2: The [retailer delivers the goods] *goods are delivered* to a forwarding agent [or customs broker] for shipment outside the State of Texas by such forwarding agent [or customs broker]. A "*forwarding agent*" is defined for the purposes of this rule as any person, including a customs broker, engaged in the business of verifying that goods purchased from a retailer in Texas have crossed into the Republic of

Mexico. [A "forwarding agent" is a third party, independent contractor hired by either the seller or purchaser for the purpose of facilitating the movement of goods to a foreign destination. He acts only as an intermediary between the seller and the carrier(s) that make(s) final delivery to the foreign purchaser and in no case makes delivery directly to the purchaser.] *The retailer must retain and make available to the comptroller either a copy of the shippers export declaration with the U.S. Customs "proof of export" stamped thereon or the "formal entry" or pedimento de importaciones document presented to Mexican Customs or the State of Texas proof of export form signed by the forwarding agent as proof that the sale it represents is exempt as an export sale.*

[The retailer must retain in his records:

- (1) all shipping documents to the forwarding agent or customs broker;
- (2) shipping documents furnished to the forwarding agent by the carrier hired to transport the goods to a foreign destination;
- (3) verification of the accuracy of these shipping documents as discussed below.

[The delivery must be made by the retailer to the forwarding agent or customs broker. The customer may not make such delivery.]

Method 3: The retailer delivers the goods to a carrier for shipment to a foreign destination by the carrier. [A "carrier" is a third party, independent contractor, hired by either the purchaser or seller for the purpose of transporting goods.]

The retailer must retain in his records:

- (1) a copy of all shipping documents to the carrier;
- (2) a receipt from the carrier reflecting the specific items delivered to it, the itinerary to be followed by it, and the name of the foreign consignee.
- (3) verification of the accuracy of these shipping documents as discussed below.

[At the present time there is no regulation by either the Texas Railroad Commission or the Interstate Commerce Commission with regard to sales destined for Mexico by surface transportation originating in border cities; consequently, there is no means to verify the accuracy of the shipping documents required under Methods II or III *supra*. Further, United States Customs do not regulate, inspect, or verify the exportation of all goods into Mexico. In order to satisfy the proof requirements of Article 20.04(G)(1), the retailer must therefore secure and retain in his records a copy of the Shippers Export Declaration with the U.S. Customs "proof of export" stamped thereon or the "formal entry" or *pedimento de importaciones* document presented to Mexican Customs and properly stamped as

proof that the items sold were in fact exported to Mexico. Failure to retain one or the other of these documents will result in the sale it represents to be disallowed as an exempt sale for export.]

(d) Refunds. *If the sales tax is collected by the retailer at the time of sale and the purchaser later submits proof in accordance with this rule that the item purchased was exported, the retailer may refund the sales tax and claim the sale it represents as an exempt sale for export only under the following conditions:*

- (1) no cash refunds are allowed.
- (2) the refund to the customer must be made on a company check of the retailer, certified check, or money order, a copy of which must be attached to the State of Texas proof of export document.
- (2) *Imports.* The United States constitutional prohibition against the State of Texas assessing a tax on tangible personal property brought into Texas from a foreign country is effective only so long as the goods remain in transit.

This rule shall take effect immediately on filing with the Secretary of State.

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

Doc. No. 762550 **Bob Bullock**
Comptroller of Public Accounts

Effective Date: May 10, 1976
Expiration Date: September 7, 1976
For further information, please call (512) 475-3825.



State Board of Insurance

Health Maintenance Organizations

Rules and Regulations 059.20.12

The Commissioner of Insurance has adopted emergency amendments to Rule 059.20.12.201, entitled "Rules and Regulations for Health Maintenance Organizations." Such amendments affect only the section of such rule entitled "each HMO shall have in its bylaws a provision that:" which appears on pages 21-24 of the existing rule. All other sections are unaffected. The State Board of Insurance has received several applications for certificates of authority to operate as Health Maintenance Organizations. Experience has shown that the aforementioned section of the Health Maintenance Organizations rule should be amended. The proper processing of Health Maintenance Organization applications requires that the amendments to such section be effective immediately. This creates an imminent peril to the public welfare and makes it imperative that such amendments become effective immediately upon filing with the secretary of state and that they be effective for 120 days from the date of such filing.

The amendments to Rule 059.20.12.201 are promulgated under the authority of Article 20A.22, Vernon's Annotated Texas Statutes, Insurance Code.

201. Rules and Regulations for Health Maintenance Organizations. Written Assurances [Each HMO shall have in its bylaws a provision that:] *In addition to any other requirements of the Texas Health Maintenance Organization Act, the rules and regulations of the Texas Department of Health Resources in respect of HMO's, and these rules, each HMO shall submit with its application for a certificate of authority, an exhibit, signed by the organization's president, and notarized, containing the following assurances:*

A. The HMO shall maintain a current list of sufficient providers and physicians to assure enrollees of prompt and continuous health care.

B. The HMO shall maintain a current list of its physicians and providers.

C. The HMO shall maintain appropriate rules and regulations to govern the delivery of health care by physicians and providers.

D. The HMO shall maintain a fulltime executive officer.

E. The HMO shall maintain a physician as medical director. The medical director may be fulltime or parttime as required and may be appointed chief of the medical staff.

F. The HMO shall develop and maintain a progressive, preventive program of health care services based on the enrollees reasonable health care needs

which [The program] shall include at least emergency care, inpatient care and outpatient care and shall be available, adequate, and accessible to enrollees.

G. The HMO [HMO's] shall provide or arrange for diagnostic laboratory service in either of the following manners: [shall be either:]

1. in [provided by the HMO in] its own laboratory which shall be directed by a qualified physician and which shall participate successfully in appropriate proficiency listing programs of the Texas Department of Health Resources; or

2. with [arranged for by the HMO with] a contracting laboratory which either maintains an acceptable quality control program or is certified as an independent laboratory.

H. The HMO [HMO's] shall provide or arrange for diagnostic and therapeutic radiological services in either of the following manners: [shall be either:]

1. in [provided for by the HMO in] its own facility directed by a qualified physician; or

2. with [arranged for by the HMO with] a contracting facility directed by a qualified physician.

I. The HMO [HMO's] shall provide or arrange for pharmacy services, including drug claims processing and utilization review, in either of the following manners: [shall be either:]

1. in [provided by the HMO in] its own pharmacy directed by a licensed staff pharmacist; or

2. with [arranged for by the HMO with] qualified pharmacies or a qualified service agency.

J. The HMO shall establish a quality assurance program to monitor the effectiveness of HMO care, record the outcome of treatment and provide a procedure for peer review.

K. The HMO shall establish a complaint resolution procedure for the receipt, investigation, and resolution of enrollee complaints and shall file an annual report on any complaints with the commissioner on a form prescribed by the commissioner.

L. The HMO shall develop a statistical plan to evaluate and report the cost of operation, the pattern of utilization of its services, and the availability, continuity, and accessibility of its services.

[M. The HMO shall submit a copy of any certificate of need or exemption certificate granted it by the Health Facilities Commission to the commissioner and the board.]

M. [O.] The HMO shall maintain medical records on enrollees and shall enter into agreements for the sharing of such records with physicians and providers without violating the confidentiality of such records.

N. The HMO shall have [has] the power to:

1. purchase, lease, construct, renovate, operate or maintain hospitals, medical facilities or such property as is necessary to operate the HMO, but shall file

with the commissioner supporting information prior to [the HMO] exercising such power;

2. make loans to medical groups or corporations controlled by the HMO, to further the HMO program, but shall file with the commissioner supporting information prior to exercising such power;

3. make independent contracts with physicians to furnish medical care, employ or contract with providers to furnish or arrange for the delivery of health care services;

4. contract for the performance of certain functions such as marketing, enrollment, and administration;

5. contract with admitted insurers or licensed group hospital service corporations to provide insurance or indemnity for health care services provided by the HMO;

6. offer basic health care, additional health care, or medical care services, indemnity benefits for out-of-area emergency services, and indemnity benefits through insurers or group hospital services corporations;

7. accept payment for health care services provided or arranged for by the HMO; and

8. act as a corporation, partnership, or association.

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

Doc. No. 762543 Pamela C. Evans
Control Clerk for Health
Maintenance Organizations
State Board of Insurance

Effective Date: May 10, 1976

Expiration Date: September 7, 1976

For further information, please call (512) 475-6256.

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.

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Comptroller of Public Accounts

Tax Administration

Sales Tax Division-- State Taxes 026.02.20

The Comptroller of Public Accounts is proposing to amend Rule 026.02.20.043, which concerns the methods a retailer may use to prove that a sale made by a retailer is exempt from Texas sales tax as a sale for export to a foreign country. The proposed amendment would primarily include a newly prescribed State of Texas proof of export form as verification that the item sold was exported from Texas to the Republic of Mexico.

Public comment on the proposed amendment to Rule 026.02.20.043 is invited. Persons should submit their comments in writing to Tom Henderson, Drawer SS, Capitol Station, Austin, Texas 78711.

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

.043. Imports and Exports (20.04(C), 20.04(G)(1)). On the basis of the "import and export" clause of the United States Constitution (Clause 2, Section 10, Article 1), tangible personal property imported into or exported from the State of Texas is exempt from

taxation by Article 20.04(C) of the Limited Sales, Excise, and Use Tax Act so long as the property retains its character as an import or export. Property shipped outside the State of Texas may also be exempt under Article 20.04(G)(1) of the Limited Sales, Excise, and Use Tax Act.

(1) Exports.

(a) The exemption provided for tangible personal property exported to a foreign country arises only when the property is irrevocably committed to the process of exportation from Texas to the designated foreign country. Intent of the seller and purchaser that the property will be exported is not sufficient to establish the exemption; nor does delivery of the property to a point in Texas for subsequent transport outside Texas necessarily constitute placing the property irrevocably in the exportation process. Proof that property is placed in final movement out of Texas may be shown by shipping documents such as land, air, and ocean bills of lading, which reflect delivery of the property by the retailer to a [customs broker, forwarding agent, or] carrier and shipment thereafter to a foreign destination. *Conclusive evidence that property has been exported to the Republic of Mexico may be established by the State of Texas proof of export form signed by a forwarding agent.*

(b) The retailer is responsible for obtaining proof of exportation. Certifications, affidavits, or statements from the purchaser that the goods will be or have been exported is not sufficient to exempt the sale as an export. [If the customer takes possession of the goods within the boundaries of the State of Texas, sales tax is due and is not refundable.]

(c) The retailer may claim exemption and need not collect sales tax at the time of sale if proof of export can be shown by any of the three following methods:

Method 1: The retailer delivers the goods to a foreign destination using his own mode of transportation.

The retailer must retain in his records, trip tickets, truck log records or other documentation reflecting the specific items and foreign destination.

Method 2: The [retailer delivers the goods] *goods are delivered* to a forwarding agent [or customs broker] for shipment outside the State of Texas by such forwarding agent [or customs broker]. A *"forwarding agent"* is defined for the purposes of this rule as any person, including a customs broker, engaged in the business of verifying that goods purchased from a retailer in Texas have crossed into the Republic of Mexico. [A "forwarding agent" is a third party, independent contractor hired by either the seller or purchaser for the purpose of facilitating the movement of goods to a foreign destination. He acts only as an intermediary between the seller and the carrier(s) that

make(s) final delivery to the foreign purchaser and in no case makes delivery directly to the purchaser.] *The retailer must retain and make available to the comptroller either a copy of the shippers export declaration with the U.S. Customs "proof of export" stamped thereon or the "formal entry" or pedimento de importaciones document presented to Mexican Customs or the State of Texas proof of export form signed by the forwarding agent as proof that the sale it represents is exempt as an export sale.*

[The retailer must retain in his records:

- (1) all shipping documents to the forwarding agent or customs broker;
- (2) shipping documents furnished to the forwarding agent by the carrier hired to transport the goods to a foreign destination;
- (3) verification of the accuracy of these shipping documents as discussed below.

[The delivery must be made by the retailer to the forwarding agent or customs broker. The customer may not make such delivery.]

Method 3: The retailer delivers the goods to a carrier for shipment to a foreign destination by the carrier. [A "carrier" is a third party, independent contractor, hired by either the purchaser or seller for the purpose of transporting goods.]

The retailer must retain in his records:

- (1) a copy of all shipping documents to the carrier;
- (2) a receipt from the carrier reflecting the specific items delivered to it, the itinerary to be followed by it, and the name of the foreign consignee.
- (3) verification of the accuracy of these shipping documents as discussed below.

[At the present time there is no regulation by either the Texas Railroad Commission or the Interstate Commerce Commission with regard to sales destined for Mexico by surface transportation originating in border cities; consequently, there is no means to verify the accuracy of the shipping documents required under Methods II or III *supra*. Further, United States Customs do not regulate, inspect, or verify the exportation of all goods into Mexico. In order to satisfy the proof requirements of Article 20.04(G)(1), the retailer must therefore secure and retain in his records a copy of the Shippers Export Declaration with the U.S. Customs "proof of export" stamped thereon or the "formal entry" or *pedimento de importaciones* document presented to Mexican Customs and properly stamped as proof that the items sold were in fact exported to Mexico. Failure to retain one or the other of these documents will result in the sale it represents to be disallowed as an exempt sale for export.]

(d) Refunds. *If the sales tax is collected by the retailer at the time of sale and the purchaser later submits proof in accordance with this rule that the item purchased was exported, the retailer may refund the sales tax and claim the sale it represents as an exempt sale for export only under the following conditions:*

- (1) no cash refunds are allowed.
 - (2) the refund to the customer must be made on a company check of the retailer, certified check, or money order, a copy of which must be attached to the State of Texas proof of export document.
- (2) Imports.** *The United States constitutional prohibition against the State of Texas assessing a tax on tangible personal property brought into Texas from a foreign country is effective only so long as the goods remain in transit.*

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

Doc. No. 762549 Bob Bullock
Comptroller of Public Accounts

Proposed Date of Adoption: June 17, 1976

For further information, please call (512) 475-3825.

Commission on Fire Protection Personnel Standards and Education

Standards Manual

Minimum Standards for Fire Prevention Personnel 211.02.06

The Commission on Fire Protection Personnel Standards and Education is proposing to adopt amendments to Rule 211.02.06.600 adding one higher level of certification in this category, in order to standardize requirements by providing four levels of certification in fire suppression, fire and arson investigator, and fire inspector requirements. The proposal will remove the first three paragraphs which are explanatory in nature only and do not constitute a rule. The proposal will also add the standard requirement for completion of one

year in service prior to the issuance of a certificate. The present Section B will have the title changed from "Advanced" to "Intermediate" in order to provide for the new Section C, to contain the requirements for an advanced certificate, and a new Section D, to specify the requirements for a master certificate achieved by college credits only, to relate equally to all requirements in other categories. Section A; Section B, Parts 1, 2, 3, and 4; and a and b of Part 5 are unchanged.

The following rule amendments are promulgated under the authority of Article 4413(35), Vernon's Texas Civil Statutes:

.600. Minimum Standards for Fire Prevention Personnel. [Every profession in the true sense of the word has rigid educational requirements that one must meet before recognition as a professional may be achieved. The range of education and training ordinarily extends from one extreme of an absolute minimum, to the other requiring a college degree. It is expected that future study and experience may provide adequate guidelines, governing knowledge and skill requirements to be met by fire protection personnel, in order to achieve levels comparable to craftsman, specialist and executive levels in the other areas of professionalism. These standards are of course, the minimum requirements and achieving of a higher standard should be the ultimate goal of each individual.]

