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TEXAS REGISTER

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Group and blanket accident and health insurance rules proposed by the State Board of Insurance

Proposed amendments to regulations of the Transportation Division of the Railroad Commission of Texas

Reciprocal licensure and fee schedule rules adopted by the Texas State Board of Medical Examiners

Adopted Texas Water Quality Board rules concerning private sewage facilities around Possum Kingdom Lake

Bills pre-filed in the Texas House of Representatives and Senate



Office of the Secretary of State

NOTES ON THE ISSUE

The State Board of Insurance is proposing new rules governing the filing and approval of group and blanket accident and health insurance policy and certificate forms. The rules outline procedures for the processing of forms for such policies, as well as define the types of groups eligible for group accident and health insurance coverage. A hearing on the proposed rules will be held in January, 1977, in Austin.

Because the San Jacinto River Authority and the Gulf Coast Waste Disposal Authority have resigned as regional administrative agencies for the Texas Water Quality Board, the board has repealed rules relating to those organizations. The board has also adopted extensive rules regarding the installation of private sewage facilities, including septic tanks, in the area around Possum Kingdom Lake. The rules require that the installation of all such facilities conform to minimum standards established by the Texas Department of Health Resources and the Texas Water Quality Board.

In emergency action, the Office of the Secretary of State has adopted a rule setting the fees for obtaining copies of official canvasses and election returns from the recent General Election. These documents are expected to generate considerable interest; this rule will mitigate undue delay in issuing the documents to those who request them.

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

Artwork: Gary Thornton

TEXAS REGISTER

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The Attorney General

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Opinions

Summary of Opinion H-899

Request from W. J. Estelle, Jr., Director, Texas Department of Corrections, Huntsville, concerning whether the estate of a deceased employee may be paid for compensatory time.

Summary of Opinion: The estate of a deceased state employee may not be paid for the employee's unused compensatory time.

Filed: November 22, 1976, 4:58 p.m.

Doc. No. 766098

Summary of Opinion: Article 6252-19, Texas Tort Claims Act, Vernon's Texas Civil Statutes, authorizes, but does not require, the Battleship Texas Commission to carry liability insurance for the Battleship Texas.

Issued in Austin, Texas, on November 22, 1976.

Doc. No. 766115 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: November 23, 1976, 11 a.m.

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

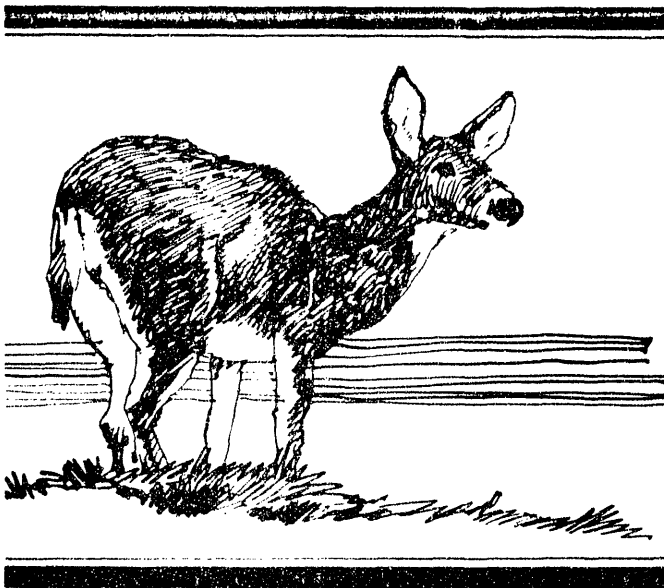
Summary of Opinion H-900

Request from Ralph F. Block, Chairman, the Battleship Texas Commission, Houston, concerning the necessity for liability insurance for the Battleship Texas.

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.



Office of the Secretary of State

Office of the Secretary

General Rules of Practice and Procedure

004.01.01

Results of the General Election of 1976 were canvassed by the State Canvassing Board on November 19, 1976. Because of the expected large interest in obtaining copies of the official canvass and the official results in various races, the secretary of state has determined that the charges for obtaining such information must be set without delay. Therefore, the secretary of state is promulgating Emergency Rule 004.01.01.011, to become effective immediately on filing. The charges set by the rule have been established with due consideration to the expenses involved in providing the public records, and the charges are matched with the actual cost of providing the information.

This rule is promulgated under the authority of Articles 6252-13a and 6252-17a, Texas Civil Statutes.

.011. Fees for Copies of the Official Canvass of the 1976 General Election.

(a) Copies of the official canvass of the General Election of 1976 may be obtained from the secretary of state for a fee of \$5 each.

(b) Copies of the county-by-county results of any race in the 1976 General Election may be obtained from the secretary of state for a fee of \$5 each.

(c) When copies are required to be mailed, the cost of postage may be added to the required fee.

Issued in Austin, Texas, on November 18, 1976.

Doc. No. 766084 John F. Pettit
Assistant Secretary of State

Effective Date: November 22, 1977

Expiration Date: March 22, 1977

For further information, please call (512) 475-3508.

PROPOSED RULES

3356

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

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

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

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

State Board of Insurance Life, Health, and Accident Insurance Group and Blanket Accident and Health Insurance 059.03.51

The State Board of Insurance is proposing to adopt Rules 059.03.51.601-.608 for filing and approval of group and blanket accident and health insurance policy and certificate forms.

Public comment on Proposed Rules 059.03.51.601-.608 is invited. Interested persons shall have 30 days to submit their comments in duplicate in writing to Woody Pogue, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

A hearing will be held before the State Board of Insurance on January 12, 1977, at 9 a.m. in the Old Supreme Court Room, State Capitol, to hear evidence and to determine whether these rules and amendments thereto shall be formally adopted.

These rules are proposed under the authority of Article 3.51-6, Insurance Code, Vernon's Annotated Texas Statutes.

.601. Purpose. The purpose of these rules is to establish procedures and requirements to expedite the review and approval of group and blanket accident and health insurance policies and certificates. These rules are applicable to group and blanket accident and health insurance policies and certificates filed for approval in accordance with Articles 3.42, 3.51-6, 3.70-2(B), (C), and (D), and 21.21, Insurance Code, Vernon's Annotated Texas Statutes.

.602. Definitions.

(a) Group accident and health insurance is hereby defined to be that form of accident, sickness, or accident and sickness insurance covering groups of persons as provided in subdivisions (1) through (5) below:

(1) under a policy issued to an employer or trustees of a fund established by an employer, who shall be deemed the policyholder, insuring employees of such employer for the benefit of persons other than the employer. The term "employees" as used herein shall be deemed to include the officers, managers, and employees of the employer, the individual proprietor, or partner if the employer is an individual proprietor or partnership; the officers, managers, and employees of subsidiary or affiliated corporations, the individual proprietors, partners, and employees of individuals and firms, if the business of the employer and such individuals or firm is under common control through stock ownership, contract, or otherwise; and retired employees. A policy issued to insure employees of a public body may provide that the term "employees" shall include elected or appointed officials. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship;

(2) under a policy issued to an association, including but not limited to a labor union or organizations of such unions, membership corporations organized or holding a certificate of authority under the Texas Non-Profit Corporation Act, and cooperatives and corporations subject to the supervision and control of the Farm Credit Administration of the United States of America, and which association shall have a constitution and bylaws, and which has been organized and is maintained in good faith for purposes other than that of obtaining insurance, to insure members, employees, or employees of members (active and retired for the benefit of persons other than the association or its officers or trustees);

(3) under a policy issued to the trustees of a fund established by two or more employers in the same or related industry or by one or more labor unions or by one or more employers and one or more labor unions or by an association as defined in (2) above, which trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions or such association, or employees of members of such

association for the benefits of persons other than the employers or the unions or such association, or employees or members of such association for the benefit of persons other than the employers or the unions of such association. The term "employees" as used herein may include officers, managers, and employees of the employer, retired employees, and the individual proprietor or partners if the employer is an individual proprietor or partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship;

(4) under a policy issued to any person or organization to which a policy of group life insurance may be issued or delivered in this state to insure any class or classes of individuals that could be insured under such group life policy;

(5) under a policy issued to cover any other substantially similar group which, in the discretion of the commissioner, may be subject to the issuance of a group accident and sickness policy or contract.

(b) Blanket accident and health insurance is hereby defined to be that form of accident, health, or accident and health insurance covering groups of persons as provided in (1) through (9) below:

(1) under a policy issued to any common carrier or to any operator, owner, or lessor of a means of transportation, who or which shall be deemed the policyholder, covering a group of persons who may become passengers defined by reference to their travel status on such common carrier or such means of transportation; or, under a policy issued to any automobile and/or truck leasing company, which shall be deemed the policyholder, covering a group of persons who may become either renters, lessees, or passengers defined by their travel status on such rented or leased vehicles;

(2) under a policy issued to an employer, who shall be deemed the policyholder, covering any group of employees, dependents, or guests, defined by reference to specified hazards incident to an activity or activities or operations of the policyholder;

(3) under a policy issued to a college, school, or other institution of learning, a school district or districts, or school jurisdictional unit, or to the head, principal, or governing board of any such education unit, who or which shall be deemed the policyholder, covering students, teachers, or employees;

(4) under a policy issued to any religious, charitable, recreational, educational, or civic organization, or branch thereof, which shall be deemed the policyholder, covering any group of members or participants defined by reference to specified hazards incident to any activity or activities or operations sponsored or supervised by such policyholders;

(5) under a policy issued to a sports team, camp, or sponsor thereof, which shall be deemed the policyholder, covering members, campers, employees, officials, or supervisors;

(6) under a policy issued to any governmental or volunteer fire department or fire company, first aid, civil defense, or other such governmental or volunteer organization, which shall be deemed the policyholder, covering any group of members or participants defined by reference to specified hazards incident to an activity or activities or operations sponsored or supervised by such policyholder;

(7) under a policy issued to a newspaper or other publisher, which shall be deemed the policyholder, covering its carriers;

(8) under a policy issued to an association, including a labor union, which shall have a constitution and bylaws and which has been organized and is maintained in good faith for purposes other than that of obtaining insurance, which shall be deemed the policyholder, covering any group of members or participants defined by reference to specified hazards incident to an activity or activities or operations sponsored or supervised by such policyholder;

(9) under a policy issued to cover any other risk or class of risks which, in the discretion of the commissioner, may be properly eligible for blanket accident and sickness insurance. The discretion of the commissioner of insurance may be exercised on an individual risk basis or class of risks, or both.

(c) "Commissioner" means the Commissioner of Insurance of the State of Texas.

.603. *Preparation and Submission of Forms.*

(a) Policy forms submitted for approval shall be in final form or printer's proof. Forms submitted in printer's proof may be approved subject to the insurer submitting a final printed copy within 60 days. The printed copy shall be accompanied by an affidavit from the insurer certifying that said form is identical to the approved form. Failure to submit a final printed copy within 60 days shall result in withdrawal of approval of such form. Objections to the forms submitted for approval shall be corrected through resubmission rather than by attachment or riders or endorsements. The forms submitted shall be on paper of quality suitable for stamping and filing for permanent records.

(b) All forms submitted for approval, or correspondence regarding same, shall be submitted in duplicate.

(c) All forms shall be filled in as John Doe specimens unless submitted as a single case filing. Single case filings shall be filled in as they are to be issued.

(d) Each form shall be designated by a suitable form number adequate to distinguish the form from all other forms used by the insurer. The form number may

consist of numbers or letters, or both, and shall appear in the lower left-hand corner of the page.

(e) Any policy form, rider, endorsement, or certificate to be issued with the application attached shall have a copy of the application form attached at the date of submission.

(f) Transmittal letters shall accompany all forms submitted. The transmittal letter shall contain the following:

- (1) the identifying form number of each form submitted;
- (2) a statement of the type of coverage provided on each form;
- (3) a statement as to whether it is a new form or a resubmission of a previously disapproved form. If previously disapproved, the form number and commissioner's order number of the previously disapproved form shall be included;
- (4) if the form submitted replaces an approved form, a statement including proper identification, the approval date of the form being replaced, and whether the old form may be considered withdrawn from use;
- (5) a brief statement of the marketing approach to be used; and
- (6) a listing of all policy forms with which the submitted riders or endorsements are to be used.

(g) Approved forms which are changed in any way shall be resubmitted as a new form including a new form number.

(h) The date of official filing for the purposes of determining the time allowed for action by the commissioner will be the date on which the properly submitted form is received by the Policy Approval Division.

(i) Forms submitted with extensive variable language indicated shall be reviewed as though no variable markings appear. Required statutory language may not be varied. Additional pages including the proposed variable language shall accompany the submission. Abuse of variable markings may require the filing of alternate insert pages, each distinguishable by a separate form number.

(j) When coverage under a master policy issued outside of Texas is extended to Texas residents, the certificate to be issued in Texas shall be submitted for approval. The master policy shall be submitted for information purposes. Failure to submit the master policy with the certificate shall subject the certificate to disapproval.

(k) All correspondence relating to the preparation and submission of forms shall be addressed to State Board of Insurance, Policy Approval Division, Group Accident & Health Section, 1110 San Jacinto, Austin, Texas 78786.

.604. Trusts.

(a) Submissions made in accordance with Rule 059.03.51.602 shall be accompanied by two copies of

any trust agreement, commission contract, servicing agreement, and promotional, sales, and solicitation material to be used in conjunction with the program.

(b) Single-case submissions shall be filed for each trust.

