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TEXAS REGISTER

STATE DOCUMENTS
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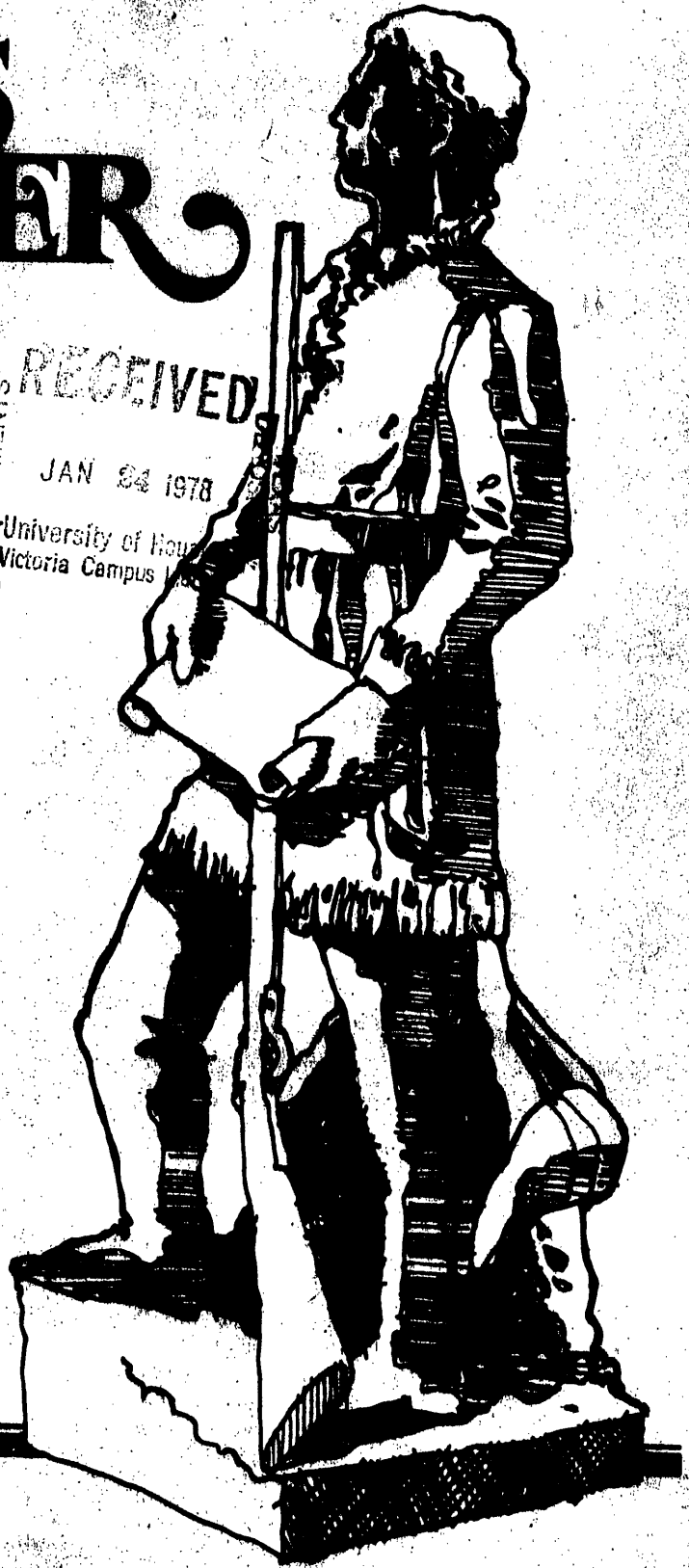
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Office of the Secretary of State

USPS Publication Number 120000

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To protect the interests of Texas in regard to any federal actions or plans which may have an impact on the water resources of the state, the governor is re-establishing the Governor's Water Resource Conservation and Development Task Force. The task force is re-established by amending an executive order which originally created the panel on November 21, 1973. A new task force was appointed on December 15, 1977. Harvey Davis, executive director of the Water Resources Department, was named chairman of the 31-member panel. Among those organizations represented on the task force are river authorities, water utility departments of major cities, and major water conservation districts.

A reminder of filing requirements and deadlines to Texas officeholders, specific purpose political committees, and general purpose political committees appears in the In Addition section of this issue. The requirements are authorized by Chapter 14 of the Texas Election Code, which is the Political Funds Reporting and Disclosure Act of 1975. A tightening of regulation of campaign financial practices has been implemented on both state and federal levels resulting from the Watergate scandal and the Sharpstown scandals, where campaign contributions to political candidates were not traceable to anyone.