Personnel, whether in a fire department, state agency, educational institution, political subdivision, or in private industry, who are either fulltime fire prevention inspectors or who are employed fulltime in a combined position as a fire prevention inspector and fire and arson investigator*, and who comply with the following minimum requirements for the various levels of inspector, may be eligible for certification by the commission.

(*Must be certified as provided in Rule 211.01.07.007.)
Note: Fire prevention inspection personnel shall complete certification requirements, as certified inspector, within two years of initial appointment to such position.

Further: *In order to obtain any of the following inspector certificates, the applicant must have completed one year of service in fire prevention activities prior to issuance of the certificate in this discipline. Previous departmental accredited training is acceptable where applicable.*

B. Intermediate 'Advanced' Certified Inspector.

5. Each applicant shall have acquired the following combination of education and training points combined with the prescribed years of fire *protection* [prevention] experience, or the college courses designated and approved by the commission, combined with the prescribed years of fire *protection* [prevention] experience.

C. Advanced Certified Inspector.

1. *Each applicant shall be an intermediate certified inspector.*

2. *Each applicant must be a fulltime inspector.*

3. *Each applicant shall have acquired the following combination of education and/or training points, combined with the prescribed years of fire protection experience. The first part of the line represents education and training points while the second part, following the comma, represents years of fire protection experience:*

40, 12

60, 9

associate degree, 9 or

baccalaureate degree, 4

4. *All programs to be eligible for credit shall be submitted to and approved in writing by the commission prior to commencement of the program. (Repeat programs or course of study will not be accepted for credit.)*

D. Master Certified Inspector

3. Each applicant shall have acquired the following education and years of *fire protection* experience. The first part of the line represents education while the second part, following the comma, represents years of fire *protection* [prevention] experience:

associate degree, 12 [9]

baccalaureate degree, 6 or

master's degree, 4

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

Doc. No. 762505 Garland W. Fulbright
Executive Director
Commission on Fire Protection
Personnel Standards and
Education

Proposed Date of Adoption: June 17, 1976

For further information, please call (512) 459-8701.

**Minimum Standards for Fire and Arson
Investigative Personnel 211.02.07**

The Commission on Fire Protection Personnel Standards and Education is proposing to adopt amendments to Rule 211.02.07.700 by the addition of three sections

to provide for three additional levels of certification in addition to the basic certificate provided for at present. These amendments will specify requirements for the additional intermediate, advanced, and master certificate requirements in order to standardize the achievement levels to the other certificate categories. Section A, 1 (A) through (O) remains unchanged.

The following rules are promulgated under the authority of Article 4413(35), Vernon's Texas Civil Statutes.

.700. *Minimum Standards for Fire and Arson Investigative Personnel.* In accordance with the provisions and standards hereinafter set forth, the Texas Commission on Fire Protection Personnel Standards and Education shall, acting by and through the executive director of said commission, award the following certificates to qualified applicants:

A. Basic Fire and Arson Investigator Certificate. Fire department fire and arson investigators must [complete the prescribed training and] possess a current police officer basic certificate *issued* [required] by the Texas Commission on Law Enforcement Standards and Education as a prerequisite *and must complete within two years from date of appointment to such position, the following subjects in order to be certified. Applicant must also have served in such position for a period of one year prior to the issuance of a certificate in this discipline.*

[.701. An additional 60 hours covering the following subjects must be completed in order to be certified as fire department fire and arson investigator.]

B. Intermediate Fire and Arson Investigator Certificate.

1. *Each applicant must possess a basic fire and arson investigator certificate.*

2. *Each applicant must possess an intermediate law enforcement officer certificate.*

3. *Each applicant must complete 40 additional class hours of accredited training.*

4. *Each applicant shall have acquired the following combination of education and training points, combined with the prescribed years of fire protection experience. The first part of the line represents education and training points while the second part, following the comma, represents years of fire protection experience:*

20, 8

40, 6

60, 4

associate degree, 4 or

baccalaureate degree, 2

5. *All programs to be eligible for credit shall be submitted to and approved in writing by the com-*

mission prior to commencement of the program. (Repeat programs or courses of study will not be accepted for credit.)

C. Advanced Fire and Arson Investigator Certificate.

1. *Each applicant must possess an advanced law enforcement officer certificate and must also possess an intermediate fire and arson investigator certificate.*

2. *Each applicant must complete an additional 40 hours of accredited training.*

3. *Each applicant shall have acquired the following combination of education and training points, combined with the prescribed years of fire protection experience. The first part of the line represents education and training points while the second part, following the comma, represents years of fire protection experience:*

40, 12

60, 9

associate degree, 9 or

baccalaureate degree, 4

4. *All programs to be eligible for credit shall be submitted to, and approved in writing by the commission prior to commencement of fire program. (Repeat programs will not be accepted for credit.)*

D. Master Fire and Arson Investigator Certificate.

1. *In addition to the requirements set forth in Section C, the following requirements must be met for the award of the master fire and arson investigator certificate.*

2. *Each applicant shall possess an advanced fire and arson investigator certificate and shall have acquired the following education and years fire protection experience. The first part of the line represents education while the second part, following the comma, represents years of fire protection experience:*

associate degree, 12

baccalaureate degree, 6 or

master's degree, 4

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

Doc. No. 762506

Garland W. Fulbright
Executive Director
Commission on Fire Protection
Personnel Standards and
Education

Proposed Date of Adoption: June 17, 1976

For further information, please call (512) 459-8701.

Texas Department of Health Resources

Milk and Dairy

Grade "A" Bulk Milk Operations 301.72.15

The Texas Department of Health Resources proposes to amend Rules 301.72.15.001-.005 covering Grade "A" bulk milk operations in the State of Texas.

The Milk and Dairy Products Division, Texas Department of Health Resources, proposes to amend the regulations governing Grade "A" bulk milk operations in Texas for the following reasons:

(1) the 1971 regulations governing Grade "A" bulk milk operations in Texas did not contain a procedure for the cleaning and sanitizing of bulk milk transportation tanks; and

(2) there were no specifications available at that time for permanently installed cleaning systems.

The proposed regulations will establish the responsibility for the cleaning of the bulk milk transportation tank and establish specifications for the equipment which is to be used.

The proposed regulations will also establish a system for the identification and permitting of the bulk milk transport tanks which haul milk into and within Texas. This was not provided for in the 1971 regulations.

Public comments on the proposed changes are invited until July 13, 1976, and should be submitted in writing to David H. Evans, Director, Division of Milk and Dairy Products, Texas Department of Health Resources, 1100 West 49th Street, Austin, Texas 78756.

These changes are proposed under authority of Article 165-3, Texas Civil Statutes.

.001. Bulk Milk Hauler Qualifications and Requirements.

(a) Definitions.

(1) "Bulk milk hauler" means any person who holds a milk hauler's permit issued by the health authority, and who transports raw milk from a dairy farm to a milk plant, receiving station, or transfer station. [Provided that this shall not include milk producers who transport milk only from their own dairies.]

(2) "Health authority" means the city or county health officer or his representative, or the appropriate agency having jurisdiction and control over the matters embraced within these specifications and requirements.

(3) "State Director of Health Resources" means the State Director of Health Resources or his representative. ["State health officer" means the Commissioner of Health of the State of Texas.]

(4) "Transport tank" means any tank which is used for the pickup of farm bulk milk or the transportation of [raw] milk or milk products to or from any dairy farm, milk plant, receiving station, or transfer station where Grade "A" milk or milk products are [raw milk is] handled or processed.

(5) "Unloading station" means any receiving station, transfer station, or milk processing plant where Grade "A" raw-to-plant milk or Grade "A" milk or milk products are unloaded from milk transport tanks.

(6) "Transport tank washing station" consists of the facilities used for the washing and sanitizing of milk transport tanks. The transport tank washing station shall be permitted by the supervising health authority unless it is an integral part of a permitted milk plant, receiving station, or transfer station.

(b) Requirements for bulk milk hauler permits.

(1) The health authority shall carry out a comprehensive training program which shall include a short course teaching specific procedures necessary to properly handle milk from the dairy farm to the plant, receiving station, or transfer station. This course shall further include practical field training sufficient to develop a proficient working knowledge of proper bulk milk handling procedures. Rule 301.72.15.003, "Training Outline and Bulk Milk Hauler Duties and Responsibilities," which shall be used as the basic study material at each bulk milk hauler short course, has been standardized for uniform application throughout the state. Training also shall consist of visual aid instruction on bulk tank systems and the use of other necessary materials pertaining to bulk tank operations.

(2) After training has been completed by each hauler or group of haulers, the health authority shall conduct a qualifying examination. The examination shall consist of a written test, an oral test, and a practical test which includes correct sampling procedures. A passing grade requirement on these examinations shall be a combined score of 90 on a 100 top score basis. The State Director of Health Resources [state health officer] shall standardize this examination for uniform application throughout the state.

(3) An industry-sponsored training program may be used in lieu of this program, provided that:

(A) such training program meets or exceeds the minimum standards and requirements set forth in these regulations;

(B) such program be acceptable to the health authority; and

(C) the qualifying examination be administered by the health authority.

(4) The health authority shall provide for semi-annual [biannual] investigational checkups on procedures and techniques used by each hauler in the per-

formance of his duties *and for a biannual evaluation of all official milk samplers.*

(5) These requirements do not eliminate or supersede other licenses or permits required by any other official regulatory agency.

(c) Procedure and handling requirements.

(1) Each transport tank used for farm bulk milk pickup shall be supplied with sanitized sample bottles or bags, other sampling equipment, and supplies necessary to clean and sanitize multi-use equipment used in sampling and pickup operations.

(2) All milk haulers operating farm bulk milk pickup transport tanks shall make available to the health authority, upon request, a current list of producers for each route pickup load with the following information:

(A) producer name and number in the order of milk pickup;

(B) time of arrival at each dairy;

(C) time of arrival at the unloading station;

and

(D) the name and address of the unloading station.

(d) *Bulk milk hauler permit issuance.*

(1) Bulk milk haulers successfully qualifying by examination will be issued permits by the health authority to perform milk hauler duties. Only those milk haulers having a valid permit will be allowed to remove milk from a bulk milk tank and collect milk samples for laboratory examination.

(2) The health authority is granted authority to issue temporary hauler permits in emergency situations without the prescribed examinations and training program, provided acceptable certification of competence is made. The period of the temporary permit shall not exceed 30 days, unless the hauler is undergoing training for a permit.

(3) The bulk milk hauler permit shall be issued and remain in permanent effect unless suspended for violation of these requirements, or when the hauler has not been active as a milk hauler for a period of one year.

(4) [The hauler's permit shall be restricted to the jurisdiction of the issuing authority.] In the case of a permitted hauler's transfer to a new jurisdiction, the new authority may issue a permit without re-examination based upon certification of the hauler's qualifications by the health authority originally issuing the hauler's permit.

(5) *The State Director of Health Resources* [The State Health Officer] or the health authority having jurisdiction shall have the authority to suspend hauler permits when upon investigation it is found that any requirement of these regulations or any provision of the [Public Health Service Milk Ordinance, or the Texas Milk Grading and Labeling *Specifications and Requirements* [Law] are violated.

.002. *Equipment and Facilities Required for Hauling, Storing, and Transporting Bulk Milk.*

(a) Generally, provisions of the Texas Milk Grading and Labeling *Specifications and Requirements* [Law and provisions of the current edition of the U.S. Public Health Service Grade "A" Pasteurized Milk Ordinance] shall apply to the bulk system in the handling and hauling of bulk milk in Texas.

(b) Milkhouse facilities. The milkhouse and milkhouse equipment shall meet the following requirements:

(A) The milkhouse shall be of adequate size to provide that aisles be at least 30 inches wide, with adequate allowance at the outlets of bulk cooling/holding tanks adjacent to wash-and-rinse vats and where operational conditions warrant. There shall be sufficient space for storage of utensils and equipment used in cleaning and milking operations.

(B) A water connection, equipped with a hose, shall be provided and conveniently located for use in rinsing the storage tank with lukewarm water. This hose shall be properly stored above the floor when not in use.

(C) A milk hose port shall be located in the milkhouse wall convenient to the loading position of the milk transport tank. This hose port shall be of appropriate size to accommodate the milk conducting hose and shall be located at a height of at least six inches above the outside slab level and shall be provided on the outside with a tight-fitting cover which shall be kept closed when not in use.

(D) A concrete slab shall be installed outside the milkhouse to provide protection for milk conducting activities. The slab shall be a minimum size of four feet by eight feet and shall be approximately centered lengthwise beneath the hose port. It shall also be sloped to drain away from the milkhouse.

(E) An electrical connection with a safety switch shall be provided at a point convenient to the milk conductor opening.

(c) Bulk milk holding tank.

(1) Farm bulk milk holding tanks shall have a capacity of not less than two and one-half times the daily production for the entire milking herd on dairies having a milk pickup each 48 hours. Dairies having a pickup at least once every 24 hours shall have a capacity of not less than one and one-half times the daily production for the entire herd. Time between milk pickups shall be no less frequent than every other day. Also, each pickup shall be a complete pump-out.

(2) [Bulkheaded farm tanks shall be installed so that all tank openings are located inside the milkhouse or in a room which meets milkhouse construction requirements.]

[(3)] The Texas State Department of Agriculture, which is responsible for calibrating bulk milk tanks on dairy farms, requires that milk tank supports be set in concrete prior to calibration.

(d) Cleaning and sanitizing of farm bulk milk holding tanks. An effective cleaning procedure and bactericidal treatment of all milk contact surfaces of farm milk equipment shall be followed.

(A) The farm tank is to be rinsed with warm (not hot) water as soon as the milk has been removed. This operation shall be the responsibility of the transport tank operator.

(B) The cleaning operation shall be done without undue delay and in an effective manner applicable to the cleaning agents being used.

(C) All bulk milk holding tank contact surfaces, agitators, pipes, measuring devices, and similar equipment shall be protected from contamination after cleaning. This is usually best accomplished by replacement of such parts in their respective positions in the storage tank.

(D) All milk contact surfaces of each piece of equipment shall be effectively sanitized with an approved bactericidal treatment just prior to use.

(e) Transport tanks.

(1) The permitting of milk transport tanks.

(A) Each individual milk transport tank used to transport Grade "A" raw-to-plant milk or Grade "A" milk or milk products to or from a milk plant or receiving station, will be permitted by the health authority having jurisdiction over the milk being hauled. In cases where the milk being hauled is produced under the supervision of more than one health authority, the agency responsible for supervising the majority of the milk being hauled should issue the permit.

(B) The State Department of Health Resources shall act as a central clearing agency for permit numbers. The State Department of Health Resources will issue a block of four-digit numbers to each health authority which has the responsibility of permitting milk transport tanks. These four digits will remain a part of the bulk milk transport tank permit number for as long as the transport tank is used and will not be used again for five years after the tank is taken out of service.

(D) The health authority issuing the permit will assign a two-digit prefix to the permit number. These two digits will be separated from the last four digits by a hyphen. This two-digit prefix will be the city number used in the national labeling code (example: 12-1500).

(D) In cases where the milk transport tank is permitted to haul milk into the State of Texas and

is based outside the State of Texas, the Texas national labeling code number will be used as a prefix (example: 48-1500).

(E) In cases where the milk transport tank is based in Texas, but is permitted to haul milk into the State of Texas from other states, both the state and city national labeling code numbers will be used as prefixes (example: 48-12-1500).

(2) Labeling of milk transport tanks.

(A) The permit numbers will be placed on both sides of the milk transport tank or on both skirts. The numbers must be three and one-half inches in height with a tolerance of plus or minus one-half inch. These numbers must be legible.