(c) Each trust agreement submitted pursuant to Rule 059.03.51.604 shall:

- (1) be a Texas trust with a majority of the trustees residents of Texas;
- (2) maintain a designated depository in Texas; and
- (3) be accompanied by an affidavit certifying that (1) and (2) above have been complied with, and that:

(A) the trust agreement is in full conformity with Article 7425b-1, Vernon's Texas Civil Statutes (Texas Trust Act);

(B) the trust agreement is executed in conjunction with a group constituted in conformity with Article 3.51-6(a)(3), Insurance Code, Vernon's Annotated Texas Statutes; Article 1.14-1, Insurance Code, Vernon's Annotated Texas Statutes; and

(C) the provisions of the trust agreement are consonant with the provisions of the group policy issued to the trust.

.605. Content, Requirements, and Limitations.

(a) Group and blanket accident and health forms shall comply with applicable Texas statutes and these rules.

(b) Forms may not contain misleading language or statements.

(c) Conflicts may not exist between the policy and the certificate issued thereunder in respect of definitions, benefit provisions, exclusions and/or limitations, termination provisions, conversions, and general provisions.

(d) Each group and blanket accident and health policy shall contain in substance the following:

(1) a provision that the policy and any attachments shall constitute the entire contract between the parties;

(2) a provision that all statements made by the applicant in the absence of fraud shall be deemed representations and not warranties, and that no such statement shall void the policy or reduce benefits thereunder unless contained in an attached written application;

(3) a provision that the insurer shall furnish to the policyholder for delivery to each employee or member of the insured group an individual certificate setting forth in summary form a statement of the essential features of the insurance coverage and to whom benefits are payable. It is necessary to issue only one certificate per family unit. This paragraph is inapplicable to blanket accident and health insurance policies unless the insurer has elected to issue a certificate;

(4) a provision that eligible new employees or members or dependents may be added to the group originally insured in accordance with the terms of the policy;

(5) a provision that termination or cancellation of the policy or of an insured's coverage for any reason shall be without prejudice to any claim originating prior to the date of termination; and

(6) provisions relative to the following:

- (A) entire contract,
- (B) time limit on certain defense,
- (C) notice of claim,
- (D) claim forms,
- (E) proof of loss,
- (F) time of payment of claims,
- (G) payment of claims,
- (H) legal actions,

(I) grace period (a grace period of not less than 31 days shall be granted for the payment of each premium falling due after the first premium, during such grace period the policy shall continue in force, unless the policyholder shall have given the insurer written notice of discontinuance of the coverage in accordance with the terms of the policy).

.606. *Prohibited Provisions.*

(a) No group form may include a coordination or reduction of benefits provision with language such as "amounts for which the insured may be entitled to receive," or "amounts for which benefits are provided," other than for Medicare or workmen's compensation benefits.

(b) No form may include a provision for integration of benefits with Medicare.

(c) No form may include a provision for coordination or subrogation with "no fault" automobile insurance, which includes individual and/or group automobile insurance.

(d) No form may include a provision for coordination or reduction of benefits with individual accident and health insurance.

(e) No form may include a "survivor benefit" provision.

(f) No form for permanent and total disability insurance may include a recovery of excess payment provision.

(g) No form may include an "accidental means test" provision.

(h) No form may include a provision requiring that injury result from external violent causes or visible wounds except for accidental death and dismemberment benefits.

(i) No form may include a provision defining "hospital" with a requirement it be incorporated or recognized by certain accrediting organizations, or excluding hospitals operated by a state, county, city, or

other political subdivision. A policy may require that the insured must incur expenses which he is legally required to pay for services rendered in such hospital and may exclude charges that would not have been made if no insurance existed. However, this provision shall not be construed to be in conflict with Articles 3.70-2(D) and 3.42B, Insurance Code, Vernon's Annotated Texas Statutes.

(j) No form may include a provision requiring membership in a professional society by the health care provider as a condition precedent to payment of a benefit. For instance, a policy may not contain a benefit for x-ray therapy and/or radium therapy which requires such therapy be administered by a board member of the American Radiological Society or a board member of the American Radium Society.

(k) No form may include a provision for the commencement of Medicare supplemental coverage on the 61st day of continuous confinement.

.607. *Optional Provisions.*

(a) A form may include a provision excluding coverage of expenses the insured is not legally liable to pay.

(b) A form may include a provision setting out a schedule of fees for surgical operations. If such schedule is utilized, such form shall provide for payment of comparable benefits for operations not listed, subject to the maximum fee provided in the schedule. The use of the phrase "any other cutting operation" is acceptable only if the benefit amount shown is comparable.

(c) A form may include a provision for a conversion privilege to an individual policy upon termination of the group or blanket policy.

(d) A form may include a provision relating to pre-existing condition limitations and allowing extension of coverage in the event of discontinuance of the group policy.

.608. *Certificates.* "No-name" or "bearer" certificates may not be approved. Certificates shall contain the name of the insured, so that possession of the certificate itself constitutes some proof of coverage.

Issued in Austin, Texas, on November 22, 1976.

Doc. No. 766112 Pat Wagner
Deputy Chief Clerk
State Board of Insurance

Proposed Date of Adoption: Indefinite

For further information, please call (512) 475-2551.

Texas Private Employment Agency Regulatory Board

Procedures and Regulations

Bond 398.01.00

The Texas Private Employment Agency Regulatory Board is proposing to adopt Rule 398.01.00.014, clarifying the bond required in Section 8, Article 5221a-6, Texas Civil Statutes.

The confusion and enforcement problems of Section 8, Article 5221a-6, Texas Civil Statutes, as written, have caused misunderstanding among many citizens attempting to enter the private employment agency industry in Texas. The regulatory board, realizing this problem, is attempting to alleviate it and provide the Texas Department of Labor and Standards with clear guidelines in this area.

Public comment on the proposed rule is invited. Persons should submit their comments, in writing, to Larry E. Kosta, Employment Agency Division, P.O. Box 12157, Capitol Station, Austin, Texas 78711.

This rule is proposed under the authority of Article 5221a-6, Texas Civil Statutes.

.014. Bonds. The \$5,000 surety bond required to be filed with the Commissioner of the Texas Department of Labor and Standards by Section 8, Article 5221a-6, Texas Civil Statutes, shall meet the following requirements:

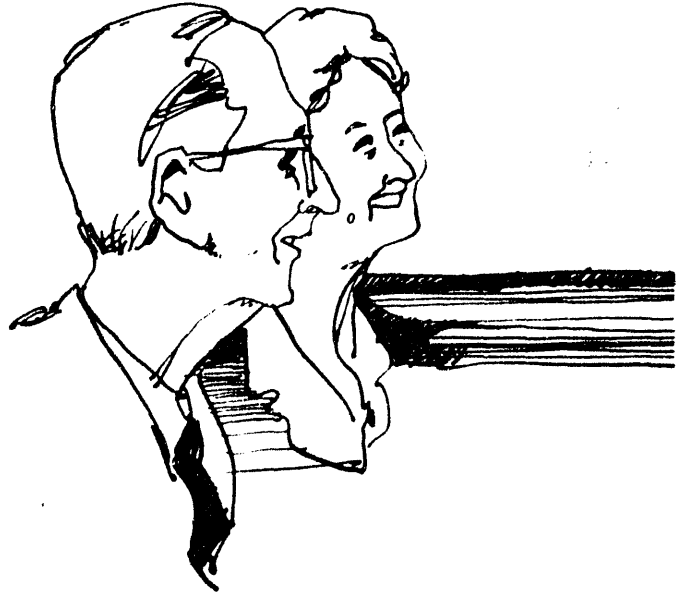
- (a) It shall be issued by a surety company authorized to transact business in Texas.
- (b) The bond form shall be as approved by the board and shall meet the statutory requirements of the act.
- (c) The bond shall be executed by the surety company and the applicant for a private employment agency license, along with such other co-principals or co-sureties as may be agreed upon between the surety company and the statutory principal on the bond.

Issued in Austin, Texas, on November 17, 1976.

Doc. No 766118 Mary E. Evins
 Chairwoman
 Texas Private Employment
 Agency Regulatory Board

Proposed Date of Adoption: December 30, 1976

For further information, please call (512) 475-7026.



Railroad Commission of Texas

Transportation Division

General 051.03.01

The Railroad Commission of Texas is **proposing** to amend Regulation 051.03.01.005, which provides for the inspection and examination of facilities and records of all motor carriers, motor transportation brokers, and motor bus companies by the commission.

The proposed amendment would add language to provide that every motor carrier, motor transportation broker, and motor bus company must provide adequate work space with reasonable work conditions at its office, or at a location near its office for the inspection and examination of its records.

Public comment on the proposed amendment to Regulation 051.03.01.005 is invited. Comments may be submitted in writing to James H. Cowden, Railroad Commission of Texas, P.O. Drawer 12967, Capitol Station, Austin, Texas, 78711. Comments will be accepted until December 23, 1976.

This amendment to Regulation 051.03.01.005 is proposed under the authority of Section 4(a) of Article 911a and Article 911b, and Section 4 of Article 911f, Texas Civil Statutes.

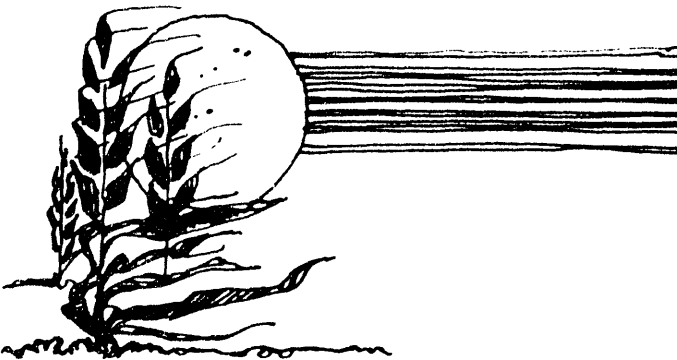
.005. Examination of Facilities and Records. Every motor carrier, [every] motor transportation broker, and [every] motor bus company, their proprietors, officers, directors, or employees, and the receivers, trustees, or representatives having control, directly or indirectly, over any such carrier, broker, or company, and all persons, firms, or corporations affiliated therewith, shall permit any duly authorized agent or representative of the commission, upon [his] presentation of proper credentials, to inspect or examine all lands, buildings, equipment, facilities, books, records, accounts, documents, memoranda, and correspondence of or pertaining to [his or] its operations and services, **and furthermore, shall provide adequate work space with reasonable work conditions at its office, or at a location near its office for the inspection and examination of its records.**

Issued in Austin, Texas, on November 19, 1976.

Doc. No. 766069 James H. Cowden, Director
Transportation Division
Railroad Commission of Texas

Proposed Date of Adoption: December 28, 1976

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



Tariffs and Schedules 051.03.08

Pursuant to a petition filed by Bill Weddle on behalf of Knight Services, Inc., the Railroad Commission of Texas is proposing to amend Regulation 051.03.08.007, which prescribes exceptions to the weighing provisions contained in Section (b) of Regulation 051.03.08.006.

The proposed amendment would add a new Section (e), which would exempt shipments of skid-mounted frac tanks in excess of 10 feet in width, 11 feet in height, and 31 feet in length, when shipped by Knight Services, Inc., for the account of Knight Chemical, Inc., from the

weighing provisions contained in Section (b) of Regulation 051.03.08.006 by providing that such shipments may be transported on shipper's certification of weight as provided in Section (b)(1) of Regulation 051.03.08.006.

Sections (a)-(d) of Regulation 051.03.08.007 are unchanged by this amendment.

Public comment on the proposed amendment to Regulation 051.03.08.007 is invited. Comments may be submitted in writing to James H. Cowden, Railroad Commission of Texas, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711. Comments will be accepted until December 23, 1976.

This amendment to Regulation 051.03.08.007 is proposed under the authority of Section 4(a) of Article 911b, Texas Civil Statutes.

.007. Weighing Unnecessary.

(e) In lieu of weighing shipments of skid-mounted frac tanks in excess of 10 feet in width, 11 feet in height, and 31 feet in length, when shipped by Knight Services, Inc., for the account of Knight Chemical, Inc., as required in Regulation 051.03.08.006 (b), such shipments may be transported on shipper's certification of weight as provided in Section (b)(1) of Regulation 051.03.08.006. The certification must be made and signed by the shipper prior to the transportation of each shipment. The weight supplied by the shipper shall be subject to check by the carrier or an authorized representative of the commission.

Issued in Austin, Texas, on November 19, 1976.

Doc. No. 766070 James H. Cowden, Director
Transportation Division
Railroad Commission of Texas

Proposed Date of Adoption: December 28, 1976

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

Registration of Interstate Operating Authority 051.03.18

The Railroad Commission of Texas is proposing to amend Regulation 051.03.18.003, which prescribes the requirements relating to the registration of Interstate Commerce Commission operating authority.

Presently, a motor carrier is not required to register with the commission emergency or temporary operating authority granted by the Interstate Commerce Commission having a duration of 30 consecutive days or less if such carrier has (1) registered its other authority and identified its vehicles or driveway

operations under the provisions of Part 18 of the *Motor Transportation Regulations before the Transportation Division* and (2) furnished to the commission with a telegram or other written communication describing such emergency or temporary operating authority and stating in that communication that operation under the authority shall be in full accord with the requirements of Part 18. The proposed amendment would change the above-described exemption from an emergency or temporary operating authority having a duration of 30 consecutive days or less to one having a duration of 90 consecutive days or less. This change is proposed as a result of an identical change that has previously been made in Section 1131.7, State Registration of Temporary Authorities, Part 1131-- Temporary Authority applications under Section 210a(a) of the Interstate Commerce Act of the Code of Federal Regulations.