(B) The name and address of the hauler must also be placed on the skirts or the sides of the transport tank in a manner which is legible.

(3) The inspection of milk transport tanks.

(A) The milk transport tank must be inspected prior to the issuance of a permit and a minimum of once each six months thereafter by appropriately designated local or state milk sanitation personnel. A copy of each inspection report will be forwarded to the State Department of Health Resources. When the milk transport tank is inspected by an agency other than the permitting authority, the State Department of Health Resources will send a copy of the inspection report to the health authority which permitted the milk transport tank. The permitting authority will be responsible for the forwarding of the inspection report to the transportation company owner or manager.

(B) The owner or manager of the transportation company will report within 10 days any milk transport tanks taken out of service or severely damaged to the health authority which issued the permit. The permitting authority will then notify the State Department of Health Resources within 10 days.

(4) Operations of milk transport tanks.

(A) Transport tanks used for hauling Grade "A" raw milk must be operated in compliance with the following provisions:

(i) Transport tanks routinely used to pick up and/or deliver Grade "A" raw-to-plant milk or Grade "A" milk or milk products to plants and receiving stations in the State of Texas must be equipped with permanently installed milk transport tank washing equipment. This equipment must be in compliance with the current edition of the 3-A Sanitary Standards at the time of installation and be approved by the health authority. This equipment should be so designed that it will operate properly when connected to a cleaning system which will provide 140 gallons of solution per minute at 50 pounds pressure per square inch.

(ii) Each transport tank used to pick up bulk milk shall be provided with a tight and well insulated service cabinet. The inner surface of the cabinet shall be of stainless steel construction. The cabinet shall be of sufficient size and so constructed as to provide adequate space, without overcrowding, for fittings, valves, milk pumps, racks for milk conducting equipment, wrenches, sample bottles, dip-pers, solutions for washing and sanitizing milk contact equipment, and all other equipment used for milk handling purposes.

(iii) When compartment transport tanks are used, Grade "A" milk shall not be permitted to be hauled in one compartment while ungraded milk or another product is being hauled in another compartment on the same tanker.

(iv) Agitating and sampling transport milk shall be accomplished in such a manner as to provide maximum protection against product contamination. In no instance shall this be done at a place other than an approved unloading station.

(f) Transport tank unloading and transport tank wash station.

(1) Transport tank unloading station.

(A) When the transport tank unloading station is a receiving station or a milk processing plant, it shall comply with the following items of the Texas Milk Grading and Labeling Specifications and Requirements: 1p to 15p inclusive, and 17p, 20p, and 22p, except that the partitioning requirement of item 5p shall not apply.

(B) When the unloading station is a transfer station, it shall comply with the following items of the Texas Milk Grading and Labeling Specifications and Requirements: Items 1p, 4p, 6p, 7p, 8p, 9p, 10p, 11p, 12p, 13p, 14p, 15p, 20p, and 22p; and, as climatic and operating conditions require, the applicable provisions of items 2p and 3p, provided that in every case, overhead protection shall be provided.

(C) The pump-out of the transport tank shall be done in an area where a cover extends over the complete transport tank or, where climatic and operating conditions require, in a completely enclosed area. Pump-out operations must be protected in such a manner as to prevent product contamination. If the area is not completely enclosed or doors of the unloading area are open during unloading, a suitable filter is required for the manhole or the air inlet vent.

(D) The agitating and sampling of the transport tank milk shall be accomplished in such a manner as to provide maximum protection against product contamination. The unloading station shall provide the necessary equipment to adequately agi-

tate the milk in the transport tank. In no instance shall this be done at a place other than an approved unloading station.

(E) The unloading station shall record the following information on each load of milk received and maintain these records for a period of not less than 90 days:

- (i) date the load was received;
- (ii) time received;
- (iii) number of pounds in the load;
- (iv) temperature of the milk;
- (v) the permit number of the truck delivering the milk;
- (vi) the name of the station operator receiving the milk;
- (vii) the transport tank cleaning tag should be removed and kept with the other records.

(F) In no case, shall milk be received from a transport tank that appears to be damaged, dirty, or does not have a cleaning tag attached, without the permission of the health authority.

(2) Transport tank washing station.

(A) A transport tank washing station will be provided by each transport tank unloading station. The transport tank washing station may be an integral part of the unloading station or a separate facility. When the transport tank washing station is a separate facility, it shall be located convenient to or in the proximity of the unloading station. It must also be under the supervision of the same health authority as the unloading station.

(B) The transport tank washing station shall comply with the following items of the Texas Milk Grading and Labeling Specifications and Requirements: Items 1p, 4p, 6p, 7p, 8p, 9p, 10p, 11p, 12p, 14p, 15p, 20p, and 22p; and, as climatic and operating conditions require, the applicable provisions of item 2p and 3p; provided that in every case, overhead protection shall be provided.

(C) The transport tank washing station shall have installed the necessary equipment to clean in place milk transport tankers which are equipped with permanently installed tank washers. This equipment will include the following:

- (i) adequate water heating facilities;
- (ii) tanks of an adequate size to hold the rinse, wash, and sanitizing solution;
- (iii) a wash pump which will deliver the cleaning and sanitizing solutions to the milk contact surface of the transport tank at an adequate rate and velocity. This pump should deliver a minimum of 140 gallons per minute with a pressure of 50 pounds per square inch;

(iv) a removal pump which will remove rinse and cleaning solutions from the transport tank as fast as these are pumped into the transport tank;

(v) a screening device shall be provided which will prevent the passage of any foreign material into the system that would adversely affect the performance of the spray device(s), and located so as to be easily cleaned and sanitized;

(vi) a 24-hour pressure-temperature recorder shall be provided. This may be an integral unit or in two separate cases. The temperature sensor shall be located in the return solution-rinse line. The pressure sensor shall be located in the solution line downstream from the pressure supply pump. Recording charts shall be properly identified (showing date, permit number of transportation tank cleaned, operator's initials, etc.) and preserved for not less than 90 days;

(vii) the necessary equipment shall be provided for the cleaning of transport tank pumps, gaskets, hoses, etc., which do not clean in place. Equipment shall be provided to clean the hoses by circulation;

(viii) all equipment and utensils must be in compliance with the current edition of the 3-A Sanitary Standards at the time of installation;

(ix) a cleaning regimen shall be established and posted in the transport tank washing area. This regimen shall provide for a pre-rinse, wash, post-rinse, and/or sanitizing of the transport tank. The wash solution must have a minimum temperature in the return line of 135 degrees Fahrenheit.

(D) The milk transport tank shall be adequately cleaned so as to pass black-light inspection at all times.

(E) The transportation tank and appurtenances shall be sanitized immediately after washing with an approved acid sanitizer or any other approved non-corrosive sanitizer. The transport tank shall be sanitized by pumping the sanitizing solution through the wash-rinse system. When a transport tank is taken out of service for more than 48 hours, it shall be sanitized again before it is used.

(F) All milk transport tanks shall be tagged after each cleaning and sanitizing. This tag shall bear the following information:

- (i) the transport tank permit number;
- (ii) the date and time it was cleaned and sanitized;
- (iii) the name and location of the cleaning station; and
- (iv) the name of the person who cleaned and sanitized the transport tank.

(G) This tag shall remain attached to the transport tank until the milk is unloaded at the unloading station.

[(e) Bulk milk transport tanks.

[(1) Transport tanks used for hauling Grade "A" raw milk must be operated in compliance with the following provisions:

[(A) When compartment transport tanks are used, Grade "A" milk shall not be permitted to be hauled in one compartment while ungraded milk or another product is being hauled in another compartment on the same tanker.

[(B) Each transport tank used to pick up bulk milk shall be provided with a tight and well insulated service cabinet. The inner surface of the cabinet shall be of stainless steel construction. The cabinet shall be of sufficient size and so constructed as to provide adequate space, without overcrowding, for fittings, valves, milk pumps, racks for milk conducting equipment, wrenches, sample bottles, dippers, solutions for washing and sanitizing milk contact equipment, and all other equipment used for milk handling purposes.

[(C) Agitating and sampling transport tank milk shall be accomplished in such a manner as to provide maximum protection against product contamination.

[(f) Loading and unloading transport tanks. Milk shall be conducted into or from the transport tank only through sanitary approved pipe or hose.

[(A) All hose connectors used shall be in conformance with the current edition of the U.S. Public Health Service Grade "A" Pasteurized Milk Ordinance construction and design requirements. Such hose shall be capped when not in use.

[(B) All fittings used in connection with the flexible hose shall be demountable.

[(C) The unloading, loading, or transfer of milk between transport tanks shall be conducted only in an approved transfer station, receiving station, or plant unloading facility.]

.003. Training Outline and Bulk Milk Hauler Duties and Responsibilities.

(a) Reasons for milk sanitation program.

(1) Public health sanitation protects the health of the consumer from the diseases which may be transmitted in milk, such as the following: enteric diseases associated with flies, dirty utensils, etc; typhoid and para-typhoid fevers associated with carriers, persons ill; streptococcus infections associated with carriers, persons ill, mastitis; tuberculosis associated with carriers, persons ill, bovine; undulant fever associated with bovine brucellosis; food poisoning (staphylococcus) associated with mastitis, ulcer, boils on hands of handlers.

(2) Good sanitation is good economy because the prevention of product adulteration or contamination can insure against monetary loss to producer, pro-

cessor, and consumer, and good sanitation also improves product quality, thereby increasing consumer demand.

(b) Bacteria.

(1) There are three general groups of bacteria:

(A) harmful bacteria: disease producing, called pathogens;

(B) beneficial bacteria: this group includes bacteria used in the manufacture of buttermilk, certain cheese, etc.; and

(C) nuisance bacteria: troublemakers such as thermodurics, thermophilics, and psychrophilics.

(2) Factors affecting growth of bacteria.

(A) Food: the thorough cleaning of equipment surfaces eliminates the food necessary for bacteria growth.

(B) Water: rapid drying of idle utensils and equipment deprives bacteria of the moisture necessary for growth.

(C) Temperature.

(i) Most bacteria find temperatures between 70 degrees and 99 degrees Fahrenheit favorable for growth.

(ii) Freezing temperatures usually stop growth and may even destroy some types of bacteria. As the temperature rises to approximately 99 degrees Fahrenheit, conditions favoring bacteria growth improve.

(iii) All bacteria have a temperature at which they grow best, a minimum temperature below which they cannot grow, and a maximum temperature at which they can continue to grow.

(iv) The temperature most favorable for different bacteria varies greatly. This is a fact of much importance in dairy sanitation.

(v) Examples of bacteria growing at extremes of temperature are: psychrophilic, a cold-loving bacteria which grows best at 32 degrees to 60 degrees Fahrenheit, is usually considered to be a troublemaker and can cause off-flavors in milk; thermophilic, a heat-loving bacteria which grows best at about 115 degrees and some of which are pathogenic; and thermoduric, a heat-enduring bacteria which is able to endure high temperatures but does not necessarily grow at high temperatures, and some of which may be pathogenic.

(D) Acidity of environment (ph).

(i) Ph refers to intensity of acidity or alkalinity and is expressed by numbers on a scale 0 to 14, with the lower numbers being more acidic, 7 being neutral, and the higher numbers being more alkaline.

(ii) Generally, most bacteria grow best at ph 7.0 (neutral); however, there are some exceptions.

(3) Bacterial growth rates.

(A) Each bacterium reproduces by splitting to become two bacteria.

(B) At room temperature, approximately 70 degrees to 75 degrees Fahrenheit, one bacterium will be two within approximately 30 minutes; four in one hour; 16 in two hours; 64 in three hours; and 256 in 12 hours.

(c) Procedures and outline of hauler duties and responsibilities.

(1) Personal cleanliness. The hauler shall practice good hygiene, shall be neat in appearance, and shall wear clean light-colored clothing and head covering.

(2) Checking the transport tank and tractor:

(A) clean inside and outside;

(B) covers closed and outlet valve capped;

(C) determine if transport tank, pump, and hose have been sanitized.

(3) Check to assure that tractor or truck is serviced and ready for day's run.

(4) Equipment and supplies with check list conveniently located:

(A) sufficient sample bottles or bags properly sanitized;

(B) dippers of sample tubes;

(C) straws and cups;

(D) pocket thermometer (unbreakable);

(E) chlorine or other approved sanitizing agent and solution container;

(F) sample case and sufficient ice;

(G) sanitary gaskets and wrenches;

(H) weight record book;

(I) pen or pencils;

(J) electrical fuses;

(K) paper towels; and

(L) watch for timing milk agitation.

(5) Drive safely:

(A) observe traffic rules;

(B) spotting transport tank at dairy: check for safety of persons, animals, and property before backing.

(6) Bulk milk pickup and sampling procedures:

(A) remove milk transfer hose and electrical cord for milk pump from transport tank storage compartment; insert capped end of hose and the cord plug through hose port into the milkroom;

(B) plug in electrical cord to transfer pump. Safety precaution: check for grounding; ungrounded circuits are extremely dangerous.

(7) Check milk quality.

(A) Record holding tank thermometer temperature. Periodically check the tank thermometer temperature against the temperature taken with your pocket thermometer. (Pocket thermometer must be sanitized before use.) Reject milk over 50 degrees Fahrenheit, and record variance.

(B) Remove port cover from holding tank.

(i) Be sure agitator has been stopped long enough for milk to become still.

- (ii) Check for off-odors and record in book.
- (iii) Observe surface of milk for foreign matter, icing, foam, etc. Record in book.
- (iv) Make decision to reject the milk if it is of poor quality.

(C) Replace port cover.

(8) Wash hands, using soap and water, wipe dry with paper towel.

(9) Measuring the milk.

(A) Remove measuring stick, rinse with hot water and wipe dry with paper towel. If measuring stick is stored outside of milk tank, wash, sanitize, and wipe dry with sanitary single service towel before using.

(B) Carefully insert stick into tank, withdraw, and observe stick measurement. Repeat to get two identical measurements. Then record measurement on weight ticket.

(C) Replace port cover.

(D) Check stick measurement with tank calibration chart and record corresponding pounds or gallons on weight tickets.

(E) *Check the serial number on the gauge and tank against the serial number on the chart.*

(F) Important: If there is any doubt in your mind about the correctness of your readings or weights, repeat the measuring process.

(10) Start agitator and agitate for five minutes. To obtain an accurate representative sample, the milk in the tank must "roll" for five minutes. While milk is agitating, remove cap from tank outlet valve and check for milk deposits or foreign matter and then sanitize valve. Remove cap from transfer hose, sanitize connection, and attach to tank outlet.

(11) Sampling the milk.

(A) Assemble sampling equipment which includes sample bottle or bag, sampling device, sample case, sample form, straws or cups. If sterile sampling tube or dipper is not used, sanitize sampling equipment before each use.

(B) Remove port cover or open tank lid and observe to assure that milk is completely mixed.

(C) Perform a quality test by removing milk with sampling device to a paper cup. Then taste, letting milk warm in mouth to bring out full flavor; do not swallow.

(i) Record as good, fair, poor, bad, weedy, salty, rancid, etc.

(ii) Make decision concerning rejection of off-quality milk.

(D) Remove dipper or sampling tube from sanitizing solution and rinse twice in milk before transferring sample.

(E) Transfer required amount of milk with sampling device to a sample bottle or bag. When transferring milk from sampling equipment to sample bottle or bag, caution should be used to assure that no milk spills back into tank.

(i) Be careful not to allow fingers or any contaminating matter to come in contact with lid or mouth of bottle.

(ii) Close sample bottle tightly.

(iii) Make sure that sample bottle is properly identified.