Sections (b)-(d) are unchanged by these amendments.

Public comment on the proposed amendment to Regulation 051.03.18.003 is invited. Comments may be submitted in writing to James H. Cowden, Railroad Commission of Texas, P.O. Drawer 12968, Capitol Station, Austin, Texas 78711. Comments will be accepted until December 23, 1976.

This amendment to Regulation 051.03.18.003 is proposed under the authority of Section 4(a) of Article 911b, Texas Civil Statutes.

.003. Registration of ICC Operating Authority.

(a) [When registration required--] A motor carrier must file and maintain a current record of its authority issued by the Interstate Commerce Commission permitting operation within the borders hereof and such motor carrier shall not exercise such authority within such borders unless and until there shall have

been filed with and approved by the commission an application for the registration of such authority as prescribed by the provisions of this regulation, and there shall have been a compliance with all other requirements of this regulation; provided however, that a motor carrier shall only be required to file with the commission that portion of its authority permitting operation within the borders hereof; and, provided further, that a motor carrier shall not be required to file with the commission an emergency or temporary operating authority having a duration of **90** [30] consecutive days or less if such carrier has (1) registered its other authority and identified its vehicles or driveaway operation under the provisions of this part, and (2) furnished to the commission a telegram or other written communication describing such emergency or temporary operating authority and stating that operation thereunder shall be in full accord with the requirements of this part.

Issued in Austin, Texas, on November 19, 1976.

Doc. No. 766071 James H. Cowden, Director
Transportation Division
Railroad Commission of Texas

Proposed Date of Adoption December 28, 1976

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

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.

Texas State Board of Medical Examiners

Rules and Regulations

Licensure by Endorsement or Reciprocity 386.01.03

Under the authority of Articles 4496 and 4509, Texas Civil Statutes, the Texas State Board of Medical Examiners has amended Rule 386.01.03.001 to read as follows:

.001. Eligibility.

(a) This board, at its discretion, upon payment by the applicant of a \$200 fee, may grant a license to any reputable physician or surgeon who is a graduate of a reputable medical college or school; who has qualified by examination for a commission in the United States Army or Navy; or who is a licentiate of a state or territory having requirements for medical registration equal to those established by this state. An applicant for licensure by reciprocity based on examination from another state or Canadian province will not be accepted unless such license was granted upon successful passage of the FLEX examination if such examination was administered after January 1, 1978.

(b) A certificate issued in another state on the basis of reciprocity is not acceptable for reciprocity registry in Texas.

(c) An applicant who has failed in an examination for a license conducted by the Texas State Board of Medical Examiners shall not be eligible for a license by reciprocal endorsement.

(d) There will be a \$200 fee for reconsideration of an application which has been rejected.

Issued in Austin, Texas, on November 22, 1976.

Doc. No. 766099 A. Bryan Spires, Jr., M.D.
Secretary-Treasurer
Texas State Board of Medical
Examiners

Effective Date: December 12, 1976

For further information, please call (512) 474-6335.

Schedule of Fees 386.01.08

The Texas State Board of Medical Examiners has amended 386.01.08.001 under the authority of Articles 4496 and 4509, Texas Civil Statutes.

.001. Fees. The board shall charge the following fees:

Annual registration: \$25

Institutional permits per year (interns and residents):
\$25

Visiting professor permit: \$100

Licensure by examination:

FLEX-- full: \$150

First day only-- repeat: \$30

Second day only-- repeat: \$35

Third day only-- repeat: \$85

Jurisprudence only-- repeat: \$25

Board-- full: \$150

Pre-clinical only-- repeat: \$100

First repeat pre-clinical: \$25

Second repeat pre-clinical: \$35

Clinical: \$50

Clinical and first repeat: \$60

Clinical and second repeat: \$60

Licensure by reciprocity: \$200

Temporary license: \$25

Duplicate license: \$35

Endorsement: \$25

Reinstatement after lapse of cancellation: \$100

Certification to other boards of grades in basic science
examination: \$25

Issued in Austin, Texas, on November 22, 1976.

Doc. No. 766100 A. Bryan Spires, Jr., M.D.
Secretary-Treasurer
Texas State Board of Medical
Examiners

Effective Date: December 12, 1976

For further information, please call (512) 474-6335.

Texas Water Quality Board Regionalization

Cypress Creek Watershed 130.02.03

The Texas Water Quality Board has repealed Rules 130.02.03.002-.015, pertaining to regionalization in the Cypress Creek Watershed.

The reason for the repeal of Rules 130.02.03.002-.015 is due to the fact that the Texas Water Quality Board has accepted the resignation of Gulf Coast Waste Disposal Authority as the regional entity to administer these rules. At this time the Texas Water Quality Board has not considered nor has it appointed a new regional entity.

Pursuant to the authority of Section 21.072 of the Texas Water Code, Vernon's Annotated Texas Statutes, the Texas Water Quality Board has repealed Rules 130.02.03.002-.015, as published in the October 5, 1976, issue of the *Texas Register*.

Issued in Austin, Texas, on November 19, 1976.

Doc. No. 766072 William E. Berger
Staff Assistant
Texas Water Quality Board

Effective Date: December 9, 1976

For further information, please call (512) 475-7856.

Private Sewage Facility Regulations Water Quality Zone Around Lake Granbury Reservoir 130.12.02

The Texas Water Quality Board has added Rule 130.12.02.016, entitled Schedule of Fees, to the existing subcategory of rules on the water quality zone around Lake Granbury Reservoir. The rule lists the fees to be charged for various septic tank inspections and licensing procedures in the zone.

This rule is adopted under the authority of Section 21.083 of the Texas Water Code, Vernon's Annotated Texas Statutes.

.016. Schedule of Charges for Licensing of Private Sewage Facilities-- Lake Granbury.

(a) Processing application, making field inspections, and evaluating percolation tests for approval of subdivisions for septic tank use (does not include cost of making percolation tests)-- \$50.

(b) Processing application, evaluating percolation tests, and reviewing plans for proposed new facility (does not include costs of making percolation tests or field inspections)-- \$20.

(c) Processing application for transfer of license or for annual renewal of license-- \$5.

(d) Field inspection of new facilities during construction (if more than two visits to the site are required for inspection purposes, there will be an additional charge of \$15 for each additional visit)-- \$25.

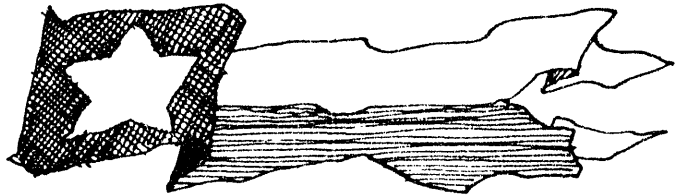
(e) Making percolation tests-- \$20 per set (a "set" of percolation tests means the number of tests, up to six, made at one time in connection with a single private sewage facility), or, if authority has tests made by engineering firm, engineering firm's charge.

Issued in Austin, Texas, on November 18, 1976.

Doc. No 766073 William E. Berger
Staff Assistant
Texas Water Quality Board

Effective Date: December 9, 1976

For further information, please call (512) 475-7851.



Cypress Creek Watershed 130.12.03

The Texas Water Quality Board has repealed Rules 130.12.03.002-.014 pertaining to private sewage facility regulations for the Cypress Creek Watershed.

The reason for the repeal is the Texas Water Quality Board has accepted the resignation of the San Jacinto River Authority as the licensing authority for private sewage facilities in the Cypress Creek Watershed. At this time a new licensing authority has not been considered or appointed.

Pursuant to the authority of Section 21.083 of the Texas Water Code, Vernon's Annotated Texas Statutes, the Texas Water Quality Board has repealed Rules 130.12.03.002-.014, as published in the October 5, 1976, issue of the *Register*.

Issued in Austin, Texas, on November 19, 1976.

Doc. No. 766074 William E. Berger
Staff Assistant
Texas Water Quality Board

Effective Date: December 9, 1976

For further information, please call (512) 475-7851.

Somerville Reservoir 130.12.15

The Texas Water Quality Board has amended Rule 130.12.15.013, regarding the schedule of fees charged for private sewage facilities for Lake Somerville.

This amendment removes the language and fees listed and updates the fees charged.

This amendment is adopted under the authority of Section 21.083 of the Texas Water Code, Vernon's Annotated Texas Statutes.

.013. *Schedule of Fees.* Schedule of charges for licensing of private sewage facilities for Lake Somerville are:

(a) Processing application, making field inspections and evaluating percolation tests for approval of subdivisions for septic tank use (does not include cost of making percolation tests)-- \$50.

(b) Processing application, evaluating percolation tests, and reviewing plans for proposed new facility (does not include costs of making percolation tests or field inspections)-- \$30.

(c) Processing application and making field inspection for licensing of facilities existing before effective date of order-- \$30.

(d) Processing application and making field inspection for transfer of license or for renewal (every five years) of license-- \$25.

(e) Field inspection of new facilities during construction (if more than two visits to the site are required for inspection purposes, there will be an additional charge of \$15 for each additional visit)-- \$25.

(f) Making percolation tests-- \$20 per set, or if authority has tests made by engineering firm, engineering firm's charges.

*A "set" of percolation tests means the number of tests (up to a maximum of six) made at one time in connection with a single private sewage facility.

Issued in Austin, Texas, on November 19, 1976.

Doc. No. 766075 William E. Berger
Staff Assistant
Texas Water Quality Board

Effective Date: December 9, 1976

For further information, please call (512) 475-7851.

Possum Kingdom Lake 130.12.23

The Texas Water Quality Board is adopting regulations regarding the installation of private sewage facilities, including septic tanks, in the area surrounding and adjacent to Possum Kingdom Lake in Stephens, Young,

Jack, and Palo Pinto Counties. The regulations require all new private sewage facilities to be licensed and to reasonably conform to the minimum standards set out in *A Guide to the Disposal of Household Sewage*, published by the Texas Department of Health Resources.

These rules are adopted by the Texas Water Quality Board under the authority of Section 21.083 of the Texas Water Code.

Copies of these rules may be examined in or obtained from the Texas Water Quality Board. Copies may also be examined in the Office of the Secretary of State, Texas Register Division.

.001. *Definitions.*

(a) "Authority" means the Brazos River Authority.

(b) "Board" means the Texas Water Quality Board.

(c) "Executive Director" means the Executive Director of the Texas Water Quality Board.

(d) "Holding tank system" means a system for collecting and holding sewage and consisting of a holding tank and house sewer.

(e) "Holding tank" means a vented, watertight tank used for storing sewage until it is hauled to a final disposal site.

(f) "House sewer" means the lines which carry sewage from plumbing fixtures to a septic tank or holding tank.

(g) "msl" is the abbreviation for mean sea level.

(h) "Organized disposal system" means any public or private system for the collection, treatment, and disposal of sewage operated in accordance with the terms and conditions of a permit from the Texas Water Quality Board.

(i) "Possum Kingdom Lake" means the lake lying in Palo Pinto, Stephens, Young, and Jack Counties, created by the Morris Sheppard Dam on the Brazos River.

(j) "Private sewage facility" means any facility, system, or method used for the disposal of sewage, other than organized disposal systems operated under a permit issued by the board and other than facilities discharging into such organized disposal systems.

(k) "Septic tank" means a vented, watertight tank which serves as a sedimentation and sludge digestion chamber, which is placed between the house sewer and the soil absorption field.

(l) "Septic tank system" means a system for disposing of sewage through soil absorption and consisting of the following components: the house sewer, the septic tank, and the soil absorption field.

(m) "Sewage" means waterborne human wastes and other domestic wastewater.

(n) "Soil absorption field" is that part of a septic tank system consisting of drainage pipes and surrounding permeable soil used for the subsurface disposal of septic tank effluent.

(o) "Subdivision" means a subdivision which has been platted and recorded with the county clerk of the county or counties in which the land lies, or which is required by statute to be so platted and recorded.

.002. Regulated Area.

(a) The board designates the Possum Kingdom Lake regulated area as all the area in the Possum Kingdom Lake watershed bounded by a line parallel to and 2,000 feet from the lake shoreline, i.e., the 1,000-foot msl contour line, excluding area within the City of Graham.

(b) If any part of a subdivision lies within the regulated area, the entire subdivision is included within the regulated area for purposes of this order.

.003. Regulations Controlling the Discharge of Sewage within the Regulated Area. All sewage disposal within the regulated area shall be in accordance with one of the following types of authorizations:

(a) sewage discharged into an organized disposal system operating under a valid permit issued by the board;

(b) sewage discharged into a private sewage facility licensed by the authority in accordance with the regulations contained in this order;

(c) sewage discharged into a private sewage facility registered as existing at the effective date of this order, for so long as such private sewage facility is operating properly and is not causing nuisance conditions or pollution or a threat to public health.

.004. Authority Designated to Perform Licensing Functions of This Order.

(a) The authority is designated by the board to perform all the functions necessary to meet the licensing requirements of this order.

(1) The authority shall have the following powers:

(A) to enforce all the regulations contained in this order;

(B) to make inspections of all private sewage facilities located or to be located within the area covered by this order;

(C) to collect all fees set by the authority and approved by the board as necessary to recover all costs incurred in meeting the requirements of this order; and

(D) to establish procedures, prepare application forms, etc., as necessary to administer this program and to issue, renew, cancel, or transfer licenses, in accordance with the provisions of this order.

(2) The authority shall have the following responsibilities:

(A) to make annual reports to the board on all actions taken concerning this order; and

(B) to perform all duties necessary to meet the requirements of this order.

(b) All private sewage facilities to be installed or constructed after the effective date of this order should reasonably conform to the minimum standards as contained in the latest edition of *A Guide to the Disposal of Household Sewage*, published by the Texas Department of Health Resources and available from the Brazos River Authority.

(c) Septic tanks for nonresidential institutions (motels, marinas, restaurants, tourist camps, tourist courts, hospitals, service stations, etc.) and for multiple family dwellings (apartments) to be installed or constructed after the effective date of this order should reasonably conform to the standards contained in "Notes on the Design of Septic Tank Systems for Non-residential Institutions," which is an addendum to *A Guide to the Disposal of Household Sewage*.

(d) The licensing requirements contained in this order shall not be interpreted as altering or changing in any way the intent of the legislature as expressed in Article 4477-1, Vernon's Texas Civil Statutes.

.005. Licensing Requirements for New Private Sewage Facilities.

(a) Private sewage facilities to be located in the regulated area after the effective date of this order must meet the following requirements:

(1) A license for the private sewage facility must be obtained from this authority.

(2) Lots or tracts which will be served by private sewage facilities and which are located in a subdivision that is created subsequent to the date of this order must average no less than one-half acre in size, considering all lot sizes in the particular subdivision, with the minimum size of any lot being one-fourth acre.

(3) A lot or tract that is not located in a subdivision or that is located in a subdivision that was created prior to the date of this order must be large enough, considering the soil and drainage conditions and probable volume of sewage to be disposed of, to permit the use of the type of private sewage facility proposed without causing nuisance conditions or pollution or a threat to public health.

(4) Approval for construction of private sewage facilities issued hereunder will expire unless the facilities are built within one year of the date that the approval is issued by the authority.

(b) Any developer or other interested person desiring to create a subdivision which will lie wholly or partially in the regulated area and on which private sewage facilities will be utilized must fulfill the following requirements:

(1) A plat of the proposed subdivision must be filed with, approved by, and recorded by the county

commissioners courts having jurisdiction in the area.

(2) An appropriate application for evaluation as to the types of private sewage facilities that may be licensed and used in the subdivision, together with the required fee, shall be filed with the authority.

(3) The authority will perform the necessary tests and inspections and advise the applicant as to the types of private sewage facilities that may be suitable for use in the subdivision.

(4) Advice by the authority as to types of private sewage facilities that may be suitable for use in the subdivision shall not constitute a license for a specific private sewage facility but shall be a prerequisite for obtaining licenses for such facilities within the subdivision. Each private sewage facility installed within the subdivision must be licensed individually in accordance with the terms of this order.

(5) Notice of this order and its terms and conditions, as well as its applicability to the subdivision and each lot therein, must be given to every lot buyer by the developer, his agent, or his assigns prior to the sale or transfer of any lot.

(c) License for new private sewage facility shall be obtained as follows:

(1) Application forms for license may be obtained from the offices of the county judges of Young, Stephens, Jack, and Palo Pinto Counties, or from the offices of the authority. In order to initiate an application for a license, the completed application form, together with the appropriate fee, shall be filed with the authority.

(2) The authority will, as soon as practicable after filing of an application, perform such inspections and tests as may be deemed necessary.

(3) Upon a finding that the proposed private sewage facility meets the requirements of this order and that there is no evidence that it will cause nuisance conditions or pollution or a threat to public health, the authority will issue a certificate of approval for its construction.

(4) The applicant shall notify the authority when the completed facility can be inspected prior to being backfilled with earth or otherwise covered. If the authority finds, on the basis of a field inspection, that the facility has been constructed in accordance with the approved proposal, a five-year license will be issued for its operation.

(d) The license issued by the authority for the new private sewage facility may be renewed for successive terms of five years if there is no evidence that the continued use of the private sewage facility will be in conflict with this order or that continued use may cause nuisance conditions or pollution or a threat to public health.

(e) Upon a finding by the authority that a license for the new private sewage facility cannot be issued or

renewed under the terms of this order, the applicant shall be notified in writing of that finding and of the faults which prevent licensing.

.006. Existing Private Sewage Facilities.

(a) Private sewage facilities existing within the regulated area as of the effective date of this order must be registered within 180 days after the effective date of this order to evidence the fact that they were in existence as of that date. Registration is the responsibility of the owner of the private sewage facility concerned. Registration will be accomplished on forms provided by the authority and mailed or delivered to the Possum Kingdom Lake supervisor's office. A copy of the registration form, certified as received by the authority, will be returned to the owner and should be retained by the owner as proof of registration. The private sewage facility registered in accordance with this section is not required to be licensed, provided the facility is operated and maintained so as not to cause nuisance conditions or pollution or a threat to public health.

(b) The private sewage facility existing within the regulated area as of the effective date of this order, but not registered in accordance with Rule .006(a), above, must be licensed in the same manner as required for new facilities. In addition, any registered facility found by the authority at any time to be functioning improperly or not in accordance with the Texas Department of Health Resources' standards or in such a manner as to cause nuisance conditions or pollution or a threat to public health and must, therefore, be improved or replaced by the owner, must be licensed as a new facility following the procedures prescribed in Rule .005(c) above. The owner of such malfunctioning facility must submit an application for a license within 30 days after receipt of written notification by the authority that the existing facility is functioning improperly. If an owner of a registered facility desires on his own initiative to expand, improve, or replace such registered facility, he must obtain a license for such expanded, improved, or replacement facility following the procedures prescribed in Rule .005(c) above. Routine maintenance and repair of registered facilities may be accomplished without obtaining a license.

.007. Revocation or Suspension of Licenses. Licenses issued under the authority of this order may, for good cause, be revoked or suspended by the authority. Owners of facilities for which licenses are revoked or suspended must stop discharging sewage into such facilities upon written notification by the authority.

.008. Transfer of Licenses. Any license issued under the authority of this order shall be transferred to any succeeding owner of the private sewage facility upon application and payment of a transfer fee by the new owner. The authority may inspect the facility, and provided there is no significant change in amount or

quality of waste to be placed in the private sewage facility and no evidence of malfunction of the facility, shall transfer the license as requested and renew it for a five-year period. Licenses not properly transferred within 90 days to a new owner shall be cancelled and will require an application and payment of the fee for a new license.

.009. Connection of Private Sewage Facility to Organized Disposal Systems. In order to implement the stated policy of the legislature and the board that the development and use by interested and affected parties of organized disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state should be encouraged, the following requirements shall be observed:

(a) No license shall be issued for any private sewage facility when any part of the facility is closer than 300 feet in horizontal distance to an organized waste collection, treatment, and disposal system; rather, the facility shall be connected to the organized system, if legally, physically, and economically feasible as determined by the authority.

(b) Whenever an organized disposal system is developed to within 300 feet in horizontal distance from any part of a private sewage facility, licensed or not, that facility shall be connected to the organized system whenever legally, physically, and economically feasible, and the license issued hereunder for the private sewage facility shall not be renewed on the next succeeding renewal date.

.010. Exceptions. The board intends that the regulations contained in this order shall be enforced but realizes that certain individual situations may require the granting of an exception to the requirements of this order so that hardships may be avoided. Therefore, the following terms and conditions are established:

(a) Any person desiring an exception shall file an application with the authority for its analysis of the need and reason for the exception.

(b) The authority shall review the application and issue a statement either granting or denying the application. When an application is denied, the statement shall set out the reasons for the authority's decision.

.011. Appeal. Any person aggrieved by an action or decision of the authority may appeal to the executive director and then to the board providing that:

(a) all of the appropriate steps required of the aggrieved person by the terms and conditions of this order have been met, and

(b) the aggrieved person has made a conscientious effort to resolve his problem with the authority.

.012. License Fees.

(a) The proposed fee schedule is as follows:

(1) processing application, making field inspections, and analyzing percolation tests for evaluation of subdivision or septic tank use (does not include cost of making percolation tests)-- \$50.

(2) processing application, evaluating percolation tests, and reviewing plans for proposed new private sewage facility (does not include costs of making percolation tests or field inspections)-- \$20.

(3) processing application and making inspection, as necessary, for transfer of license or for renewal of license every five years-- \$25.

(4) field inspection of new facility during construction (if more than two visits to the site are required for inspection purposes, there will be an additional charge of \$20 for each additional visit)-- \$30.

(5) making percolation tests-- \$25 per set.

(b) These fees shall be paid to and collected by the authority so long as the authority remains the delegatee of the Texas Water Quality Board for the purposes and functions specified in this order. The establishment of this fee schedule does not impair or prohibit the imposition of reasonable additional charges by the authority for special services performed by it at the request of the applicant in connection with presentation of an application and collection of required data. Percolation tests and other examinations will be performed by the authority on a fee basis. These tests may also be performed by a registered engineer or a registered sanitarian, subject to approval by the authority.

.013. Enforcement of This Order.

(a) Criminal penalty (Section 21.5531, Texas Water Code).

(1) A person who violates any provision of this order is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each day that a violation occurs constitutes a separate offense.

(2) Jurisdiction for prosecution of a suit under this section is in the justice of the peace courts.

(3) Venue for prosecution of a suit under this section is in the justice of the peace precinct in which the violation is alleged to have occurred.

(b) Civil penalty.

(1) A person who violates any provision of this order is subject to a civil penalty for each act of violation and for each day of violation, to be recovered as provided in Chapter 21 of the Texas Water Code.

(2) It is the intention of the Texas Water Quality Board that, whenever feasible or appropriate under the circumstances, the enforcement through the civil penalty provisions of Chapter 21 should be conducted by the licensing authority as provided in Section 21.254 of the Texas Water Code. However, the Texas

Water Quality Board maintains the right to enforce the provisions of this order pursuant to Section 21.253 of the Texas Water Code.

.014. *Severability.* If any provision of this order or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this order which can be given effect without the invalid provisions or application, and to this end, the provisions of this order are declared severable.

.015. *Effective Date of Order.* This order is effective as of January 1, 1977.

Issued in Austin, Texas, on November 19, 1976.

Doc. No. 766076 William E. Berger
Staff Assistant
Texas Water Quality Board

Effective Date: December 9, 1976

For further information, please call (512) 475-7851



Interim legislative committee hearings now being conducted before the January legislative session are subject to frequent changes in agendas and meeting cancellations. The meetings listed below may or may not have been altered on momentary notice. For current information relating to these meetings, telephone the House Committee Clerks' Office at (512) 475-2213 for interim house committee meetings. For information concerning interim senate committee meetings, telephone the Research Director of the Senate at (512) 475-5818. Telephone numbers for each committee appear with each notice for persons desiring further specific information.

House of Representatives

Bills Introduced

Pre-Filed Bills

The Texas House of Representatives began pre-filing of bills on November 8, 1976, for introduction during the up-coming 65th Legislative Session. Bills will be assigned to committees after the session convenes on January 11, 1977.

In the following list, the bill number appears first, the author(s) second, and the subject of the bill last. HB indicates house bill; HJR indicates house joint resolution; HCR indicates house concurrent resolution; HSR indicates house simple resolution.

- HB 77 Blake-- Relating to the authority of a corporate trustee to deposit trust funds with itself.
- HB 78 Reyes-- Relating to increasing the tax on pistol dealers.
- HB 79 Hubenak-- Relating to transportation cost allotments under the Foundation School Program.
- HB 80 Hubenak-- Relating to supplemental allocations from the Foundation School Fund to school districts with increased enrollments.
- HB 81 Hubenak-- Relating to the registration and width requirements of certain vehicles used to load, transport, or spread fertilizer.
- HB 82 Hubenak-- Relating to the creation of the Local Educational Equalization Fund.
- HB 83 Hubenak-- Relating to the creation of the 230th Judicial District.
- HB 84 Bird-- Relating to the competence of a defendant to stand trial in a criminal proceeding and making provisions for the defendant found incompetent to stand trial.
- HB 85 Uher-- Relating to the redetermination of the price of certain natural gas.
- HB 86 Uher-- Relating to hearings and determinations on certain natural gas contract provisions.
- HB 87 Kaster-- Relating to insurance coverage for certain cancer radiation centers by the joint underwriting association.
- HB 88 Weddington *et al.*-- Providing for the holding of presidential primary elections.

- HB 89 Vale-- Relating to settlement and release of liability.
- HB 90 Bird-- Relating to the membership of the Texas Water Quality Board.
- HB 91 Ribak-- Relating to certain lump-sum payments to certain firemen and policemen on termination of service.
- HB 92 Delco-- Relating to pilot programs for parent education in public schools.
- HB 93 Bryant-- Prohibiting the expenditure of public funds of political subdivisions to influence the outcome of elections.
- HB 94 Kaster-- Relating to the identification and inventory of certain vehicles and equipment owned or leased by counties or their instrumentalities.
- HB 95 Uher-- Relating to authority to close certain medical facilities owned by a county.
- HB 96 Uher-- Relating to the classification of certain public junior college students as Texas residents for tuition purposes.
- HB 97 Ribak-- Relating to the right of defense counsel to inspect a probation report.
- HB 98 Madla-- Relating to the creation of the 231st Judicial District.
- HB 99 Bock-- Relating to probation and parole.
- HB 100 Bock-- Relating to incentive pay for certain peace officers.
- HB 101 Hubenak-- Relating to the creation of the Local Educational Equalization Fund; providing for the dedication of certain sales tax receipts to the new fund; providing for the allocation and distribution of equalization funds to school districts.
- HB 102 Reyes, Leland-- Relating to the establishment of programs of recruitment and support services for educationally disadvantaged students in public institutions of higher education.