(F) Replace port cover or close tank lid and place sample bottle in ice container or refrigerated cabinet in tanker.

(i) Sample must be cooled within one hour and maintained at 32 degrees to 40 degrees Fahrenheit (avoid freezing) until delivered to laboratory.

(ii) Drain excess water from sample case.

(iii) Deliver sample to laboratory promptly.

(12) The tank pump-out.

(A) Open tank outlet valve.

(B) Start pump and agitator.

(C) Cut off agitator when milk is lowered to a level that will cause over-agitation. Variances will be observed. The milk level should be decided by producer and field man.

(D) Completely pump-out tank. No partial pump-outs permitted. Partial pump-out may result in flavor deterioration, loss of butterfat, or other problems.

(E) When all the milk has been drawn from tank, stop pump and disconnect electrical connection. If pump is left running, it may be damaged, and also will incorporate air into milk in the tanker.

(F) Disconnect and cap tanker milk hose. Return hose to tanker compartment.

(13) The tank clean-up.

(A) Observe the walls and bottom of tank for foreign matter or extraneous material and record observations.

(B) Thoroughly rinse entire inside surfaces of the tank with warm water and with outlet valve open.

(C) Leave valve and lids open so tank can drain and ventilate.

(14) Pre-departure check-up:

(A) all records completed;

(B) sample and equipment properly placed in transport tank compartment;

(C) floors clean;

(D) agitator and lights off;

(E) nose port and milkroom door closed;

(F) safety check: children and animals away from tanker before starting truck.

(15) Arrival at plant, receiving station, or transfer station. At this point, hauler takes on a joint responsibility with the plant receiver in the completion of his total daily operations.

(A) Spotting the tanker.

(i) Know where to spot tanker (place, order, etc.).

- (ii) Drive and back cautiously.
- (B) Sample delivery and reporting in.
- (i) Deliver producer samples to designated place and person.
- (ii) Turn in weight tickets to designated person.

(iii) Discuss quality defects on route (odors, flavors, high temperatures, icing, etc.) with appropriate plant representative. If any milk has been rejected, immediate notice must be given to plant representative who in turn will notify the health authority giving him reasons for rejection.

(iv) Make arrangements for the next day's supplies.

.004. Pumping Out the Transport Tanks. The pump-out of the transport tank shall be done in an area where a cover extends over the complete transport tank or, where climatic and operating conditions require, in a completely enclosed area. Pump-out operations must be protected in such a manner as to prevent product contamination. The application of suitable filters to the manholes of transport tanks during unloading shall be considered satisfactory.]

.005. Cleaning and Sanitizing Transport Tanks and Appurtenances.

[(a)] Breakdown, wash, and reassemble pump and transfer hose. Time can be saved by cleaning pump and hose during delivery pump out. Cleaning and sanitizing of manhole gasket and breather assembly is also the responsibility of the milk hauler.

[(b)] Each unloading station shall provide the required cleaning facilities to be located on the premises or within a distance which will permit washing before product residual has had time to become set, which would make cleaning difficult. In all instances, transport tanks shall be thoroughly rinsed immediately after unloading.

[(c)] The cleaning and sanitizing of the transport tank and related equipment shall be done in a covered area approved by the health officer as providing adequate protection during the operations. This area shall be of adequate size for the largest transport tank cleaned. The floors shall be of concrete or other impervious material graded to drain, and waste materials shall be disposed of in a sanitary manner.

[(1)] A cleaning regimen which will provide for cleaning of tankers and appurtenances after each use should be established and made available for easy reference. Tankers should be adequately clean to pass black-light inspection at all times.

[(2)] All bulk milk transport tanks must be tagged after each cleaning. This tag shall bear the following information: tank number; name of driver; date and time cleaned; location where cleaned; name of person who cleaned tank; name of business or firm responsible to health department for cleaning of tank.

[This tag shall remain attached to the tank until a new tag is affixed on the tank at the time of the next cleaning. Milk plants or receiving stations shall not receive milk from transport tanks which do not display a currently dated cleaning tag.

[(3)] Transport tank and related equipment shall be sanitized prior to each usage.

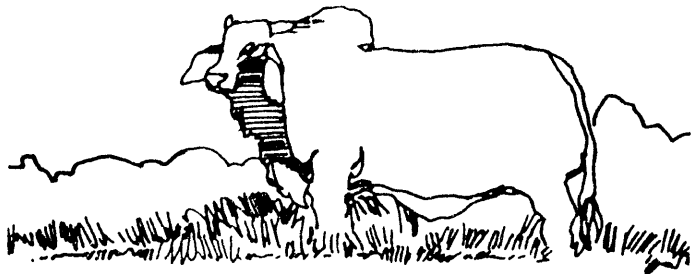
[(d)] Confidential information. Information concerning milk test results, weights, quality, or other records shall be confidential and shall not be revealed to any unauthorized person.]

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

Doc. No. 762562 David H. Evans, Director
Division of Milk and Dairy
Products
Texas Department of Health
Resources

Proposed Date of Adoption: July 13, 1976

For further information, please call (512) 454-3781, ext. 525.



Texas Municipal Retirement System

Practice and Procedure Regarding Claims 337.01.00

The Board of Trustees of Texas Municipal Retirement System proposes to adopt Rules 337.01.00.001-.026 at its regular meeting in Austin, Texas, on June 26, 1976. The rules establish the methods of practice and procedures involved in originating, presenting, hearing, and determining all claims (including all claims for benefits) arising under the statutes governing the Texas Municipal Retirement System (Article 6243h, Vernon's Texas Civil Statutes, as amended), and procedures for revoking, suspending, or discontinuing such benefits. The proposed rules restate, without change in

verbiage, the existing emergency rules (published in the *Texas Register*, Volume I, Number 27, pages 829-833) effective March 30, 1976.

Public comment is invited. Persons may submit comments in writing addressed to Dean Gorham, Director, Texas Municipal Retirement System, 500 Perry Brooks Building, Austin, Texas 78701. Additional information about the proposed rules may be obtained by calling the office of the director, in Austin, at (512) 476-7577.

The following rules are proposed under authority of Section VIII, Article 6243h, Vernon's Texas Civil Statutes:

.001. Definitions. As used in rules and regulations adopted by the Board of Trustees of Texas Municipal Retirement System:

(a) The term "act" means Article 6243h, Vernon's Texas Civil Statutes.

(b) All other words, terms, and phrases as used in such rules and regulations shall have the meaning defined in the act, unless the context plainly indicates a different meaning.

.002. Scope of Rules. These rules shall govern the procedure for the institution, conduct, and determination of all claims arising under the act. They shall not be construed so as to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the system or the substantive rights of any person.

.003. Filing of Documents. All applications, petitions, complaints, replies, and other pleadings seeking to institute any claim, complaint, or other proceeding under the act, or relating to any such proceeding then pending, shall be filed with the director, at the offices of the system in Austin. Such instruments shall be deemed filed only when actually received, accompanied by the filing fee, if any, required by statute or by rules of the board.

.004. Computation of Time.

(a) **Computing time:** In computing any period of time prescribed or allowed by these rules, by order of the board, or by any applicable statute, the period shall begin on the day after the act, event, or default in controversy and conclude on the last day of such computed period, unless it be a Saturday, Sunday, or legal holiday.

(b) **Extensions:** Unless otherwise provided by statutes, the time for filing any application or other forms may be extended by order of the director, upon written motion duly filed with him prior to the expiration of the applicable period of time for the filing of the same, showing that there is good cause for such extension of time and that the need is not caused by the neglect, indifference, or lack of diligence of the movant. A copy of any such motion shall be served upon all other parties of record to the proceeding contemporaneously with the filing of it.

.005. Applications for Benefits or Asserting Other Claims.

(a) Any person who asserts any claim to any right or benefit under the act shall file written application with the director of the system at the office of the system at Austin.

(b) **Form, Content, and Signature of Applications.**

(1) **Official forms for applications for certain benefits:** Official forms for use in making application for service retirement benefits, for disability retirement benefits, and for refund of accumulated deposits on terminations prior to retirement, are available at and may be obtained without charge from the office of the director of the system, in Austin, upon written request; normally, such forms are also available at, and can be obtained from, the director of personnel of the participating city by which the member is or was employed, or (if no such office is maintained) from the officer in charge of payrolls for such city. All applications which are the subject of any official form shall contain the information, statements, and supporting documents designated in that official form, and shall conform substantially to that official form.

(2) **Contents of Applications Having No Official Form:** All applications for which no official form is prescribed shall be typewritten or printed on white paper, 8-1/2 inches wide by 11 inches long, and shall contain:

(i) the name of the party asserting the right or claim, his membership number in the system (if any), and his address;

(ii) a concise statement of the facts relied on as giving rise to the right or claim asserted; and

(iii) a prayer stating the type of relief, action, or order desired by the applicant.

(3) **Applications Required to be Signed:** All applications for retirement or for retirement benefits must be personally signed in ink by the member seeking retirement, unless there is a guardian of the person and estate of the member, in which event the application must be signed by the guardian. The original of all other applications shall be signed by the applicant or by his authorized representative. The director may require proof satisfactory to him of the authority of a representative to act for the member.

.006. Time for Filing of Retirement Applications. All applications for retirement, whether for service or for disability, must be filed not less than 30 nor more than 90 days prior to the date specified by the member as the effective date of his or her retirement; the date specified as the effective date for retirement must be the last day of a calendar month, may not be earlier than one year after the effective date of membership, and may not be a date preceding the termination of the member's employment with the participating municipality.

.007. Supporting Documents to be Submitted. The director is authorized to require submission of documents reasonably related to establishment of a claimed right to benefits. These documents include, but are not limited to birth certificates; marriage licenses; divorce decrees; letters of guardianship; letters testamentary or letters of administration; death certificates; relevant court orders; sworn statements of witnesses and attending physicians; autopsy reports; sworn statements of the claimant or of others having personal knowledge of relevant facts. An applicant shall have a reasonable time from date of written request to furnish supporting documents required by the director.

.008. Service Retirement Benefits May Be Approved By Director Without Hearing. If the director finds from the records of the system and from the documents supporting the application, that the applicant is entitled to a service retirement benefit, he may allow the benefit and place it into effect without further hearing. All benefits approved shall be reported to the board at its next meeting for confirmation.

.009. Disability Retirement Applications Referred to Medical Board. Applications for disability retirement shall be referred by the director to the medical board. The medical board shall investigate all essential statements and certificates by or on behalf of the member in connection with the application for disability retirement, and shall pass upon, conduct, or cause to be conducted, all medical examinations which in its opinion are necessary to determine the cause, extent, and permanence of the member's disability. The medical board shall make and file with the director a written report of its conclusions and recommendations.

.010. Approval Without Hearing Where Medical Board Certifies Entitlement. If the findings and conclusions of the medical board, as stated in its report, are such as in the director's opinion entitle the member under the terms of the act to disability retirement benefit applied for, the director may approve the retirement, calculate the amount of the benefit, and place it into effect without further hearing. All benefits approved by the director shall be reported to the board at its next meeting for confirmation.

.011. Summary Disposition of Other Approved Applications. Applications for benefits under the act not specified above, including claims for refund of deposits, may be granted by the director without formal hearing, if not contested by any party, and if the director is satisfied upon the basis of the application and supporting documents that the applicant is entitled to the action requested.

.012. Contest of Application: Form and Content. Any party, other than the system, desiring to contest any pending application for benefits shall file

with the director a written answer, setting forth:

- (a) the name and address of the party filing such answer who shall be designated as "contestant";
- (b) the name of the party making the application or claim being contested;
- (c) a concise statement of the facts relied on by the contestant as reasons why the contested application should be denied; and
- (d) a prayer specifying the action which the contestant desires the system to take.

The answer shall be signed by the contestant, or by his duly authorized representative; and must contain a certificate showing that a true copy of the same was served upon the applicant, and the date and manner of such service.

.013. Notice of Pre-hearing Disposition.

- (a) If an application for benefits is approved in whole or in part without hearing, the director, by letter of notification, shall inform the applicant in writing of the action taken.
- (b) If the director determines that an application for benefits cannot be approved, he shall by letter of notification inform the applicant that the claim is denied, stating the reasons therefore.

.014. Procedure for Obtaining Hearing of Claim Denied in Whole or in Part. Upon denial by the director of any claim for any benefit under the act, or in the event the claimant desires to challenge the action of the director in allowing a claim in part only, the applicant shall have 30 days from the date of the director's letter of notification within which to file with the director a written demand for a hearing. After receipt of such demand, the director shall set the matter for hearing, and shall mail written notice to the applicant of the date and place of hearing.

.015. Contested Claims, Hearing or Disposition.

- (a) Where a party files a written answer contesting any pending application, the director shall set a time and place for hearing, and by letter shall give notice to the applicant and to the contestant.
- (b) If different persons make claim to any benefit which the system concedes, or if a party challenges the competency or right of a member to dispose of such a benefit in accordance with the latest written designation executed by the member and filed with the system, the director may decline any decision on the issues between the opposing claimants, and file an appropriate action in a court of competent jurisdiction making the opposing claimants parties and may tender payment through the court to the party adjudged entitled to it.

.016. Place and Conduct of Hearings.

- (a) Hearings will ordinarily be conducted at Austin, but the director, upon his own motion or at the

request of a party or of a witness, may direct that the hearing, or a designated portion thereof, shall be conducted elsewhere within the State of Texas.

(b) Hearings shall be conducted by the director or by a hearings examiner (who may or may not be an employee of the system) appointed by the director. The hearing shall be conducted in accordance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) and the rules adopted by the board.

(c) All parties to the hearing, including the system, may be represented by counsel. All parties, including the system, may introduce testimony of witnesses, records, documents, and other evidence relevant to the claim or matter which is the subject of the hearing. The director or hearings examiner shall have authority to administer oaths; to examine witnesses; to rule on the admissibility of evidence; to recess the hearing from day to day or to a specified date and time; and otherwise to regulate and conduct the hearing to the end that the issues may be presented with order and decorum.

(d) Rules of Evidence. The provisions of Section 14 of the Administrative Procedure and Texas Register Act shall govern the admissibility of evidence; but the system will take notice of any fact established by its records, unless a party to the proceedings files a written protest of its validity.

.017. Proposals for Decision.

(a) The final decision in contested cases will be made by the board, normally on the basis of a proposal for decision, of exceptions to the proposal, and on briefs supporting and opposing the proposal for decision. The board in exceptional cases, on its own motion or on request of a party, may allow oral argument, may make its decision on the record, or may order the hearing to be conducted before the board sitting as a body.

(b) If in a contested case a majority of the members of the board have not heard the case or read the record, the decision, if adverse to any party to the proceeding other than the system itself, will not be made until a proposal for decision is served on the party or parties and an opportunity is afforded to each party adversely affected to file exceptions and present briefs to the officials who are to render the decision. The proposal for decision will contain a statement of the reasons for the proposed decision and of each finding of fact and conclusion of law necessary to the proposed decision, prepared by the person who conducted the hearing or by one who has read the record. The parties by written stipulation may waive compliance with this rule.

(c) When a proposal for decision is prepared, a copy of the proposal shall be served forthwith by the director on each party and his attorney of record, if any. Unless exceptions to the proposal for decision have

been filed within the time prescribed in Rule .018 following, the proposal for decision may be adopted at any date thereafter by written order of the system.

.018. Filing of Exceptions, Briefs, and Replies.

(a) Any party to the proceeding may, within 20 days after date of service of a proposal for decision, file exceptions to the proposal and may submit briefs in support of such exceptions; replies to exceptions and reply briefs may be filed within 15 days after date for filing of such exceptions and briefs. A request for extension of time within which to file exceptions, briefs, or replies may be filed with the director, and the director shall promptly notify the parties of his action upon such requests.