Filed November 22, 1976, 2:05 p.m.

Doc. No 766088

Senate

Bills Introduced

Pre-Filed Bills

The Texas Senate began pre-filing of bills on November 8, 1976, for introduction during the up-coming 65th Legislative Session. Bills will be assigned to committees after the session convenes on January 11, 1977.

In the following list, the bill number appears first, the author(s) second, and the subject of the bill last. SB indicates senate bill; SJR indicates senate joint resolution; SCR indicates senate concurrent resolution; SR indicates senate simple resolution.

- SB 27 Santiesteban-- Relating to insurance coverage for certain cancer radiation centers by the joint underwriting association.
- SB 28 Adams-- Prohibiting the hunting of turkey in Shelby County for five years.
- SB 29 Adams-- Relating to the designation of the official site of the Mission Dolores de los Ais for archeological purposes.
- SB 30 Adams-- Relating to removing questions concerning legitimacy from the certificate of birth.

SB 31 Brooks-- Relating to the definition of peace officers.

SB 32 Longoria-- Relating to the payment of fees, court costs, restitution, and reparations by adult probationers.

SB 33 Brooks, Doggett-- Relating to the use of generic names for prescription drugs and to substitution of drugs by pharmacists in prescriptions.

SB 34 Moore-- Relating to the effect of certain speeding violations on insurance availability, premiums, and drivers' license suspensions.

Filed: November 22, 1976, 2 05 p.m.

Doc. No. 766089

Good Neighbor Commission of Texas, Senate Chamber, State Capitol, on November 30, 1976, from 9:30 a.m. to 4 p.m., for a general meeting. Telephone (512) 475-3581.

Committee on Natural Resources, Lieutenant Governor's Committee Room, State Capitol, on November 30, 1976, at 10 a.m., to hear testimony concerning the use of agricultural gas. Telephone (512) 475-3222.

Filed: November 23, 1976, 12 40 p.m.

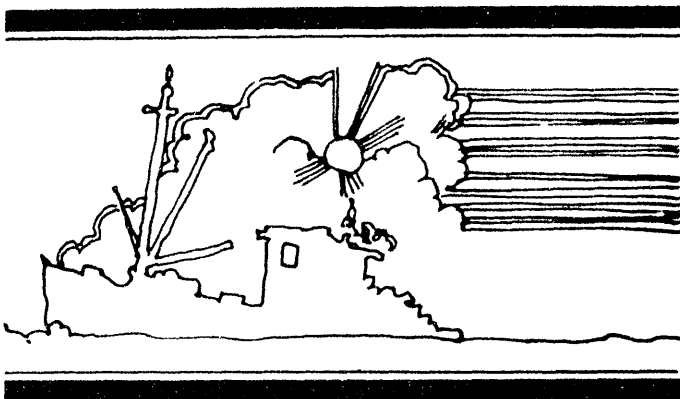
Doc No. 766116

Meetings

Meetings Filed November 23, 1976

Legislative Budget Board, Senate Finance Committee Room 301, State Capitol, on November 30, 1976 at 8 a.m., to continue Monday's meeting. Telephone (512) 475-3426.

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 Air Control Board

Meeting

A meeting of the Texas Air Control Board will be held on Friday, December 10, 1976, 9:30 a.m., in the auditorium, 8520 Shoal Creek Boulevard, Austin. The board will discuss the hearing examiner reports, a report on regulation development, an enforcement report, and new business; and will consider and adopt revisions to Regulation V. Control of Air Pollution from Volatile Carbon Compounds.

Additional information may be obtained from Michelle Biasioli, 8520 Shoal Creek Boulevard, Austin, Texas 78758, telephone (512) 451-5711, extension 352.

Filed November 24, 1976, 12:32 p.m.
Doc No 766150

State Banking Board Hearing

A hearing before the hearing officer of the State Banking Board will be held on Monday, December 6, 1976, 9 a.m., at 2601 North Lamar, Austin, to conduct a rehearing on the proposed charter application for Citizens State Bank, to be located in Roma.

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

Filed November 23, 1976, 9:10 a.m.
Doc. No 766103

Hearing

A hearing before the hearing officer of the State Banking Board will be held on Thursday, December 9, 1976, 9 a.m., at 2601 North Lamar, Austin, regarding application by the Northwest National Bank, Houston, to convert to a state-chartered bank, to be known as Northwest Bank and Trust.

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

Filed November 23, 1976, 9:10 a.m.
Doc. No. 766104

State Board of Barber Examiners

Meeting

A meeting of the State Board of Barber Examiners will be held on Monday, December 6, 1976, 8 a.m., in Room 510, Sam Houston Building, 201 East 14th Street, to discuss current business and hold interviews with people meeting with the board.

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

Filed November 22, 1976, 12:04 p.m.
Doc. No 766086

Comptroller of Public Accounts

Hearings

Hearings by the Texas Tax Forum, comprising the Comptroller's Office, House Committee on Ways and Means, and Members of Texas Senate, will be held December 6 through December 9, 1976, at the following times and places:

December 6, 10 a.m.: Karcher Hall, SMU Law School, Hillcrest at Daniel, Dallas

December 7, 9 a.m.: City Hall Auditorium, West Ferguson at North Bonner, Tyler

December 7, 2 p.m.: City Council Room, Memorial Auditorium, 1300 7th Street, Wichita Falls

December 8, 9 a.m.: City Hall Council Room, First at Franklin, Waco

December 9, 10 a.m.: Old Supreme Court Room, State Capitol, Austin

The purpose of the meetings is to ascertain publicly the ideas, sentiments, and desires of the people of Texas concerning the possible revision and/or simplification of present tax laws and their administration, and requirements for compliance by the taxpayer.

Additional information may be obtained from Tom Henderson, Office of the Comptroller, LBJ State Office Building, Austin, Texas 78701, telephone (512) 475-3825.

Filed September 13, 1976, 11:41 a.m.

Doc. No. 764806

Texas Cosmetology Commission

Meeting

A meeting of the Texas Cosmetology Commission will be held on Wednesday, December 1, 1976, 10 a.m., at 1111 Rio Grande, Austin. The agenda includes the Textbook Committee, instructors educational training and exam grading, the proposed compromise of the Barber Board and the commission, a discussion on temporary licenses, committee appointments, a request to combine two courses, and the Exam Committee. The commission will meet in executive session to evaluate personnel.

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

Filed November 23, 1976, 4:49 p.m.

Doc. No. 766125

Employees Retirement System of Texas

Meeting

A meeting of the Board of Trustees of the Employees Retirement System of Texas will be held on Monday, December 6, 1976, 10 a.m., at 1705 San Jacinto, Austin. The agenda includes a report of various retirement and death benefits, consideration of rules for implementation of Article 6228a, actuarial valuation, consideration of quarterly fees by local governmental entities to Social Security, uniform insurance, building expansion, investments, and any other business.

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

Filed November 24, 1976, 10:54 a.m.

Doc. No. 766139

Joint Advisory Committee on Government Operations

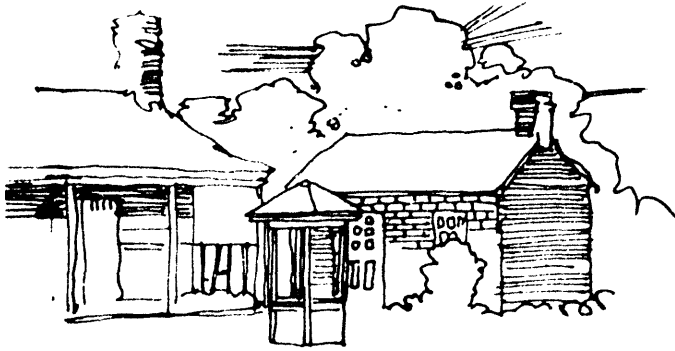
Hearing

A hearing by the Subcommittee on Corrections of the Joint Advisory Committee on Government Operations will be held on Thursday, December 2, 1976, 2 p.m., at the Clear Lake Courthouse Annex, 16603 Buccaneer Lane, Clear Lake City, to discuss the possible location of hospital facilities for the Texas Department of Corrections.

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

Filed November 22, 1976, 4:06 p.m.

Doc. No. 766097



Office of the Governor Meeting

A meeting of the Juvenile Justice and Delinquency Prevention Advisory Board of the Criminal Justice Division of the Office of the Governor will be held on Friday, December 3, 1976, 10 a.m., at 210 Barton Springs Road, Austin, to consider Criminal Justice Division grant applications for juvenile justice projects.

Additional information may be obtained from Willis Whatley, 411 West 13th Street, Austin, Texas 78701, telephone (512) 475 6065.

Filed November 24, 1976, 9 06 a.m.

Doc No 766131

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 Wednesday, November 24, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to include consideration of an application by Saint Joseph Hospital, Fort Worth, for a certificate of need.

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78767, telephone (512) 475-6940.

Filed November 23, 1976, 4 10 p.m.

Doc No. 766121

Meeting

A meeting of the Texas Health Facilities Commission will be held on Thursday, December 2, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to consider various applications for certificates of need, declaratory rulings, and exemption certificates. Listed are the applicants and the relief sought.

West Houston Dialysis Center, Houston, certificate of need;

North Texas Conference of The United Methodist Church, Dallas, two certificates of need;

Zimmerman Medical Clinic Dialysis Center, Houston, certificate of need;

The University of Texas Medical Branch, Galveston, three certificates of need;

Institute of Clinical Toxicology, Houston, certificate of need;

Guadalupe Valley Hospital, Seguin, certificate of need; Hillcrest Convalescent Center, Vernon, certificate of need;

Kings Care Center, Inc., San Antonio, exemption certificate;

Elgin Hospital Authority, Elgin, declaratory ruling;

Genoveva Gonzales Memorial Geriatrics Center, San Antonio, exemption certificate;

Golden Age Manor, Houston, exemption certificate;

Brady Memorial Clinic Pharmacy, San Antonio, exemption certificate;

Jasper County Work Activity Center, Jasper, declaratory ruling;

Houston County Work Activity Center, Crockett, declaratory ruling;

Orange Memorial Hospital, Orange, exemption certificate;

Brackenridge Hospital, Austin, exemption certificate;

Jefferson Davis Hospital, Houston, exemption certificate;

Christian Center for the Aging, Irving, exemption certificate;

Seton Medical Center, Austin, exemption certificate;

Mother Frances Hospital, Tyler, declaratory ruling; and St Luke's Episcopal Hospital, Houston, certificate of need.

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78767, telephone (512) 475-6940.

Filed November 24, 1976, 11 07 a.m.

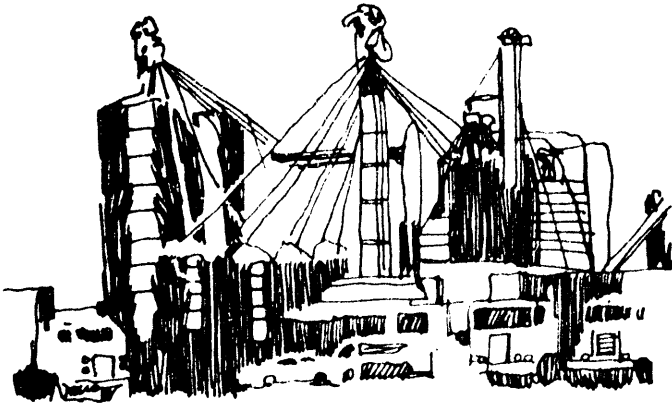
Doc No. 766144

Texas Department of Health Resources Meeting

A meeting of the Texas Board of Health Resources of the Texas Department of Health Resources will be held on Tuesday, November 30, 1976, 1 p.m., in the Board Room, 1100 West 49th Street, Austin, to hear the director's report and committee reports; presentations from the Texas League of Nurses and the American Heart Association; and a review of Region 2.

Additional information may be obtained from Jimmy Helm, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7325.

Filed: November 22, 1976, 3 59 p.m.
Doc. No. 766091



Meeting

A meeting of the Texas State Board of Health Resources of the Texas Department of Health Resources will be held on Wednesday, December 1, 1976, 9:30 a.m., in the Board Room, 1100 West 49th Street, Austin, to consider changes to Section 6, Texas Milk Grading and Labeling Specifications and Requirements; the proposed standard food service establishment regulations; chest hospitals' FY 1976 unexpended funds reappropriation for FY 1977; and a program review regarding the Bureau of Vital Statistics.

Additional information may be obtained from Jimmy Helm, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7325.

Filed: November 22, 1976, 3 59 p.m.
Doc. No. 766092

Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

Hearing

A hearing by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will be held on Monday, December 20, 1976, 2 p.m., at the Sub-Station Sheriff's Office, Terrell, to determine if James H. Ellis is guilty of having violated Article 4566, 10-Sub.3, Vernon's Civil Statutes, by having practiced fraud, deceit, and misrepresentation in the fitting and dispensing of hearing aids.

Additional information may be obtained from Robert B. Hall, Room 105, 1212 Guadalupe, Austin, Texas 78701, telephone (512) 475-3429.