(b) Briefs, exceptions, and replies shall be of the size and shall conform as near as may be to the form prescribed for applications and other pleadings.

.019. Oral Argument. Any party may request oral argument prior to the final determination of any proceeding, but oral argument shall be allowed only in the sound discretion of the system and on such terms as may be prescribed in the order allowing oral argument.

.020. Final Decisions and Orders. All final decisions and orders of the system in contested cases shall be in writing and shall be signed by the director. The final decision shall include findings of fact and conclusions of law, separately stated. The date of rendition shall be stated in the decision or order. Parties shall be notified either personally or by mail of any decision or order. On written request, a copy of the decision or order shall be delivered or mailed to any party and to his attorney of record.

.021. When Decisions Become Final. A decision is final in the absence of a timely motion for rehearing, and is final and appealable on the date of rendition of an order overruling the motion for rehearing, or on the date the motion is overruled by operation of law.

.022. Motions for Rehearing. A motion for rehearing is a prerequisite to an appeal. A motion for rehearing must be filed within 15 days after the date of rendition of a final decision or order. Replies to a motion for rehearing must be filed with the system within 25 days after the date of rendition of the final decision or order, and system action on the motion must be taken within 45 days after the date of rendition of the final decision or order. If system action is not taken within the 45-day period, the motion for rehearing is overruled by operation of law 45 days after the date of rendition of the final decision or order. The system may by written order entered prior to the expiration of the 45-day period extend the period of time for filing the motions and replies and taking system action, except that an extension may not extend the period for system action beyond 90 days after the date of rendition of final deci-

sion or order. In the event of an extension, the motion for rehearing is overruled by operation of law on the date fixed by the order or, in the absence of a fixed date, 90 days after the date of the final decision or order. The parties may by agreement with the approval of the system provide for a modification of the time provided in this section.

.023. Rendering of Final Decision or Order. The final decision or order shall be rendered within 60 days after the date the hearing is finally closed. In a contested case heard by other than a majority of the board, the system may prescribe a longer period of time within which the final order or decision of the system shall be issued. The extension, if so prescribed, shall be announced at the conclusion of the hearing.

.024. The Record.

- (a) The record in a contested case shall include:
- (1) all applications, answers, and other pleadings, and intermediate rulings;
 - (2) evidence received or considered;
 - (3) a statement of matters officially noticed;
 - (4) questions and offers of proof, objections, and rulings on them;
 - (5) proposed findings and exceptions thereto;
 - (6) any decision, opinion, or report by the officer presiding at the hearing; and
 - (7) all staff memoranda or data submitted to or considered by the hearing officer or members of the agency who are involved in making the decision.
- (b) Findings of fact will be based exclusively on the evidence presented and matters officially noticed.

.025. Proceedings for Revocation or Suspension of Benefits.

(a) The system, either on its own motion or upon sufficient written complaint, at any time after personal service of notice to the annuitant, may cite any person receiving a disability benefit to appear before it at a public hearing and show cause why such benefit should not be discontinued, suspended, or revoked, for failure to comply with any directive to submit himself or herself to an annual medical examination as required by the act, or because the disability annuitant is allegedly no longer physically incapacitated or that he or she is engaged in or is able to engage in a gainful occupation. All hearings in such proceedings shall be conducted in accordance with the provisions of these rules.

(b) No revocation, suspension, or discontinuance of any benefit for any of the above reasons shall be taken unless, prior to institution of proceedings, the system shall first give notice by personal service or by registered or certified mail to the annuitant of the facts or conduct alleged to warrant the intended action, and the annuitant is given reasonable opportunity to show compliance with all requirements of law for retention of the benefit.

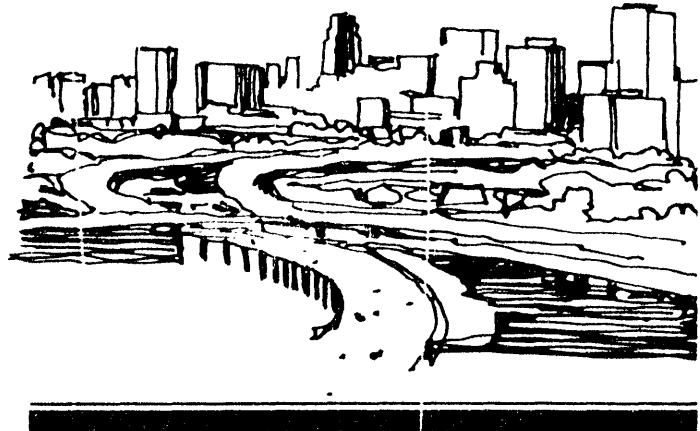
.026. Applicability to Pending Proceedings. These rules govern all proceedings pending at their effective date, except to the extent that the director or the board shall determine that their application in a particular pending proceeding would work an injustice or is otherwise unfeasible, in which event the procedures followed before adoption of these rules will be permitted.

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

Doc. No. 762545 Dean Gorham
Director
Texas Municipal Retirement
System

Proposed Date of Adoption: June 26, 1976

For further information, please call (512) 476-7577.



Affecting Calculation or Types of Benefits 337.02.00

The Board of Trustees of Texas Municipal Retirement System proposes to adopt Rules 337.02.00.001-.004 at its regular meeting in Austin, on June 26, 1976. Rule .001 proposes adoption of mortality tables which actuarial studies reveal most nearly conform to the actual experience of annuitants of Texas Municipal Retirement System, and are the same tables now being used for calculating benefits. Rule .002 is designed to carry through to certain disability annuitants (those drawing Supplemental disability benefits) any increase authorized and paid for by the municipality for which they formerly were employed, instead of merely reducing that part of the monthly benefit paid by the system out of the "Supplemental Benefits Fund." Rule .003 states the terms of optional (actuarially equivalent) benefits which a member may elect to receive in lieu of

a standard service retirement benefit. Rule .004 prescribes the method for computing interest as assumed in calculation of certain credits allowed for completed service.

Each of the proposed rules in this category would continue in force, without change in verbiage, an identically-numbered emergency rule (printed in the *Texas Register*, Volume I, Number 27, page 833) effective March 30, 1976.

Public comment is invited. Persons may submit comments in writing addressed to Dean Gorham, Director, Texas Municipal Retirement System, 500 Perry Brooks Building, Austin, Texas 78701. Additional information about the proposed rules may be obtained by calling the office of the director, in Austin, at (512) 476-7577.

The following rules are issued by authority of Section VIII, Article 6243h, Vernon's Texas Civil Statutes:

.001. Actuarial Tables.

(a) Service retirement benefits shall be calculated on the basis of the GA-51 Male Mortality Table projected with Scale C to 1970, adjusted by an age set forward of three years for males and an age set back of two years for females.

(b) Disability retirement benefits shall be calculated on the basis of the 1965 Railroad Retirement Board Totally Disabled Annuitants Mortality Table.

.002. Supplemental Disability Benefits Not Reduced by Certain Increases in Base Benefit. Where current service annuities and prior service annuities being paid to employees retired for service-connected disability are increased by the participating municipality pursuant to Section XVIII of Article 6243h, Vernon's Texas Civil Statutes as amended 1975, such increase in the current service annuity and/or prior service annuity shall not operate to reduce the supplemental retirement benefit, if any, payable to such member, and such supplemental benefit shall continue to be paid in the same monthly amount as was being paid such member prior to such increase in the basic benefit amount.

.003. Additional Optional Benefits. A member entitled to service retirement may elect to receive, in lieu of a Standard Service Retirement Benefit, one of the optional benefits defined as options 1, 2, and 3 in Subsection 3, Section VII of the act, or one of the following benefits, which shall be designated as:

Option 4A-- A reduced monthly allowance that is the actuarial equivalent of the standard service retirement benefit, payable during the lifetime of the annuitant but with 180 monthly payments guaranteed.

Option 4B-- An increased monthly benefit that is the actuarial equivalent of the standard service retirement benefit, but is payable only during the lifetime of the member-annuitant, and which ceases upon his death.

.004. Interest in Calculations of Benefits Based on Completed Service. For calculations of retirement benefits, prior service credits and special prior service credits will have interest allowed on anniversaries of participating date and not for part of year. Antecedent service credits and updated service credits will have interest allowed on December 31 dates and not for a part of year.

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

Doc. No. 762546 Dean Gorham
Director
Texas Municipal Retirement
System

Proposed Date of Adoption: June 26, 1976

For further information, please call (512) 476-7577.

Affecting the Actions of Participating Municipalities 337.03.00

The Board of Trustees of Texas Municipal Retirement System proposes to adopt at its regular meeting in Austin, on June 26, 1976, Rules 337.03.00.001-.007. All of the rules regulate actions to be taken by participating municipalities in the adoption of elective procedures and coverages under the act; and are addressed to municipal action (as distinguished from action of individual members). With exception of Rule .007, all have been in effect for years. Rule .007 requires ordinances granting buy-back privileges to be limited to persons employed by the consenting municipality on the date specified in the ordinance, which date may not be subsequent to effective date of the ordinance.

Each of the proposed rules would continue in force, without change of verbiage, an identically numbered emergency rule (printed in the *Texas Register*, Volume I, Number 27, page 834) effective March 30, 1976.

Public comment is invited. Persons may submit comments in writing addressed to Dean Gorham, Director, Texas Municipal Retirement System, 500 Perry Brooks Building, Austin, Texas 78701. Additional information about the proposed rules may be obtained by calling the office of the director, in Austin, at (512) 476-7577.

The following rules are issued by authority of Section VIII, Article 6243h, Vernon's Texas Civil Statutes:

.001. Optional Vesting Must Include All Departments. A participating municipality which adopts an optional vesting provision must include all participating departments. (Composite participating date optional but recommended.)

.002. Composite Participating Date Requires Council Action. Adoption of a single composite participating date for a city with two or more participating dates must be at the election of and by council action.

.003. Actuary Determines Contribution Rates. The maximum rate of contributions for a city with two or more members' contribution rates shall be calculated and determined by actuary of the system.

.004. Effect of Adopting Composite Participating Date. A city which elects to adopt a composite participating date will be treated as if a single department for determining amortization periods and normal and prior service contribution rates; but accumulated prior service credits, accumulated special prior service credits, and antecedent service credits will be based on actual participating dates and periods of current service.

.005. When Composite Participating Date Must Be Adopted. A composite participating date must be elected by a city if contributions from one department are to be used to support the obligations of another department.

.006. Effect Where One Participating Date Is Less Than Three Years. A city with two or more participating dates, one of which is less than three years past, may elect a composite participating date which, if more than three years past, will qualify all departments to give special prior service credits and antecedent service credits if desired.

.007. Limitations on Buy-back Ordinances. Ordinances of participating municipalities agreeing to underwrite and assume the obligations arising out of the granting under subsection 8 of Section VI of the Texas Municipal Retirement System Act as amended of creditable service to persons who had terminated a previous membership, shall be limited to persons in the employment of the consenting municipality at the date specified in the ordinance, which date shall not be subsequent to the effective date of the ordinance.

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

Doc. No. 762547 Dean Gorham
 Director
 Texas Municipal Retirement
 System

Proposed Date of Adoption: June 26, 1976

For further information, please call (512) 476-7577.

Miscellaneous Rules 337.09.00

The Board of Trustees of Texas Municipal Retirement System proposes to adopt Rule 337.09.00.001 at its regular meeting in Austin, on June 26, 1976. The pro-

posed rule declares certain records of active members and of persons receiving benefits to be personnel records within the meaning of the Texas Open Records Act, and designates the director as custodian of records.

Public comment is invited. Persons may submit comments in writing addressed to Dean Gorham, Director, Texas Municipal Retirement System, 500 Perry Brooks Building, Austin, Texas 78701. Additional information about the proposed rules may be obtained by calling the office of the director, in Austin, at (512) 476-7577.

The following rules are issued by authority of Section VIII, Article 6243h, Vernon's Texas Civil Statutes:

.001. Confidentiality of Board Records. The director is the custodian of records of the Texas Municipal Retirement System. The files of all active members and of all persons receiving an annuity or any type of benefit are considered to be personnel records under the provisions of the Texas Open Records Act (Article 6252-17a, Texas Civil Statutes).

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

Doc. No. 762548 Dean Gorham
 Director
 Texas Municipal Retirement
 System

Proposed Date of Adoption: June 26, 1976

For further information, please call (512) 476-7577.

Board of Nurse Examiners

Nurse Education 388.03.00

The Board of Nurse Examiners is proposing to amend Rule 388.03.00.003 on accreditation of schools of nursing. The proposed amendment will change the language in Section 3(a), which limits the conditions under which a school can be put on warning. With the increase in the number of nursing programs and limited professional staff to make survey visits, there is the danger a deficiency(s) may continue for an excessive length of time. The effect of the amendment will not make a survey visit mandatory. The rest of the rule remains unchanged.

This amendment of the rule will allow the board more flexibility in meeting its statutory responsibility in that it will be possible to determine certain deficiencies without a survey visit.

Public comment on the proposed amendment to Rule 388.03.00.003 is invited. Comments may be submitted by telephoning the office of the board at (512) 451-0201, or by writing to the board at Suite 502, 7600 Chevy Chase Drive, Austin, Texas 78752.

The amendment to Rule 388.03.00.003 is proposed under the authority of Section I, Article 4518, Texas Civil Statutes.

.003. Accreditation.

Section 3. Warning.

(a) *At such a time as* [If following a survey visit] the board determines a school is not meeting the legal requirements and standards, the school is provided written notice of the deficiencies and is given a specified time in which to meet these requirements.

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

Doc. No. 762559 Margaret L. Rowland, R.N.
Executive Secretary
State Board of Nurse Examiners

Proposed Date of Adoption: June 17, 1976

For further information, please call (512) 451-0201.

Railroad Commission of Texas

Commission Wide Rules

General Rules of Practice and Procedure

051.01.01

The Railroad Commission of Texas is proposing the amendment of Rule 051.01.01.082, which prescribes procedures for the filing of exceptions and replies to an examiner's report and proposal for decision.

The present rule, providing 30 days for the filing of an exception and 20 days for a reply, has established an unreasonable length of time for a majority of cases causing unnecessary delay in presentation of matters heard to the commission for action. Reducing the time will provide timely handling of applications, and addition of a provision for reasonable extensions at the examiner's discretion will add flexibility to the rule to meet special conditions.

Public comment on the proposed amendment of Rule 051.01.01.082 is invited. Comments may be submitted in writing to Arthur H. Barbeck, Oil and Gas Division, F. E. Harvick, LPG Division, or Frank P. Youngblood, Gas Utilities Division, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711. Comments will be accepted until 30 days after publication date in this *Texas Register*.

The amendment of Rule 051.01.01.082 is proposed under the authority of Articles 6252-13a, 5421s, and 5381f, Revised Civil Statutes of Texas; Title 102, Oil and Gas, Articles 6004 through 6066d, Revised Civil Statutes of Texas; and Chapters 21, 22, and 24, Texas Water Code.

.082. Filing of Exceptions and Replies. Any party of record may, within **10** [30] days of the date of service of the examiner's report and proposal for decision, file exceptions to the report and proposal for decision. Replies to these exceptions shall be filed within *seven* [20] days after the date of filing the exceptions. *The examiner at his discretion may grant a reasonable extension in the time for filing of exceptions and replies to fit the need of the hearing record made.* A request for extension of time within which to file exceptions or replies shall be filed with the examiner, and a copy of the request shall be served on all parties of record by the party making the request. The examiner shall promptly notify the parties of commission's decision with regard to these requests. Additional time shall be allowed only when the interests of justice so require.