Filed: November 22, 1976, 4 05 p.m.
Doc. No. 766093

State Board of Insurance

Emergency Meeting

An emergency meeting of the State Board of Insurance was held on Wednesday, November 24, 1976, 11:30 a.m., in Room 408, 1110 San Jacinto, Austin, to consider an open records request with respect to United Services Planning Association Material.

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

Filed: November 24, 1976, 9 01 a.m.
Doc. No. 766130

Emergency Meeting

An emergency meeting of the State Board of Insurance was held on Monday, November 29, 1976, 10 a.m., in Room 408, 1110 San Jacinto, Austin, to discuss prepaid legal rates for the Texas Legal Protection Plan, Inc.

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

Filed: November 23, 1976, 10 49 a.m.
Doc. No. 766106

Meeting

A meeting of the State Board of Insurance will be held on Tuesday, November 30, 1976, 10 a.m., in Room 408, 1110 San Jacinto, to review proposed legislation.

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

Filed November 22, 1976, 4 05 p.m.

Doc No 766094

Meeting

A meeting of the State Board of Insurance will be held on Tuesday, November 30, 1976, 2 p.m., in Room 408, 1110 San Jacinto, to hear the commissioner's report.

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

Filed November 22, 1976, 4 06 p.m.

Doc No 766095

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, December 1, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application by the International Agency, Inc., doing business as United Trust Company, for approval of acquisition of the Peerless Life Insurance Company under Article 21.49-1, Section 5.

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

Filed November 23, 1976, 10 50 a.m.

Doc No 766107

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Friday, December 3, 1976, 9:30 a.m., in Room 343, 1110 San Jacinto, Austin, to consider an application by the FWT Corporation, Dallas, for approval of acquisition of the Commercial Standard Insurance Company, Fort Worth, under Section 5, Article 21.

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

Filed November 24, 1976, 8 17 a.m.

Doc No 766129

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Monday, December 13, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider the application of Don Anthony, Mesquite, for revocation of local recording agent's license.

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

Filed November 23, 1976, 10 50 a.m.

Doc No 766108

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, December 15, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application by the Allegheny Mutual Casualty Company, Meadville, Pennsylvania (a mutual fire and casualty company), for admission to Texas.

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

Filed November 23, 1976, 10 50 a.m.

Doc No 766109

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, December 16, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application by the Florists' Life Insurance Company, Edwardsville, Illinois (a stock life company), for admission to Texas.

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

Filed November 23, 1976, 10 50 a.m.

Doc No 766110

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Friday, December 17, 1976, 9 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application by the Guadalupe Title Company, Seguin, for a title insurance agent's license.

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

Filed November 23, 1976, 10 50 a.m.

Doc No 766111

Board for Lease of the Texas Library and Historical Commission

Meeting

A meeting of the Board for Lease of the Texas Library and Historical Commission will be held on Thursday, December 2, 1976, 11 a.m., in Room 831, 1700 North Congress Avenue, Austin, to consider the bid received for the oil and gas lease sale of October 5, 1976, Liberty County.

Additional information may be obtained from H. E. White, School Land Board, 1700 North Congress Avenue, Austin, Texas 78701, telephone (512) 475-6491.

Filed November 23, 1976, 4 34 p.m.

Doc No 766124

State Board of Library Examiners

Meeting

A meeting of the State Board of Library Examiners will be held on Friday, December 3, 1976, 2 p.m., in Room 205, Lorenzo de Zavala State Archives Building, Austin, to review applications and issue certificates of qualification for office to those applicants meeting established qualifications.

Additional information may be obtained from Jimmy Hausenfluke, P.O. Box 12927, Capitol Station, Austin, Texas 78711, telephone (512) 475-6651.

Filed November 22, 1976, 4 06 p.m.

Doc. No 766096

Library Systems Act Advisory Board

Meeting

A meeting of the Library Systems Act Advisory Board will be held on Friday, December 10, 1976, 10 a.m., in Room 202, Lorenzo De Zavala State Archives Building, Austin, to review draft rules and regulations for the fourth biennium of the Library Systems Act.

Additional information may be obtained from Jimmy Hausenfluke; P.O. Box 12927, Capitol Station, Austin, Texas 78711, telephone (512) 475-6651.

Filed November 24, 1976, 9 14 a.m.

Doc No 766132



Board of Pardons and Paroles

Meeting

A meeting of the Board of Pardons and Paroles will be held Monday through Friday, December 6-10, 1976, 9 a.m. daily, in Room 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: November 24, 1976, 8:17 a.m.

Doc. No 766127

Meeting

A meeting of the Board of Pardons and Paroles will be held on Wednesday, December 8, 1976, 9 a.m., at the Diagnostic Unit, Texas Department of Corrections, Huntsville. A parole panel consisting of members of the Board of Pardons and Paroles and members of the Texas Parole Commission will conduct parole violation hearings.

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

Filed: November 24, 1976, 8:17 a.m.

Doc. No. 766128

State Board of Plumbing Examiners

Meeting

A meeting of the State Board of Plumbing Examiners will be held on Monday, December 6, 1976, 1 p.m., at the Civic Center, 390 South Seguin Street, New Braunfels, to discuss the 1977 budget, to review general operations and administration of examinations, and to review the financial report for 1976.

Additional information may be obtained from Lynn Brown, 204 John H. Reagan Building, Austin, Texas 78701, telephone (512) 472-9221.

Filed November 24, 1976, 9:14 a.m.

Doc No 766133

Teacher Retirement System of Texas

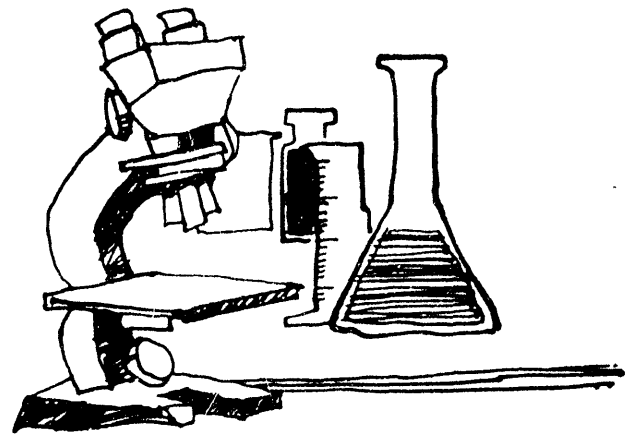
Meeting

A meeting of the Investment Advisory Committee of the Teacher Retirement System of Texas will be held on Friday, December 10, 1976, 10 a.m., on the 4th Floor, 1001 Trinity, Austin, to review investments for the previous quarter, to consider the economic and investment outlook and recommendations on investments for the next quarter, to take action on recommendations, and to discuss the investment policy.

Additional information may be obtained from Shari Cooper, 1001 Trinity, Austin, Texas 78701, telephone (512) 477-9711, extension 201.

Filed: November 23, 1976, 4:17 p.m.

Doc. No. 766122



Meeting

A meeting of the Board of Trustees of the Teacher Retirement System of Texas will be held on Friday, December 10, 1976, 10 a.m., on the 4th Floor, 1001 Trinity, Austin.

The agenda includes a review of investments for the previous quarter, the economic and investment outlook, recommendations on investments for the next quarter, action on recommendations, a discussion of the investment policy, a report on nominee name, a discussion of board policy concerning the terms of office for IAC members, consideration of actuarial tables, a report on legislation, consideration of the rules and regulations of the board of trustees, adjustment of reserve transferred into the retired reserve account, a budget amendment for equipment purchase, a review of pending litigation, and a report of the member benefits division. The board will meet in executive session to discuss personnel.

Additional information may be obtained from Shari Cooper, 1001 Trinity, Austin, Texas 78701, telephone (512) 477-9711, extension 201.

Filed: November 23, 1976, 4:17 p.m.

Doc. No 766123

Texas A&I University System

Meeting

A meeting of the Committee on Physical Plant Facilities and New Construction of the Board of Directors of Texas A&I University System will be held on Thursday, December 9, 1976, 9 a.m., at the Texas A&I Citrus Center, Weslaco, to review construction projects with the architects and to discuss future construction needs within the system.

Additional information may be obtained from William C. English, Texas A&I University, Kingsville, Texas 78363, telephone (512) 595-2208.

Filed: November 24, 1976, 9:54 a.m.

Doc. No 766136

Meeting

A meeting of the Board of Directors of Texas A&I University System will be held on Thursday, December 9, 1976, 11 a.m., at the Texas A&I Citrus Center, Weslaco. The agenda includes reports from standing committees of the board; a progress report on the construction programs at Texas A&I University, Corpus Christi and Kingsville; approval of gifts and donations; approval of budget changes; approval of signature for sale of stock by Texas A&I University, Corpus Christi; statutory authority and name change for the system and name changes for the institutions in Corpus Christi and Laredo; the system report; and reports from chief executives of the institutions. The board will meet in executive session to discuss personnel changes and land acquisition.

Additional information may be obtained from William C. English, Texas A&I University, Kingsville, Texas 78363, telephone (512) 595-2208.

Filed: November 24, 1976, 9:55 a.m.

Doc. No 766137

Texas Tech University

Meeting

A meeting of the Board of Regents of the Texas Tech University School of Medicine will be held on Friday, December 3, 1976, 8:30 a.m., in the cafeteria space on

the second floor of the School of Medicine Building, Lubbock, for reports and action on the following committees: Academic and Student Affairs, Finance, Campus and Building, Public Affairs, Development and University Relations, and the Committee of the Whole. The board will meet briefly in executive session. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Freda Pierce, Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: November 24, 1976, 9:54 a.m.

Doc No 766134

Meeting

A meeting of the Board of Regents of Texas Tech University will be held on Friday, December 3, 1976, 10:15 a.m., in the cafeteria space on the second floor of the School of Medicine Building, Lubbock, for reports and action on the following committees: Committee of the Whole, Public Affairs, Development and University Relations, Academic and Student Affairs, Finance, Campus and Building, and Athletic. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Freda Pierce, Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: November 24, 1976, 9:54 a.m.

Doc No 766135

Veterans Land Board

Meeting

A meeting of the Veterans Land Board of the General Land Office will be held on Tuesday, December 7, 1976, 2 p.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to hear the executive secretary's report.

Additional information may be obtained from Richard Keahey, Stephen F. Austin Building, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-3766.

Filed: November 22, 1976, 3:36 p.m.

Doc No 766090

Texas Water Quality Board

Meeting

A meeting of the Hearings Division of the Texas Water Quality Board will be held on Wednesday, December 8, 1976, 9 a.m., at the Lower Neches Valley Authority Meeting Room, 7850 Eastex Freeway, Beaumont, to discuss the application being made for an amendment to Permit 00511 by the Neches Butane Products Company, Port Neches. The complete agenda is 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 November 24 1976, 10:52 a.m.

Doc. No. 766140

Texas Water Rights Commission

Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Texas Water Rights Commission held on Monday, November 29, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to include an application by Memorial West Utility District to lower the tax rate set by the commission and to include petitions for the creation of Fort Bend County Municipal Utility District No. 16 and Harris County Municipal Utility Districts, No. 65, No. 148, and No. 152.

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

Filed November 23, 1976, 11:19 a.m.

Doc. No. 766117

Quasi-State Agencies

Meetings filed November 22, 1976

The Tri-Region Health Systems Agency, Board of Directors, will meet at Hendrick Memorial Hospital, Abilene, on December 1, 1976, at 10:30 a.m. Further information may be obtained from Boone Powell, Jr., 19th and Hickory, Abilene, Texas 79601, telephone (915) 677-3551.

The Tri-Region Health Systems Agency, Executive Committee, will meet at Hendrick Memorial Hospital, Abilene, on December 1, 1976, at noon. Further information may be obtained from Boone Powell, Jr., 19th and Hickory, Abilene, Texas 79601, telephone (915) 677-3551.

Doc. No. 766085

Meetings filed November 23, 1976

The Golden Crescent Council of Governments, Board of Directors, will meet in the La Salle Room, Victoria Bank and Trust Building, 120 South Main, Victoria, on November 30, 1976, at 5 p.m. Further information may be obtained from Robert W. Burr, P.O. Box 2028, Victoria, Texas 77901, telephone (512) 578-1587.

The Sabine Valley Regional MH/MR Center, Board of Trustees, will meet at 731-A South Green Street, Longview, on December 4, 1976, at 2:30 p.m. Further information may be obtained from Frances H. Willis, P.O. Box 1224, Marshall, Texas 75670, telephone (214) 938-7721.

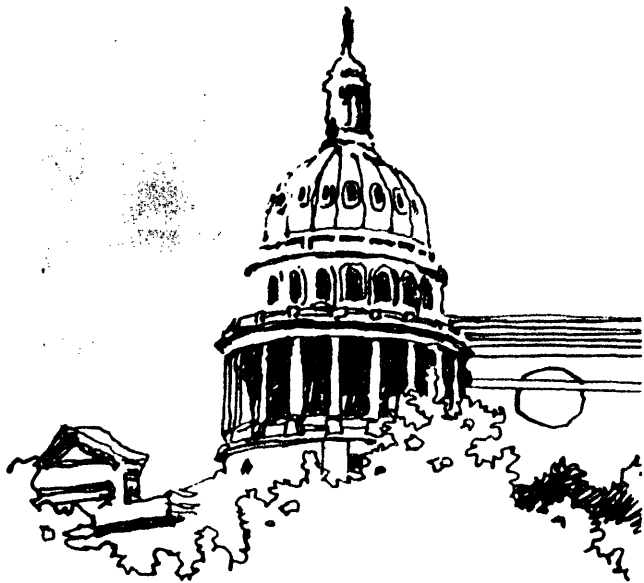
Doc. No. 766105

Meetings Filed November 24, 1976

The Central Texas MH/MR Center, Board of Trustees, will meet at 308 Lakeway, Brownwood, on November 30, 1976, at 4:30 p.m. Further information may be obtained from James H. Dudley, P.O. Box 250, Brownwood, Texas 76801, telephone (915) 646-9574.