Upon the expiration of the time for filing exceptions or replies to exceptions (depending on whether or not the proceeding has opposing parties), or after the replies and exceptions have actually been filed (if filed before the period for filing has expired), the examiner's report and proposal for decision will be considered, and the commission will render its order.

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

Doc. No. 762552 Ben Ramsey
Chairman
Railroad Commission of Texas

Proposed Date of Adoption: June 17, 1976

For further information, please call (512) 475-6155.

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 Department of Agriculture

Meeting

A meeting of the Texas Soybean Producers Board of the Texas Department of Agriculture will be held on Friday, June 11, 1976, 1:30 p.m., in the Empress Room, Villa Capri Motel, 2400 North Interregional Highway, Austin, to discuss general business.

Additional information may be obtained from Berwin Tilson, 2700 Yonkers, Plainview, Texas 79072, telephone (806) 293-3806.

Filed: May 13, 1976, 11:19 a.m.

Doc. No. 762596

Texas Air Control Board

Hearing

A hearing before an examiner for the Texas Air Control Board will be held on Tuesday, June 15, 1976, 10 a.m., simultaneously in three locations: 8520 Shoal Creek Boulevard, Austin; 1115 North MacGregor, Houston; and 1800 University Drive, Fort Worth. The examiner will receive public testimony relative to proposed amendments to Regulation V-- Control of Air Pollution

From Volatile Carbon Compounds. The complete docket is posted in the East Wing of the State Capitol.

Additional information may be obtained from Pamela Giblin, 8520 Shoal Creek Boulevard, Austin, Texas 78758, telephone (512) 451-5711, extension 350.

Filed: May 12, 1976, 9:26 a.m.

Doc. No. 762571



Alcoholic Beverage Commission

Meeting

A meeting of the Alcoholic Beverage Commission will be held on Monday, May 24, 1976, 10 a.m., on the 9th Floor, Sam Houston Building, 201 East 14th Street, Austin. The commission will approve minutes of the last meeting; hear administrator's report for each division; and discuss budget matters and any pending unfinished business.

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

Filed: May 11, 1976, 10:52 a.m.

Doc. No. 762557

State Commission for the Blind

Meeting

A meeting of the Board of Directors of the State Commission for the Blind will be held on Friday, May 21, 1976, 10 a.m., at 5619 Fannin Street, Houston. The board will consider approval of minutes of the last meeting; approval of employees hired since last meeting; personnel data for discussion; a placement report; the report of the executive director; and new business.

Additional information may be obtained from Eileen Walker, P.O. Box 12866, Capitol Station, Austin, Texas 78711, telephone (512) 474-1901.

Filed: May 12, 1976, 4:02 p.m.

Doc. No. 762588

Texas Board of Chiropractic Examiners

Meeting

A meeting of the Texas Board of Chiropractic Examiners will be held on Wednesday, June 9, 1976, 2 p.m., in the Shorthorn Room, Sheraton Hotel, Fort Worth, to consider cancellation of licenses for failure to renew, and to conduct personal interviews of candidates applying through reciprocity for licensure.

Additional information may be obtained from Donald F. Nobles, 1212 City National Bank Building, Austin, Texas 78701, telephone (512) 476-4188.

Filed: May 11, 1976, 9:54 a.m.

Doc. No. 762553

Employees Retirement System of Texas

Meeting

A meeting of the Board of Trustees of the Employees Retirement System of Texas will be held on May 24, 1976, 10 a.m., at 1800 San Jacinto, Austin. The meeting was originally scheduled for May 12, 1976, but was rescheduled to allow more time for completion of reports. The board will hear a progress report on the Uniform Insurance Program and a report on building expansion.

Additional information may be obtained from Everett L. Anschutz, P.O. Box 12337, Capitol Station, Austin, Texas 78711, telephone (512) 476-6431.

Filed: May 11, 1976, 3:41 p.m.

Doc. No. 762566 and 762496a

Commission on Fire Protection Personnel Standards and Education

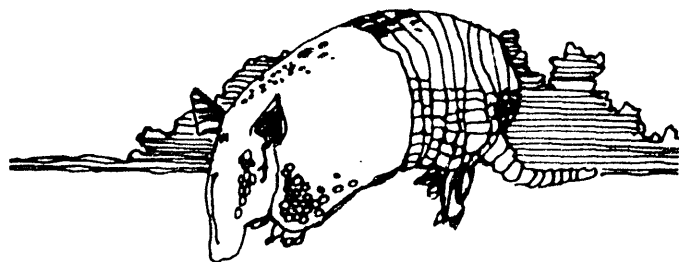
Meeting

A meeting of the Special Study Committee of the Commission on Fire Protection Personnel Standards and Education will be held on Tuesday, June 8, 1976, 3:30 p.m., in Suite 121, 8330 Burnet Road, Austin. The committee will study the feasibility of developing minimum standards for company level fire officers, as proposed at the April 21, 1976, meeting.

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

Filed: May 11, 1976, 3:42 p.m.

Doc. No. 762568



Office of the Governor Emergency Meeting

An emergency meeting of the Special Advisor on Natural Resources of the Water Task Force, Office of the Governor, was held on Wednesday, May 12, 1976,

8:30 a.m., at the Lakeway Inn, Austin, to hold organization work shops, regional work shops, discussion and report sessions, and to develop recommendations.

Additional information may be obtained from Ben Turner, P.O. Box 13006, Capitol Station, Austin, Texas 78711, telephone (512) 475-7876.

Filed: May 10, 1976, 2:42 p.m.

Doc. No. 762542

Meeting

A meeting of the Board of the Governor's Committee on Aging will be held on Friday, May 21, 1976, 10 a.m., in the second floor conference room, Southwest Tower, 211 East 7th, Austin. The agenda includes a review of grants funded under the Older Americans Act. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Vernon McDaniel, P.O. Box 12786, Austin, Texas 78711, telephone (512) 475-2717.

Filed: May 11, 1976, 2:31 p.m.

Doc. No. 762565

Texas Health Facilities Commission

Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Texas Health Facilities Commission held on Thursday, May 13, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin. The addition included consideration of nine applications for certificates of need, exemption certificates, declaratory rulings, 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 12, 1976, 11:38 a.m.

Doc. No. 762582

Meeting

A meeting of the Texas Health Facilities Commission will be held on Thursday, May 20, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to consider 11 applications for certificates of need, exemption certificates, and declaratory rulings. 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 12, 1976, 11:37 a.m.

Doc. No. 762583

Texas Department of Health Resources

Emergency Addition to Agenda

An emergency addition to the agenda of a meeting of the Board of the Texas Department of Health Resources, held on Saturday, May 15, 1976, 9:30 a.m., in the department board room, 1100 West 49th Street, Austin was made.

The addition included consideration of the director's report by Fratis L. Duff, M.D.; the program review of the Emergency Medical Care Division by Charles E. King; a review of Region 10 by Paul W. Musgrave, M.D.; a report on advisory committees to the board and department by Jimmy Helm; committee reports on the budget by Roderic M. Bell and on Hill-Burton by William J. Edwards; and the purchase of x-ray equipment for San Antonio Chest Hospital by Robert B. Skinner, M.D. This notice was posted under the emergency meeting provisions of the Open Meetings Act because the general agenda was incomplete in time to be processed and posted within the seven-day time period for regular meetings, and it was of urgent public necessity that these agenda items be discussed and appropriate decisions be made on this date.

Additional information may be obtained from Jimmy Helm, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 454-3781, extension 503.

Filed: May 11, 1976, 1:16 p.m.

Doc. No. 762560

Meeting

A meeting of the Technical Advisory Committee of the Crippled Children's Services Program, Texas Department of Health Resources, will be held on Saturday, May 22, 1976, 9 a.m., in the department board room, 1100 West 49th Street, Austin.

The agenda includes: the review of applications from orthopedic and plastic surgeons and from hospitals for approval to participate in the Crippled Children's Services Program; consideration of development of a compendium of statewide resources available for handicapped children; a review of professional billing procedures; a review of "prior authorization" requirement of physicians providing service; a review of revised application form; and a discussion of suggested new program rules and regulations.

Additional information may be obtained from James Ramblin, Crippled Children's Services, Texas Department of Health Resources, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 454-3781, extension 367.

Filed: May 11, 1976, 1:16 p.m.

Doc. No. 762561

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 19, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider the application for approval of reinsurance agreement between Bailey Duncan Burial Association, Houston, and Mack H. Hannah Life Insurance Company, Houston.

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

Filed: May 11, 1976, 9:53 a.m.

Doc. No. 762554

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, May 20, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider the application for approval of reinsurance agreement between Texas Sentinal Life Insurance Company, Dallas, and New Texas Sentinal Life Insurance Company, Dallas.

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

Filed: May 11, 1976, 9:54 a.m.

Doc. No. 762555

Texas Advisory Commission on Intergovernmental Relations

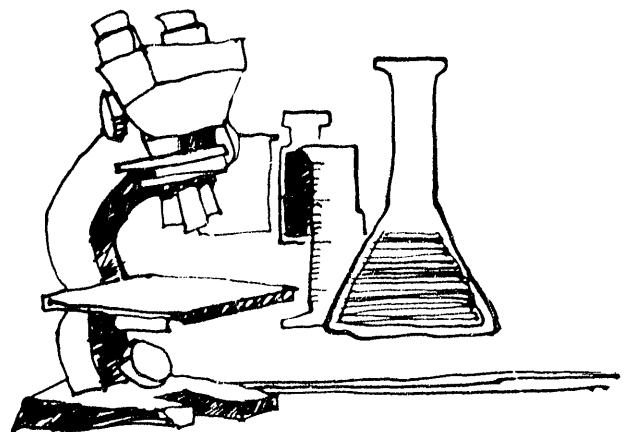
Emergency Addition to Agenda

An emergency amendment was made to the agenda of the committees meeting of the Texas Advisory Commission on Intergovernmental Relations held Friday, May 14, 1976, 11 a.m., at Southwest Tower and the Driskill Hotel, Austin. The amendment was the rescheduling by the Public Finance, Government Organization, Public Services, and Community Development Committees.

The complete agenda is posted in the East Wing of the State Capitol. Additional information may be obtained from Katherine Bennett, Texas ACIR, Suite 622, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3728.

Filed: May 11, 1976, 4:54 p.m.

Doc. No. 762569



Midwestern State University

Emergency Meeting

An emergency meeting of the Personnel and Curriculum Committee of the Board of Regents of Midwestern State University was held on Thursday, May 13, 1976, 9 a.m., at the Hardin Administration Building, Wichita Falls, to review faculty promotions, tenure recommendation, and salaries prior to completion of 1976-77 budget.

Additional information may be obtained from Joe Hooper, 3400 Taft Street, Wichita Falls, Texas 76308, telephone (817) 692-6611.

Filed: May 13, 1976, 11:28 a.m.
Doc. No. 762589

Interagency Council on Natural Resources and the Environment

Meeting

A meeting of the Governor's Special Advisor on Natural Resources of the Interagency Council on Natural Resources and the Environment will be held on Thursday, May 20, 1976, 9 a.m., at the Stephen F. Austin Building, Austin.

The agenda includes agency positions concerning mitigation; procedures for developing ICNRE recommendations to the legislature concerning mitigation; fresh water inflow to bay and estuaries and the context of the Coastal Zone Management Program and individual agency missions; procedures for developing ICNRE recommendations to the legislature concerning fresh water inflows to the bays and estuaries; and reports on the Texas Natural Resources Information Systems and other standing committee reports.

Additional information may be obtained from Ben Turner, P.O. Box 13006, Capitol Station, Austin, Texas 78711, telephone (512) 475-7876

Filed: May 11, 1976, 2:09 p.m.
Doc. No. 762564

Texas Parks and Wildlife Department

Meeting

A meeting of the Commission of the Texas Parks and Wildlife Department will be held on Thursday, May 20, 1976, 9 a.m., in Room 105 of the John H. Reagan Building, 15th and Congress, Austin. The agenda items include: the Sea Rim State Park beach vehicular control; the repair or discontinuance of airstrip at Lake Whitney State Recreation Area; an easement proposal for Blanco State Recreation Area; net fishing regulations for San Antonio Bay; an easement request by Cities Service Gas Company, Gene Howe Wildlife Management Area; mitigating losses to wildlife resulting from alterations to Taylor's Bayou; and an amendment to endangered fish and wildlife regulations. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: May 10, 1976, 2:21 p.m.
Doc. No. 762540

Hearing

A hearing by the Commission of the Texas Parks and Wildlife Department will be held on Friday, May 21, 1976, 9 a.m., in Room 105 of the John H. Reagan Building, 15th and Congress, Austin.

Agenda items include: the acceptance of the Colonel James Stinson House, Governor Hogg Shrine State Historical Park; interpretive developments for the General Ignacio Zaragoza birthplace, Goliad State Historical Park; the importation, sale, transport, or release of noxious aquatic plants, Proposed Proclamation No. 1; the Lake Sam Rayburn Reservoir; the equipment budget for new state parks; mitigating losses to wildlife resulting from alterations to Taylor's Bayou; an amendment to endangered fish and wildlife regulations; the nomination of the Chaparral Wildlife Management Area for oil and gas lease; and the use of funds received from Interagency Contract (74-75) 1186.

The complete agenda is posted in the East Wing of the State Capitol. Additional information may be obtained from Perry V. Spalding, Parks and Wildlife Department, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-3074

Filed: May 10, 1976, 2:21 p.m.
Doc. No. 762541

Meeting

A meeting of the Fisheries Division, Environmental Branch, of the Texas Parks and Wildlife Department will be held on Tuesday, June 1, 1976, 2 p.m., in Room 100 of the John H. Reagan Building, 15th and Congress, Austin. To be considered is the application of B. F. Goodrich Chemical Company to dredge in the Neches River, Jefferson County.

Additional information may be obtained from C. E. Sharp, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-4471.

Filed: May 12, 1976, 9:27 p.m.

Doc. No. 762573

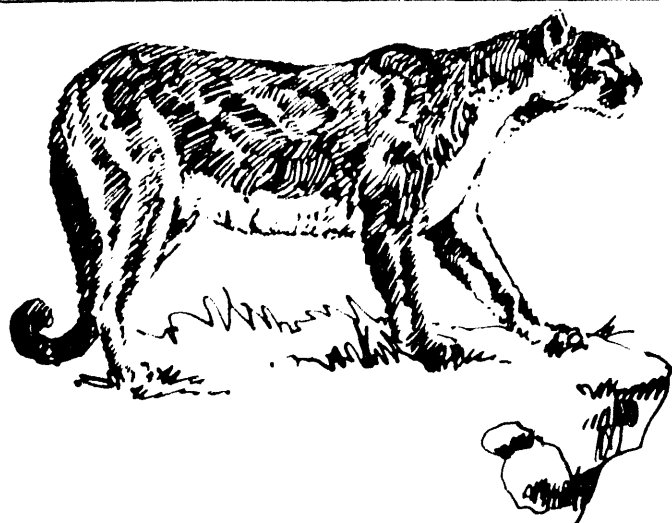
Meeting

A meeting of the Parks Division of the Texas Parks and Wildlife Department will be held on Wednesday, June 16, 1976, 8:15 a.m., in Room 100, John H. Reagan Building, Austin. The division will consider a water pipeline easement request at Blanco State Recreational Area.

Additional information may be obtained from Loyd K. Booth, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-2964.

Filed: May 10, 1976, 1:31 p.m.

Doc. No. 762539



Board of Pardons and Paroles

Meeting

A meeting of the Board of Pardons and Paroles will be held on Monday through Friday, May 24-28, 1976, 9 a.m. each day, at 711 Stephen F. Austin Building, Austin. The board will convene 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 11, 1976, 3:42 p.m.

Doc. No. 762567

Public Utility Commission of Texas

Meeting

A meeting of the Public Utility Commission of Texas will be held on Tuesday, June 8, 1976, 10 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to discuss applications of water districts and water supply companies concerning the counties of Brown, Blanco, Burnet, Callahan, Coleman, Comanche, Coryell, Eastland, Erath, Gillespie, Hamilton, Lampasas, Llano, McCulloch, Mason, Mills, and San Saba.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: May 13, 1976, 11:15 a.m.

Doc. No. 762591

Meeting

A meeting of the Public Utility Commission of Texas will be held on Thursday, June 10, 1976, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to discuss applications of mobile telephone companies concerning the counties of Bee, Brooks, Cameron, Dimmit, Hidalgo,

Jim Wells, Kleberg, La Salle, Live Oak, Nueces, Refugio, and Zapata.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: May 13, 1976, 11:16 a.m.

Doc. No. 762592

Meeting

A meeting of the Public Utility Commission of Texas will be held on Monday, June 14, 1976, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to discuss applications of telephone companies and cooperatives concerning the counties of Anderson, Bowie, Camp, Cass, Collin, Delta, Fannin, Franklin, Freestone, Grimes, Harrison, Henderson, Hopkins, Houston, Hunt, Lamar, Leon, Madison, Marion, Morris, Rains, Red River, Smith, Titus, Trinity, Upshur, Van Zandt, and Wood.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: May 13, 1976, 11:17 a.m.

Doc. No. 762593

Meeting

A meeting of the Public Utility Commission of Texas will be held on Thursday, June 24, 1976, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to discuss applications of telephone companies and cooperatives concerning the counties of Aransas, Bee, Bexar, Blanco, Caldwell, Comal, De Witt, Goliad, Gonzales, Guadalupe, Hays, Karnes, Nueces, Refugio, San Patricio, Travis, and Wilson.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: May 13, 1976, 11:18 a.m.

Doc. No. 762595

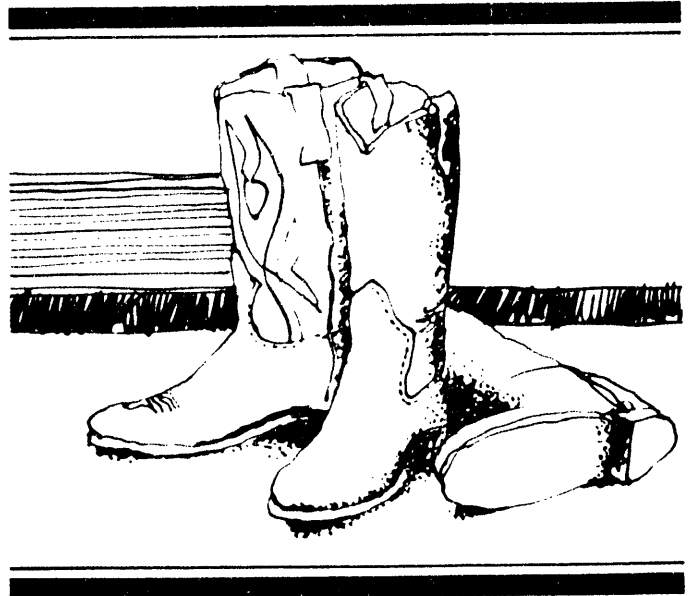
Meeting

A meeting of the Public Utility Commission of Texas will be held on Monday, June 28, 1976, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to discuss applications of telephone companies concerning the counties of Bell, Dallas, Ellis, Falls, Grayson, Hill, Johnson, Kaufman, Limestone, Milam, Navarro, Robertson, Rockwall, Somervell, and Tarrant.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: May 13, 1976, 11:17 a.m.

Doc. No. 762594



Meeting

A meeting by the Public Utility Commission of Texas will be held on Tuesday, July 6, 1976, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to discuss applications of telephone companies and cooperatives concerning the counties of Bosque, Brown, Burnet, Clay, Comanche, Concho, Cooke, Coryell, Denton, Eastland, Erath, Hamilton, Hood, Jack, Lampasas, McLennan, Mills, Montague, Palo Pinto, Parker, Tom Green, Williamson, and Wise.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: May 12, 1976, 9:27 a.m.

Doc. No. 762572

State Department of Public Welfare

Meeting

A meeting of the Board of the State Department of Public Welfare will be held on Wednesday, May 19, 1976, 10 a.m., in Room 3-102, Joe C. Thompson Center, Austin.

The agenda includes election of the board chairman; approval of minutes; consideration of implementing other health care services as authorized by the 64th Legislature in Item 14k, Article II, of the Appropriation Act; funding of AFDC Foster Care Program; guidelines for 1977 operating budget and 1978-79 biennial appropriations request; submission of six sets of child care licensing standards for final approval; extension of eligibility for intermediate care to certified recipients of any age, subject to prior approval for admission; proposed adjustments in rates for intermediate care of mentally retarded patients; new federal food stamp regulations; approval of policies previously published in the *Texas Register*; and an executive session on personnel matters and litigation.

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

Filed: May 11, 1976, 1:43 p.m.

Doc. No. 762563

School Land Board

Meeting

A meeting of the School Land Board will be held on Tuesday, May 18, 1976, 10 a.m., in Room 831, 1700 North Congress, Austin, to consider one lease status; one report and discussion on pooling agreement; three pooling agreements; two applications to purchase excess acreage; one good-faith claimant application; Coastal Public Lands: one lease application, five easement applications, one permit alteration request, one permit application, 18 permit renewals; and discussion of definitions for Rules 135.18.02.001-.009.

Additional information may be obtained from H. E. White, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-2071.

Filed: May 10, 1976, 1:16 p.m.

Doc. No. 762538

Texas Surplus Property Agency

Meeting

A meeting of the Governing Board of the Texas Surplus Property Agency will be held on Monday, May 24, 1976, 2 p.m., at 7745 Chevy Chase Drive, Austin.

The agenda includes the approval of the minutes of the board meeting of December 8, 1975; a mid-year budget revision; and consideration of land acquisition.

Additional information may be obtained from Ray Underwood, P.O. Box 8120, Wainwright Station, San Antonio, Texas 78208, telephone (512) 661-2381.

Filed: May 11, 1976, 11:56 a.m.

Doc. No. 762558

State Tax Board

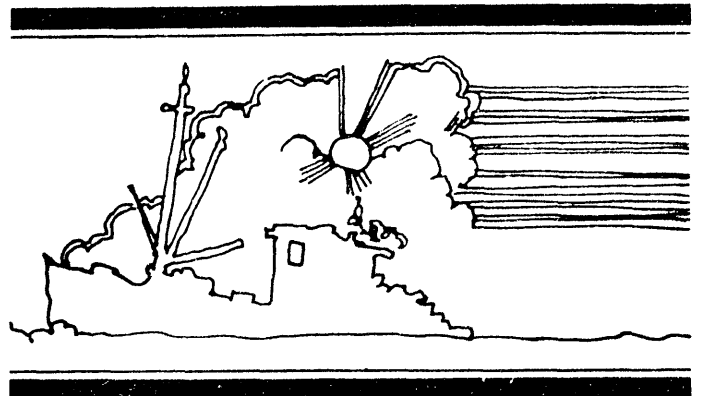
Meeting

A meeting of the State Tax Board will be held on Thursday, May 27, 1976, 9 a.m., in Room 205, LBJ Building, Austin, for the purpose of considering the recommended preliminary estimate of the 1976 intangible tax assessment, and to authorize the intangible tax assessor to notify the taxpayers of their intangible assessments.

Additional information may be obtained from Earl Rosell, Room 604, LBJ Building, Austin, Texas 78701, telephone (512) 475-4166.

Filed: May 13, 1976, 11:37 a.m.

Doc. No. 762606



University of Texas System

Meeting

A meeting of the Board of Regents of The University of Texas System was held on Friday, May 14, 1976, 9 a.m., in Room 212, Main Building on the campus of The University of Texas at Austin, to consider bond matters, budgetary amendments, contract awards for furniture and construction, medical and nursing affiliation agreements, student association constitution, degree programs, buildings and grounds matters, housing rental rates, land and investment matters, tax-free alcohol agent, development matters, pending and contemplated litigation and personnel matters. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: May 10, 1976, 1:10 p.m.

Doc. No. 762537

Texas Water Development Board

Meeting

A meeting of the Texas Water Development Board will be held on Tuesday, May 18, 1976, 9 a.m., in the Embassy Room, Statler-Hilton Hotel, 1914 Commerce Street, Dallas, to hear the executive director's report and the development fund manager's report; to consider contracts with Espey, Huston and Associates, Inc., and the Department of the Interior Bureau of Reclamation; an application for renewal of a Texas Weather Modification License; a supplement to the Master Agreement with the United States Geological Survey; a resolution for authorization to invest Texas Water Development Fund monies; a final decision on recommendation of special committee concerning a financial advisor for the Texas Water Development Fund; various financial assistance applications; and the hearing examiner's report. 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 10, 1976, 4:50 p.m.

Doc. No. 762551 and 762584

Texas Water Quality Board

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday, June 3, 1976, 10 a.m., in the District Courtroom, Brazoria County Courthouse, Angleton, to consider the application for a permit by Seaway Pipeline, Inc. (Freeport Terminal), Phillips Petroleum Company 10 C-1, Bartlesville, Oklahoma 74004. The complete docket is posted in the East Wing of the State Capitol.

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

Filed: May 13, 1976, 11:24 a.m.

Doc. No. 762603

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Monday, June 14, 1976, 10 a.m., at the Houston-Galveston Area Council Conference Room, 3701 West Alabama, Houston, to discuss applications for amendments to permits: Gulf Coast Waste Disposal Authority (Harris County MUD No. 55), 910 Bay Area Boulevard, Houston, Texas 77058, Permit 11539; and Chemical Exchange Processing Company, Inc., P.O. Box 67, Galena Park, Texas 77547, Permit 00786.

Also scheduled for discussion are applications for permits made by C. Jim Stewart and Stevenson, Inc., P.O. Box 1473, Houston, Texas 77001; Gulf Coast Waste Disposal Authority (Plains Machinery Company), 910 Bay Area Boulevard, Houston, Texas 77058; All Hands Corporation, 2505 Galveston Road, Houston, Texas 77017; and Kicker Kountry, 22114 Trail Lane, Humble, Texas 77339. The complete hearing notices are posted in the East Wing of the State Capitol.

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

Filed: May 13, 1976, 11:21 a.m.

Doc. No. 762597 and 762598

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday, June 17, 1976, 10 a.m., in the Council Chamber, City Hall, 100 East Cotton Street, Longview, to receive evidence pertaining to the need for and installation of adequate boat pump-out facilities on Lake Tawakoni, Toledo Bend Reservoir, Lake O'the Pines, and Lake Wright Patman. The complete docket is posted in the East Wing of the State Capitol.

Additional information may be obtained from Joe O'Neal, (telephone (512) 475-7851) or Keith Alexander, (telephone (512) 475-5695), P.O. Box 13246, Capitol Station, Austin, Texas 78711.

Filed: May 13, 1976, 11:24 a.m.

Doc. No. 762604

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Friday, June 18, 1976, 10 a.m., in the Council Chamber, City Hall, 100 East Cotton Street, Longview. The division will consider the application for an amendment to Permit 11122 by the City of Mount Vernon, P.O. Drawer 597, Mount Vernon, Texas 75457.

The division will also consider the applications for permits made by East Texas Development Corporation (Indian Creek Lodge), P.O. Box 1298, Lufkin, Texas 75901; and Jim Noland (Whispering Pines Mobile Home Village), Route 4, Box 227, Marshall, Texas 75670. The complete docket is posted in the East Wing of the State Capitol.

Additional information may be obtained from James Showen, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7836.

Filed: May 13, 1976, 11:25 a.m.

Doc. No. 762802 and 762805

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Tuesday, June 29, 1976, 1 p.m., in the St. Angelus Room of the Central National Bank, 36 West Beauregard, San Angelo, to discuss an application for a permit by Oil Industries Manufacturing and Engineering, Inc., P.O. Box 4578, Odessa, Texas 79760.

Also scheduled for discussion are applications for amendments to permits by West Texas Utilities Company (Oak Creek Power Station), P.O. Box 841, Abilene, Texas 79604, Permit 00997; West Texas Utilities Company (San Angelo Power Station), P.O. Box 841, Abilene, Texas 79604, Permit 01152; and City of San Angelo (Lake Nasworthy Plant No. 1), P.O. Box 1751, San Angelo, Texas 76901, Permit 10641. The complete hearing notices are posted in the East Wing of the State Capitol.

Additional information may be obtained from Larry Soward, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7856.

Filed: May 13, 1976, 11:22 a.m.

Doc. No. 762599 and 762600

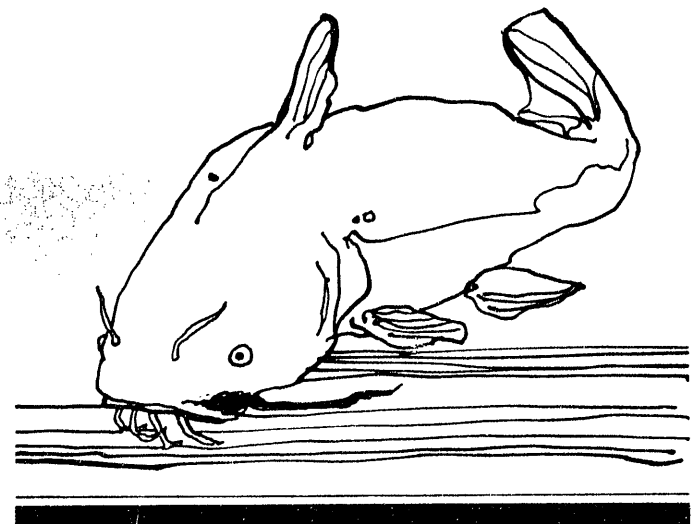
Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Tuesday, June 29, 1976, 3 p.m., in the St. Angelus Room of the Central National Bank, 36 West Beauregard, San Angelo, to receive evidence pertaining to the need for an installation of adequate boat pump-out facilities on Lake Brownwood and Lake Nasworthy. The complete hearing notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Joe O'Neal, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7851.

Filed: May 13, 1976, 11:22 a.m.

Doc. No. 762601



Texas Water Rights Commission

Hearing

A hearing of the Texas Water Rights Commission will be held on Tuesday, June 22, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider Application 3598 of Lavonne Greshaw Hodel to appropriate public waters. 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, Austin, Texas 78711, telephone (512) 475-4514.

Filed: May 10, 1976, 2:58 p.m.

Doc. No. 762544

Quasi-State Agencies

Meetings Filed May 10, 1976

The Heart of Texas Region MH/MR Center, Board of Trustees, will meet at the Conference Room-- MR Offices, 1809 Columbus, Waco, on May 19, 1976, at 4 p.m. Further information may be obtained from Dean Maberry, 1401 North 18th, Waco, Texas 76703, telephone (817) 752-3451.

Doc. No. 762536

Meetings Filed May 11, 1976

The Texas Municipal Power Agency, Board of Directors, met in the Gold Medallion Room, 200 5th Street, Garland, on May 17, 1976, at 10 a.m. Further information may be obtained from Paul R. Cunningham, 7111 Bosque Boulevard, Waco, Texas 76710, telephone (817) 776-4100.