The Middle Rio Grande Development Council, Criminal Justice Advisory Committee, will meet in the Kinney County Courtroom, Brackettville, on November 30, 1976, at 4 p.m. Further information may be obtained from Dee Dee Schueler, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

Doc No 766138



Railroad Commission of Texas

Oil and Gas Division

Interpretive Order of 051.02.02.030 and 051.02.02.031

The Railroad Commission of Texas is proposing the issuance of an interpretive order concerning gas market demand determination and allowable allocation procedures presently administered through its General Conservation Rules and Regulations of Statewide Application with specific reference to statewide rules 051.02.02.030 and 051.02.02.031.

Public comment on the proposed interpretive order is invited. Comments may be submitted in writing to Arthur H. Barbeck, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711.

Comments will be accepted until 30 days after publication in the *Texas Register* and a hearing will be held on Monday, December 13, 1976, at 9 a.m. in the Houston Room of the Stephen F. Austin Hotel, Congress at 7th, Austin.

This interpretive order is proposed under the authority of Articles 6008 and 6049a, Revised Civil Statutes of Texas.

Interpretive Order Supplementing Statewide Rules and Special Field Rules Pertaining to Gas Market Demand Determination Gas Well Allowable Allocation Procedures and Ratable Take of Gas Between Gas Wells and Gas Fields State of Texas. The commission, subsequent to notice and hearing in Oil and Gas Docket No. 20-66-019, empaneled a Gas Regulation Review Committee to review commission gas market demand determination and allowable allocation procedures and to advise the commission of any needed revision to both insure that all reasonable market demand is fully met so long as sufficient deliverability is available to meet such market demand but also to eliminate any unreasonable and preventable non-ratable take. Such review has been made and recommendations of the committee submitted. The following orders are based on evidence adduced in the above referenced hearing, the advice and recommendations of the Review Committee, and studies by commission staff of the Oil and Gas Division and Gas Utilities Division records and reports.

It is ordered by the Railroad Commission of Texas that Producer's Forecast (Form G-7) (required by Statewide Rule 30), and Purchaser's Nomination (Form T-3) (required by Statewide Rule 30), shall be utilized in arriving at the actual demand for gas for all gas producing fields in the State of Texas.

(1) In the event the Producer's Forecast and the Purchaser's Nomination are not in reasonable agreement, the proration analyst will then compare them with the actual production from the reservoir for the prior 12 months. If the Producer's Forecast or the Purchaser's Nomination vary to the extent that either is less than 75 percent or more than 125 percent of the average rate of actual production for the 12-month period (or from the date of first production for new reservoirs that have not produced 12 months), then the Producer's Forecast or Purchaser's Nomination Form with the excess variance shall be disregarded. If both vary in excess of the above standard, both will be disregarded and the average monthly production figure will be used as the forecast of demand. However, if excessive variances can be affirmatively justified to the commission by the producer or purchaser, as the case may be, the commission will use the forecast or nomination which it determines is proper.

(2) Producers (operators) of gas wells shall submit the following information, dependent upon the type of gas field in which the gas wells are completed:

(A) For those gas fields for which special field rules have been adopted to establish gas allocation procedures (prorated), the producer (operator) will furnish:

[1] Form P-4 Producer's Certificate of Compliance (in which the gatherer, first or initial gas purchaser, and nominator will be named. The nominator is required to file Form T-3 for the particular gas wells involved);

[2] Form G-10 Gas Well Status Report (semi-annually unless otherwise required by the special field rules); and

[3] Form G-7 Producer's Forecast (monthly as required by Statewide Rule 30 and in accordance with instructions on Form G-7).

(B) For gas wells in fields operated under statewide rules or in fields having special spacing rules but with no gas allocation provisions (non-prorated):

[1] Form P-4 Producer's Certificate of Compliance;

[2] Form G-10 Gas Well Status Report (semi-annually in accordance with instruction on the form);

(C) For gas wells completed in associated reservoirs and operating under Statewide Rule 49-B;

[1] Form P-4; and

[2] Form G-10 (annually).

It is further ordered that producers (operators) shall prepare and file Form G-10 showing deliverability for all gas wells for which such data has not been filed previously.

It is further ordered that the initial or first nominator of gas from any gas well in the state shall prepare and file monthly Purchaser's Nomination (Form T-3) (Required by Statewide Rule 30) in accordance with the instructions on Form T-3. Each initial purchaser shall nominate for a total quantity of gas equal to but not in excess of the sum of:

(1) The quantity for which the initial nominator is the ultimate consumer. This will include lease shrinkage, line loss, plant fuel, compressor use, as well as the gas which the initial purchaser may consume at the point of final delivery.

(2) The total quantity of gas which the initial nominator will resell and redeliver to a secondary purchaser, but written monthly nominations evidencing firm marketing demand for gas by such secondary purchaser must be obtained and retained for a period of two years in the permanent files of the initial nominator to support its nomination on Form T-3. Such written monthly nominations shall be kept on file by the initial nominator for commission inspection and shall be filed with the commission on its request.

It is further ordered that initial nominator of gas shall maintain and submit to the commission on request the following information:

(1) The physical capacity of the system for handling gas;

(2) The total monthly market demand for gas from the system;

(3) The nominations made for each field or reservoir connected to the system (both prorated and non-prorated).

It is further ordered that on complaint of non-compliance with the provisions of this order or alleged discrimination as prohibited by the Common-Purchaser Act, Section 8a, Article 6049a, Vernon's Annotated Civil Statutes, such matter will be set for hearing by the commission to determine if alleged complaints of discrimination are true, and if true, the necessary action to be taken.

(1) The following orders and instructions shall apply to gas purchasers in preparing nominations (Form T-3) and in taking gas from various sources of supply, and to commission staff in calculating allowables.

(A) First priority in the nomination for and the purchaser of gas shall be given to casinghead gas and second to Statewide Rule 49-B gas in order that gas production associated with oil production shall not be wastefully vented or require unnecessary curtailment of oil production. Under special circumstances, if market demand factors or temporary pipeline, compressor, or other operating difficulties result in less take from a Rule 49-B gas well than its permitted allowable, then by special commission authority such under-production may be carried forward and balanced as would be the case for any other gas well, provided, however, that no Statewide Rule 49-B gas well may be allowed to over-produce its permitted allowable by a cumulative total in excess of one month's allowable.

(B) No gas well of any kind shall be given an allowable in excess of its capability to produce.

(C) Each gas well operated under Statewide Rules 28 and 29 shall be assigned an allowable not to exceed 25 percent of the calculated open flow potential or the deliverability test volume as reported on Form G-10, whichever is the smaller volume.

[1] The market demand for gas for Statewide Rule 28 and 29 gas wells shall be determined by summation of Purchaser Nominations (Form T-3) for all such wells.

[2] If it is determined that the total of all allowables previously assigned exceeds the demand for gas from all such wells, that demand after deductions have been made for wells which are assigned special allowables due to producing problems, will be ratably appointed to each Statewide Rule 28 and 29 gas well as a percentage of the allowable as determined herein.

(2) Producers of gas wells being operated under statewide rules and subject to the above stated allocation procedures may elect to apply to the Railroad Commission for special field rules to establish more acceptable proration regulations. Additionally, operators and/or purchasers of gas from wells operated under statewide rules and the above stated allocation provi-

sions may apply to the commission for exceptions in order to allow producers and purchasers to meet firm market demand for gas which otherwise could not be supplied.

It is further ordered that at the expiration of 60 days following the effective date of this order, all exceptions to Statewide Rules 28 and 29 shall be cancelled unless justification documented by appropriate production or test data shall have been submitted to and approved by the commission. Requests and justifications for exceptions to Statewide Rules 28 and 29 which are received by the commission within 45 days of the effective date of this order and which have not been administratively acted upon within 60 days of the effective date of this order will be continued in effect until administrative action has been taken.

This order is to be considered an interpretive order which will supplement existent rules and regulations both statewide and of special field application but is not intended to rescind or repeal any existent statewide rule or special field rule.

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

Doc. No. 766068 Arthur H. Barbeck
Oil and Gas Division
Railroad Commission of Texas

Filed: November 19, 1976, 3 56 p.m.

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

Office of State-Federal Relations

Public Meeting

National Advisory Council on Vocational Education

The National Advisory Council on Vocational Education will hold a public meeting in Houston on Monday, December 6, at 8:30 a.m., at the Sheraton-Houston Hotel, Massanet Room, 777 Polk Street. It is the responsibility of the council to advise and make reports to the U.S. Commissioner of Education and the Secretary of Health, Education, and Welfare on the administration and operation of federal vocational education programs.

Reports of the following task forces will be discussed at the meeting: Legislation and Rules and Regulations; Administration and Operation of the Bureau of Adult Education; National Vocational Education Policy; Native American Vocational Education; Duplication; National Commission for Manpower Policy and Industry Education Cooperation; Technical Assistance to State Advisory Councils; and Disadvantaged and Handicapped. Objectives and priorities for 1977 will also be considered.

Additional information may be obtained from the National Advisory Council on Vocational Education, 425 13th Street, N.W., Suite 412, Washington, D.C. 20004, or the Texas Advisory Council for Vocational Education, (512) 475-2046.

Issued in Austin, Texas, on November 22, 1976.

Doc. No. 766113 Dennis Thomas
Associate Director
Office of State-Federal
Relations

Filed: November 23, 1976, 11 a.m.

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



Public Hearings

EPA Oxidant Control Strategy for Texas

Region VI of the Environmental Protection Agency (EPA) will hold public hearings in the following Texas cities on proposed amendments to the Texas hydrocarbon/photochemical oxidant strategy:

Houston--Tuesday, December 14 at 10 a.m., Medical Center Holiday Inn, 6701 Main Street.

San Antonio--Wednesday, December 15 at 2 p.m., Convention Center, Mission Room, South Alamo and Market Streets.

Dallas--Thursday, December 16, at 1 p.m., First International Building, 29th floor conference room, 1201 Elm Street.

The oxidant control strategy was developed by the Environmental Protection Agency in 1973 to reduce what EPA considered to be hazardous levels of oxidants in the air in certain regions of Texas. Oxidants are pollutants which are formed by the interactions of other air pollutants. Proposed amendments to be considered at the hearings pertain to controls on gasoline marketing, crude oil storage, and transportation, as well as the extension of existing oxidant regulations to additional Texas counties. Copies of the proposed amendments are available from the EPA Region VI Office, First International Building, 1201 Elm Street, Dallas, Texas 75270, (214) 749-1962; they also appear in the *Federal Registers* of November 1 (page 48044) and November 11 (page 49840).

Persons wishing to make presentations at the hearings or submit written comments should contact the Region VI administrator at the address and telephone number indicated above. The hearing record will remain open until January 1, 1977, for written comments.

Further information may be obtained from the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758, (512) 451-5711.

Issued in Austin, Texas, on November 22, 1976.

Doc. No. 766114 Dennis Thomas
Associate Director
Office of State-Federal
Relations

Filed: November 23, 1976, 11 a.m.

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

Texas Register

Correction of Error

The Texas Department of Health Resources announced proposed rules concerning Solid Waste Management in the November 11, 1976, issue of the *Texas Register*. Due to the length of the rules, only a listing of the rule titles and subsections was published. Because a portion of that listing was omitted, we are reprinting the entire listing in full, as it should have read.

.001. General Information.

- (a) Basis for regulatory controls.
- (b) Authority for regulations.
- (c) Applicability.
- (d) Definition of terms and abbreviations.
- (e) Department's policy on land use.
- (f) Relationships with other governmental entities.
- (g) Relationship with county licensing system.
- (h) Severability.

.002. Municipal Solid Waste Storage.

- (a) Legislative requirements.
- (b) Applicability.
- (c) Storage requirements.
- (d) Approved containers.

.003. Municipal Solid Waste Collection.

- (a) Legislative requirements.
- (b) Applicability.
- (c) Collection requirements.
- (d) Collection vehicles and equipment.
- (e) Collection spillage.

.004. Classifications of Municipal Solid Waste Facilities.

- (a) Legislative requirements.
- (b) Basis for classifications.
- (c) Sanitary landfill sites-- Types I, II, and III.
- (d) Solid waste processing sites-- Type IV.
- (e) Brush and construction-demolition waste disposal sites-- Type V.
- (f) Experimental sites-- Type VI.

.005. Permit Procedures and Design Criteria.

- (a) Legislative requirements.
- (b) Permit requirements.
- (c) Application formats.
- (d) Application review process.

.006. Solid Waste Land Disposal Sites.

- (a) Legislative requirements.
- (b) Operational standards for Types I, II, and III sites.
- (5) Disposal of mixed and special wastes (hazardous and nonhazardous)
- (c) Operational standards for Type V sites.