The Education Service Center Region VIII, Board of Directors, will meet at 203 West 1st, Mount Pleasant, and adjourn to 100 North Riddle (ESC Offices), on May 26, 1976, at 6:30 p.m. Further information may be obtained from Thomas Carney, 100 North Riddle, Mount Pleasant, Texas 75455, telephone (214) 572-6676.

The Middle Rio Grande Development Council, Criminal Justice Advisory Committee, met at the Eagle Pass Police Department, Monroe Street, Eagle Pass, on May 14, 1976, at 3 p.m. Further information may be obtained from Dee Dee Schueler, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

The Trinity River Authority of Texas, Board of Directors, met in the National Room, Waterwood, San Jacinto County, on May 14, 1976, at 10:30 a.m. Further information may be obtained from William J. Philbin, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

Doc. No. 762556



Meetings Filed May 12, 1976

The Ark-Tex Council of Governments, Health Advisory Committee, will meet at the First National Bank, Mount Pleasant, on May 25, 1976, at 7 p.m. Further information may be obtained from Larry Sheffield, P.O. Box 5307, Texarkana, Texas 75501, telephone (501) 774-3481.

The Panhandle Regional Planning Commission, Criminal Justice Advisory Board, will meet in Room 216, Amarillo Building, Third and Polk, Amarillo, on May 18, 1976, at 3 p.m. Further information may be obtained from George Loudder, P.O. Box 9257, Amarillo, Texas, telephone (806) 376-4238.

The Houston-Galveston Area Council, Executive Committee, will meet at 3701 West Alabama, Houston, on May 18, 1976, at 9:30 a.m. Further information may be obtained from Stevie Walters, P.O. Box 22777, Houston, Texas 77027, telephone (713) 627-3200.

The Colorado River Municipal Water District, Board of Directors, will meet at 700 North Grant, Odessa, on May 19, 1976, at 11 a.m. Further information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79720, telephone (915) 267-6341.

Doc. No. 762570

Texas Health Facilities Commission

Notice of Applications

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory rulings, exemption certificates, or administrative orders received during the period of May 4, 1976, through May 10, 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.

Saint Anthony Center, Houston
AN76-0510-002

DR-- Medicare Certification of 26 licensed beds

Brooks County Hospital, Falfurrias
AH76-0510-001

EC-- Replacement of temperature control system

Temple Community Nursing Home, Temple
AN76-0925-147E

DR-- Request 90-day extension on deadline on approved project to construct 120-bed ICF-MR nursing home facility

Travis County Area Nursing Home, Austin
AN75-0925-154E

DR-- Request 90-day extension on deadline on approved project to construct 120-bed ICF-MR nursing home facility

Saint Joseph Hospital, El Paso
AH76-0504-001

EC-- Establishment and operation of respiratory rehabilitation center

Fort Bend Nursing Home, Fort Bend
AN76-0426-001

EC/DR-- Certification for beds in existing facility

Issued in Austin, Texas, on May 12, 1976.

Doc. No. 782581 Michael R. Sharp
General Counsel
Texas Health Facilities
Commission

Filed: May 12, 1976, 11:39 a.m.

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

Texas Savings and Loan Department

Notice of Hearing

Notice of Application for Change of Name

Application has been made to the Savings and Loan Commissioner of the State of Texas by *College Station Savings Association*, College Station, Brazos County, to change its name to Homestead Savings Association of Texas.

A hearing on the application will be held at 2 p.m. Friday, May 28, 1976, in the offices of the Savings and Loan Department, 1004 Lavaca, Austin, pursuant to authority and jurisdiction granted by Article 852a, Texas Revised Civil Statutes Annotated. The particular sections of the statute involved are 2.12, 2.13, and 11.11.

The applicant association asserts that no other association authorized to do business in this state has the name sought, nor is the proposed name so similar to any other as to be calculated to deceive. If no written notice of intention to appear in person or by attorney to protest said application is received by the savings and loan commissioner from one or more persons on or before May 18, 1976, the hearing may be dispensed with by order of the savings and loan commissioner.

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

Doc. No. 762534 W. Sale Lewis
Commissioner
Savings and Loan
Department

Filed: May 10, 1976, 11:14 a.m.

For further information, please call (512) 475-7991.

If no protest is registered prior to or at the time the application is called, the hearing may be dispensed with; if a protest is registered and existing when called, hearing on the application will be continued to a later date for the purpose of receiving testimony and evidence from the parties and to accumulate a record of pertinent information and data in support of the application and in opposition to the application.

Issued in Austin, Texas, on May 7, 1976.

Doc. No. 762533 W. Sale Lewis
Commissioner
Texas Savings and Loan
Department

Filed: May 10, 1976, 11:14 a.m.

For further information, please call (512) 475-7991.

Notice of Hearing

Application for Branch Office

Citizens Savings and Loan Association, Midland, Midland County, is applying for approval of a branch office in the Delwood Plaza Shopping Center, Midland.

A hearing on the application is set for 9:30 a.m., on Thursday, June 3, 1976, in the offices of the Savings and Loan Department, 1004 Lavaca, Austin, Texas, pursuant to authority and jurisdiction granted by Article 852a, Texas Revised Civil Statutes Annotated. The particular sections of the statute involved are 2.13 and 11.11. The particular rules involved are 056.01.00.003-.006, 056.01.00.011-.013, and .056.02.00.003 and .004.

The applicant association asserts that operation of the proposed branch office will not unduly harm any other association operating in the vicinity; that there is public need for the proposed branch offices; that the volume of business in the communities in which the proposed branch offices will operate is such as to yield a profit to the associations in a reasonable time; and certain other assertions per Rules 056.02.00.003 and .004.

Anyone desiring to protest an application may do so by writing the commissioner at P.O. Box 1089, Austin, Texas 78767, and so indicating, or by appearing at 9:30 a.m. on June 3, 1976, at 1004 Lavaca, Austin, and voicing such protest when the application is called.

Notice of Application and Hearing for a Charter for a Savings and Loan Association

An application for a charter for a savings and loan association has been made to the Savings and Loan Commissioner of Texas, such charter to be for Fayette County Savings and Loan Association, with principal office to be located at 113 West Colorado Street, La Grange, Fayette County.

A hearing on the application will be held at 9:30 a.m., Wednesday, June 8, 1976, in the offices of the Texas Savings and Loan Department, 1004 Lavaca, Austin, pursuant to authority and jurisdiction granted by Article 852a, Texas Revised Civil Statutes Annotated, the Texas Savings and Loan Act.

The nature and purpose of the hearing is to accumulate a record of pertinent information and data in support of the application and in opposition to the application, from which record the commissioner shall determine whether to grant or deny the charter application.

The particular sections of Article 852a involved are 2.01-2.09 and 11.11. The particular rules involved are 056.01.00.001-.013. Such rules are on file in the Office of the Secretary of State, Texas Register Division, or may be seen at the department's offices, 1004 Lavaca, Austin.

The applicants for charter assert that (1) the prerequisites, where applicable, set forth in Sections 2.02-2.06 of the Texas Savings and Loan Act, have been met; (2) the character, responsibility, and general fitness of the persons named in the articles of incorporation are such as to command confidence and warrant belief that the business of the proposed association will

be honestly and efficiently conducted and that the proposed association will have qualified fulltime management; (3) there is a public need for the proposed association and the volume of business in the community in which the proposed association will conduct its business is such as to indicate a profitable operation; and (4) the operation of the proposed association will not unduly harm any existing association.

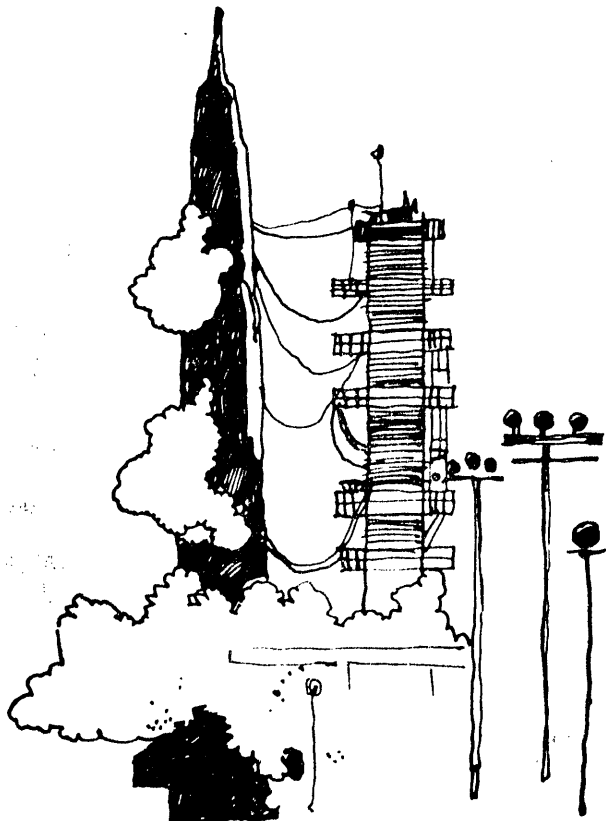
Anyone desiring to oppose this application may do so by appearing at the scheduled hearing; however, it is requested that if there are plans to oppose the application, the commissioner be notified at P.O. Box 1089, Austin, Texas 78767.

Issued in Austin, Texas, on May 7, 1976.

Doc. No. 762532 W. Sale Lewis
Commissioner
Texas Savings and Loan
Department

Filed: May 10, 1976, 11:14 a.m.

For further information, please call (512) 475-7991.



Texas Turnpike Authority

General Information

The Texas Turnpike Authority was created as a state agency by the Texas Legislature in 1953. The plan contemplated construction of selected highway facilities by the authority solely from the proceeds of revenue bonds sold by the authority for this purpose. Costs of operating and maintaining such turnpikes, bridges, or tunnels were to be defrayed entirely from toll fares collected from those who preferred to use the facilities. Under present law, the legislature may not provide financial assistance to a turnpike project.

The enabling legislation stipulated that the authority's first project be the 30-mile Dallas-Fort Worth Turnpike, directly connecting the downtown business districts of the two terminal cities. Construction of this initial project began in October, 1955, and the six-lane turnpike opened to traffic on August 27, 1957.

The authority's second project, the Dallas North Tollway is a commuter toll expressway approximately 10 miles long, which lies wholly within the limits of Dallas. Construction of this facility was begun in March, 1966, and the road was opened in segments from February 11, 1968, to June 30, 1968.

Although the tollway and the turnpike are related in that both were built and are operated by the Texas Turnpike Authority, the two toll facilities exist as separate entities, financed and operated under two separate trust agreements with two different bondholder groups.

The Texas Turnpike Authority has statewide jurisdiction. The authority could undertake toll projects in any part of the state where there is sufficient need and local public support, with approval of the proposed route by the State Department of Highways and Public Transportation. Obviously, economic feasibility of a proposed project must be indicated in advance as support for the sale of the necessary bonds. Feasibility is a determination of the Board of Directors of the Texas Turnpike Authority, based on professional study by outside experts.

The Texas Turnpike Authority is governed by a 12-member board of directors. Directors are appointed by the governor with the consent of the senate to serve staggered six-year terms or until replaced. They receive no compensation. Three of the board's 12 members are the members of the Texas Highway Commission, who serve *ex officio* with full voting rights. Current members of the board and the dates on which their terms will expire are Dee J. Kelly, chairman, Fort Worth (February 15, 1979); John P. Thompson, vice chairman, Dallas (February 15, 1981); Reagan Houston

III, San Antonio (February 15, 1979); Durwood A. Sutton, Grand Prairie (February 15, 1979); D. C. Greer, Austin (February 15, 1981); J. Frank Holt III, Dallas (February 15, 1981); Charles E. Simons, Dallas (February 15, 1977); Beeman Fisher, Fort Worth (February 15, 1977); George W. Hawkes, Arlington (February 15, 1977); R. J. Lindley, Jr., Houston (February 15, 1979); Gene H. Bishop, Dallas (February 15, 1981); and Joe H. Foy, Houston (February 15, 1977). Houston, Greer, and Simons are the *ex officio* members as members of the Texas Highway Commission.

Dallas-Fort Worth Turnpike

The Dallas-Fort Worth Turnpike is a 30-mile traffic thoroughfare linking downtown Dallas and Fort Worth. A trip between these two points takes only about 30 minutes on the turnpike, which also provides convenient access to a number of points between the two terminal cities.

There are no traffic lights or intersections on the turnpike. Besides being the fastest and most convenient route, the turnpike is also safe and scenic. Typically, about 92 percent of its total traffic is passenger cars with the remaining 8 percent being commercial vehicles.

Connection with Interstate Highway 20 and other major thoroughfares at each end of the turnpike provides non-stop (except for getting toll ticket and paying fare) east-west travel through the Dallas-Fort Worth metropolitan area. The turnpike also connects with all other major traffic arteries in the area.

The turnpike was opened to traffic in August, 1957. It was the first project of the Texas Turnpike Authority, a state agency created in 1953 to build toll traffic facilities in areas where need and economic feasibility were present, but public tax funds for highway construction were not. The turnpike was built in 23 months. A bond issue of \$58,500,000 supported planning and construction of the turnpike.

This money was obtained by the authority through the sale of revenue bonds. Toll income from the turnpike in excess of the operation, maintenance, and debt servicing requirements, is applied toward accelerated retirement of bonds. Under present legislation, when the bonds are retired, the turnpike will become a toll-free portion of the Texas highway system.

Growth in the turnpike's use is evidenced by the dramatic increase in traffic. The per-day average number of vehicle trips in 1975 was 88,339, approximately a six-fold increase over the 15,823 daily average in 1958, the turnpike's first full year of operation.

In August, 1973, the turnpike averaged 103,203 vehicle trips per day. The one-day record was set August 17, 1973, when 123,306 vehicle trips were recorded.

On December 31, 1975, \$50,461,000 of the original turnpike bonded indebtedness had been retired.

Dallas North Tollway

The Dallas North Tollway is an urban toll expressway. It provides for fast, safe, and convenient travel between downtown Dallas and north Dallas city and county. The bulk of its traffic is composed of commuters, but it also carries some transient or "through" traffic. About 98 percent of its total traffic volume is comprised of passenger cars.

The first section of the 9.8-mile tollway, from downtown Dallas to Mockingbird Lane, was opened in February, 1968, and the remainder progressively in segments to the north terminus at Interstate Highway 635 by July, 1968. The Dallas North Tollway is the second project of the Texas Turnpike Authority.

At the time of its opening, the tollway was the longest toll traffic facility in the United States located entirely within the limits of an incorporated city. Its construction required 28 months from the date the first contract was awarded. A bond issue of \$33,650,000 supported planning and construction of the tollway.

The tollway adjoins other major traffic arteries in Dallas via its connection with Lyndon B. Johnson Freeway (Interstate Highway 635), Dallas Parkway, and Stemmons Freeway (Interstate Highway 35E), which provides direct connection with the Dallas-Fort Worth Turnpike and the Greater Dallas freeway system.

The tollway, too, has grown in use. Average daily traffic volume in 1975 was 48,210 vehicle trips, a substantial increase over the 40,699 vehicle trips per day recorded in 1969, the first full year the entire road was in operation. The single-day record was established December 15, 1972, when 65,597 vehicle trips were recorded.

Like the Dallas-Fort Worth Turnpike, the Dallas North Tollway was financed by the Texas Turnpike Authority through the sale of revenue bonds and will become a toll-free portion of the Texas highway system when the bonds are retired.

On December 31, 1975, a total of \$5,595,000 of the original tollway indebtedness had been retired.

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