- .007. Solid Waste Processing and Experimental Sites.**
 (a) Legislative requirements.
 (b) Operational standards for Types IV and VI sites.
- .008. Compliance and Enforcement.**
 (a) Legislative requirements.
 (b) Enforcement policy.
 (c) Surveillance policy.
- .009. Variances.**
 (a) Legislative requirements.
 (b) Granting of variances.
- .010. County Governments with Licensing Authority.**
 (a) Legislative requirements.
 (b) Licensing procedures.
- .011. Solid Waste Management Technical Assistance.**
 (a) Legislative requirements.
 (b) Provision of technical assistance.
- .012. Permit Application-- Part A (Appendix A).**
- .013. Permit Application-- Part B (Appendix B).**
- .014. Landowner's Acknowledgement (Appendix C).**
- .015. Notice of Appointment (Appendix D).**
- .016. Suggested Format for Fill Agreement (Appendix E).**

Trinity River Involvement Program

Citizens Assistance Group Organizational Meeting

The U.S. Army Corps of Engineers, with the assistance of Texas A&M University's Department of Urban and Regional Planning, is sponsoring a public involvement program for the Trinity River. Citizens Assistance Groups will be formed and will meet approximately 10 times during the next year and a half. The groups will discuss important water supply, flood control, recreation, conservation, and navigation issues at these meetings.

To be listed as a candidate for membership on a Citizens Assistance Group you must do one of the following:

(1) Attend this first meeting; or

(2) Contact the Project Director at the Department of Urban and Regional Planning, Texas A&M University, College of Architecture and Environmental Design, College Station, Texas 77843, or telephone Christopher Corich at (713) 845-1047. Inquiries must be received prior to Friday, December 20.

Meetings will be held at the following times and places:

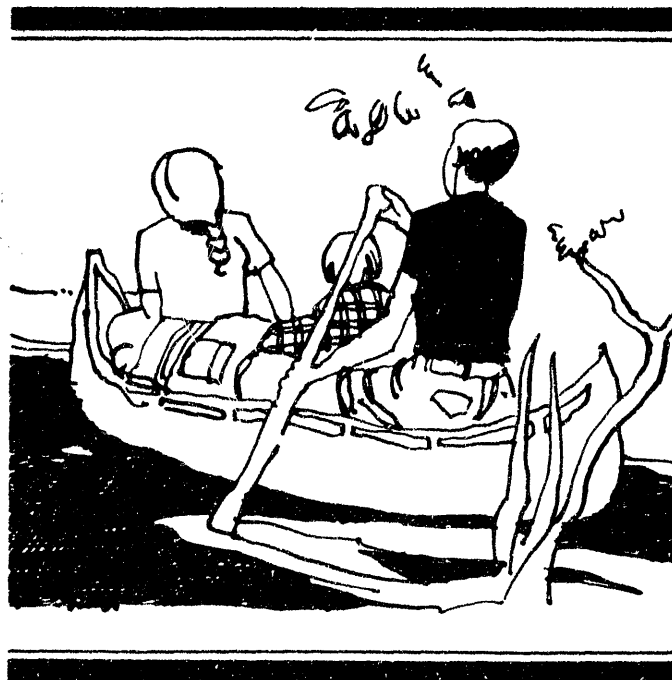
Group One-- December 2, 1976, 7 p.m., at Bowie High School, Arlington

Group Two-- December 7, 1976, 7 p.m., at Fairfield High School, Fairfield

Group Three-- December 9, 1976, 7 p.m., at Liberty High School, Liberty

Filed: November 22, 1976, 12:36 p.m.,

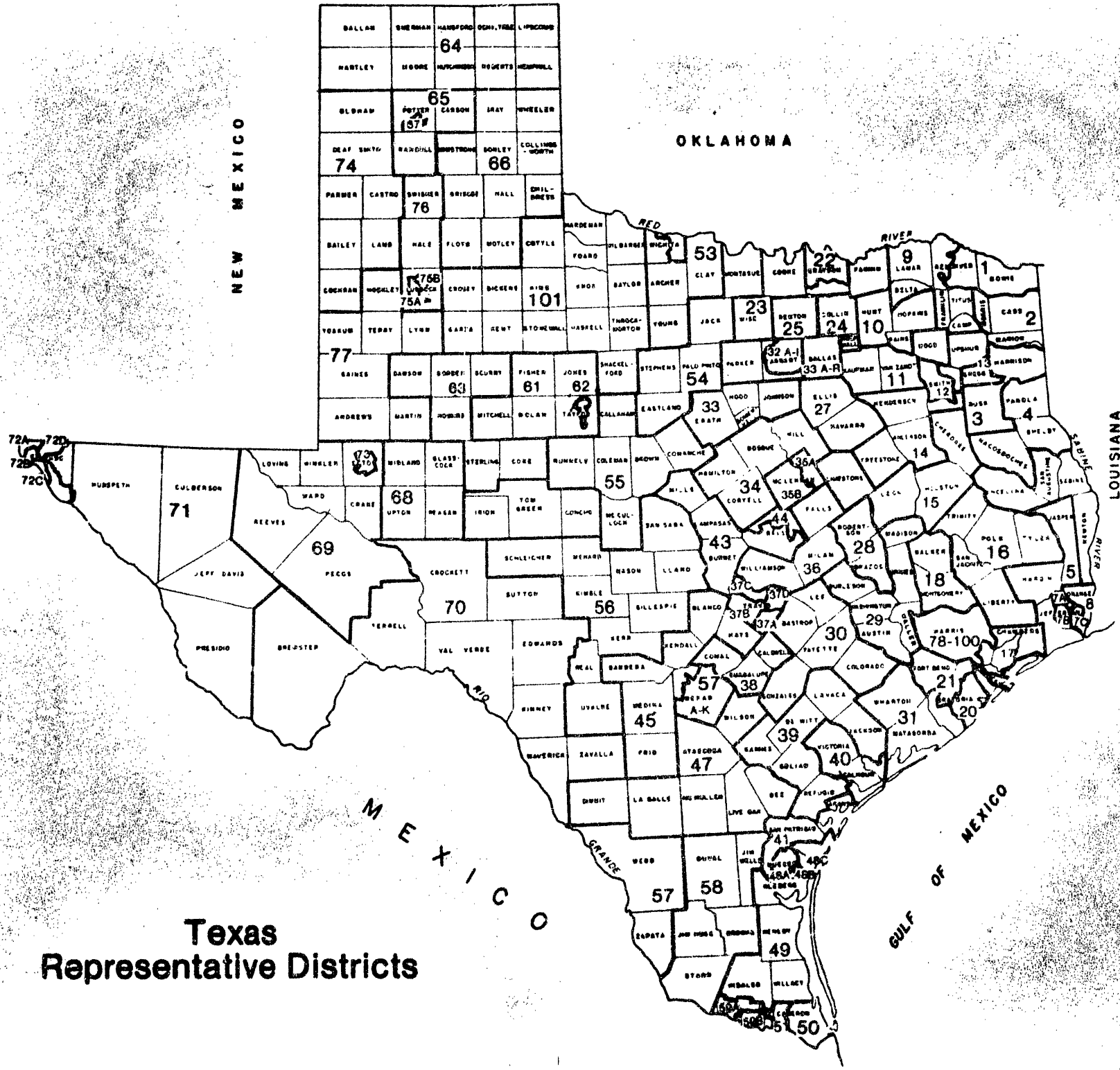
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Texas Register Publication Schedule, December-February

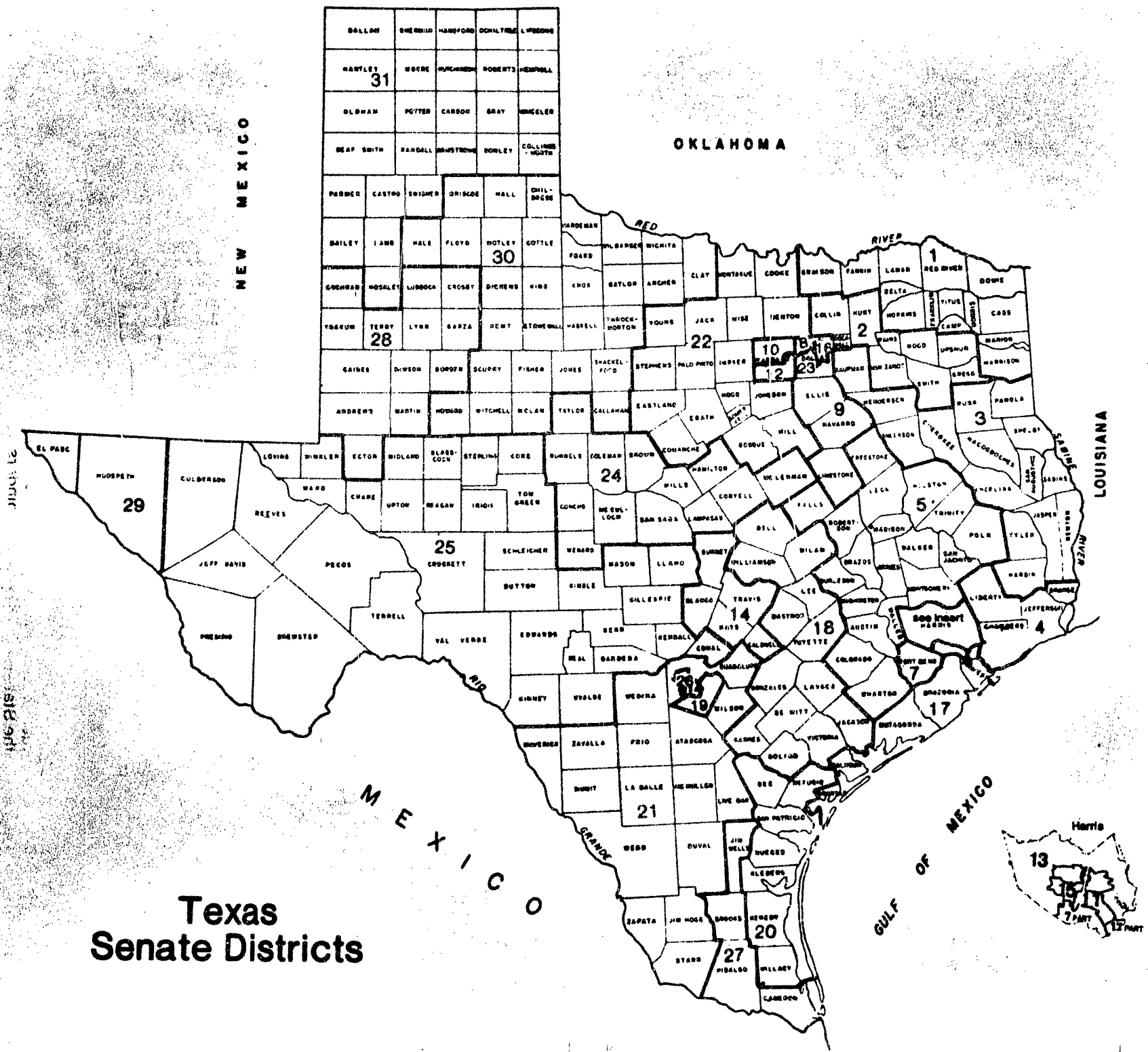
Listed below are the deadline dates for the *Texas Register* for the months of December, January, and February. Because of the printing schedule, material received after the deadlines for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Friday of the preceding week and Monday of the week of publication. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays. Please note that the issue to be published on January 25 will be a cumulative index — no other material will be published in this issue. The *Register* will not be published on December 3 or December 31.

FOR ISSUE PUBLISHED ON:	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY NOON ON:	ALL NOTICES OF OPEN MEETINGS BY NOON ON:
Friday, December 3		
Tuesday, December 7		
Friday, December 10		
Tuesday, December 14		
Friday, December 17		
Tuesday, December 21		
Friday, December 24		
Tuesday, December 28		
Friday, December 31		
Tuesday, January 4		
Friday, January 7		
Tuesday, January 11		
Friday, January 14		
Tuesday, January 18		
Friday, January 21		
Tuesday, January 25		
Friday, January 28		
Tuesday, February 1		
Friday, February 4		
Tuesday, February 8		
Friday, February 11		
Tuesday, February 15		
Friday, February 18		
Tuesday, February 22		
* Friday, February 25		
	NO ISSUE PUBLISHED	
	Wednesday, December 1	Thursday, December 2
	Friday, December 3	Monday, December 6
	Wednesday, December 8	Thursday, December 9
	Friday, December 10	Monday, December 13
	Wednesday, December 15	Thursday, December 16
	Friday, December 17	Monday, December 20
	Wednesday, December 22	Thursday, December 23
	NO ISSUE PUBLISHED	
	Wednesday, December 29	Thursday, December 30
	Friday, December 31	Monday, January 3
	Wednesday, January 5	Thursday, January 6
	Friday, January 7	Monday, January 10
	Wednesday, January 12	Thursday, January 13
	Friday, January 14	Monday, January 17
	CUMULATIVE INDEX	
	Friday, January 21	Monday, January 24
	Wednesday, January 26	Thursday, January 27
	Friday, January 28	Monday, January 31
	Wednesday, February 2	Thursday, February 3
	Friday, February 4	Monday, February 7
	Wednesday, February 9	Thursday, February 10
	Friday, February 11	Monday, February 14
	Wednesday, February 16	Thursday, February 17
	Thursday, February 17	Friday, February 18



Texas Representative Districts

Texas Senate Districts



Volume 1, Number 93, November 30, 1976