Beginning with this issue, various elements of the format have been changed to make more efficient use of space. The primary change is the use of a smaller type size in printing the text.

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



*Office of the
Secretary of State*

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

Subscriptions are \$25 for one year. Back issues, when available, are \$1 each.

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Appointments

Texas Animal Health Commission

For a six-year term to expire September 6, 1983:

John Barclay Armstrong
P.O. Box 191
Kingsville, Texas 78363

Mr. Armstrong is being reappointed.

Mort L. Mertz
Box 531
Eldorado, Texas 76936

Mr. Mertz is replacing T. A. Kincaid, Jr. of LaVernia, Wilson County, whose term expired.

T. Euel Liner
2121 68th Street
Lubbock, Texas 79412

Mr. Liner is replacing Don G. Brothers of Paducah, Cottle County, whose term expired.

111th Judicial District of Texas

Effective February 1, 1978, to be judge of the 111th Judicial District of Texas, Webb County, until the next general election and until his successor shall be duly elected and qualified:

Lazaro Garza-Gongora, Jr.
312 Bellaire
Laredo, Texas 78041

Mr. Garza-Gongora is replacing Judge E. D. Salinas of Laredo, Webb County, who resigned.

Texas Mining Council

For two-year terms to expire May 8, 1979:

Bennie Bock II
State Representative
P.O. Box 591
New Braunfels, Texas 78130

Vincent F. Malone
Box 583
Daingerfield, Texas 75638

Jon Newton
Commissioner, Railroad Commission
Ernest O. Thompson Building
Austin, Texas 78701

D. L. Olson
7332 Wellcrest Drive
Dallas, Texas 75230

Gary E. Pogue
903 South Seventh
Kenedy, Texas 78119

T. A. Roberts
Box 35
Mineral, Texas 78125

Max Sherman
President, West Texas State University
Office of the President
Canyon, Texas 79016

Mack Wallace
Commissioner, Railroad Commission
Ernest O. Thompson Building
Austin, Texas 78701

E. L. Voskamp
P.O. Box 494
Hutchins, Texas 75141

The above appointees are being reappointed.

Governor's Commission on Physical Fitness

For six-year terms to expire June 13, 1983:

John W. Jones
1016 Cloud
Lampasas, Texas 76550

Mr. Jones is being reappointed.

Kenneth H. Cooper
7712 Meadowhaven
Dallas, Texas 75240

Dr. Cooper is being reappointed.

A. D. Gearner, Jr.
7012 Stefani
Dallas, Texas 75225

Mr. Gearner is replacing Delbert M. Cox of Refugio, Refugio County, whose term expired.

John A. Warner
608 Green Lane
Tyler, Texas 75701

Mr. Warner is replacing Jay P. Sanford of Dallas, Dallas County, whose term expired.

James Terrell Townsend
4200 North Hills Drive
Austin, Texas 78731

Mr. Townsend is being reappointed.

For six-year terms to expire June 13, 1981:

Donald R. Hale
Route 1, Box 293
Big Spring, Texas 79720

Mr. Hale is replacing Irma J. Caton of Denton, Denton County, whose term expired.

Leon G. English, Jr.
P.O. Box 2265
Prairie View, Texas 77445

Professor English is being reappointed.

Dr. Rollin A. Sininger
1015 Ridgcrest Circle
Denton, Texas 76201

Mr. Sininger is being reappointed.

State Seed and Plant Board

For two-year terms to expire October 6, 1979:

Dr. Morris E. Bloodworth
801 North Rosemary
Bryan, Texas 77801

Douglas Conlee
1725 Royal Oaks
Waco, Texas 76710

Dr. Bloodworth and Mr. Conlee are being reappointed.

Dr. Dwane Miller
5708 77th Street
Lubbock, Texas 79424

Dr. Miller is replacing Anson R. Bertrand of Lubbock, Lubbock County, whose term expired.

Doc. Nos. 777328 and 777374

Executive Orders

D.B. 10-B

Executive Order D.B. 10-A is amended to read as follows and shall be designated D.B. 10-B.

WHEREAS, the State of Texas has completed and adopted a State Water Plan for the development and use of its water resources for beneficial purposes for present and future generations; and

WHEREAS, the Texas *Department of Water Resources is presently carrying on extensive* (Water Development Board, Texas Water Rights Commission, and Texas Water Quality Board are conducting effective) studies and investigations *oriented toward updating and ultimately amending the State Water Plan in accordance with statutory procedures*; and

[WHEREAS, the Senate of Texas, in S.R. 812, charged the lieutenant governor with responsibility for creating regional councils to work with state and local agencies involved in water matters; and,]

WHEREAS, river authorities, local units of government, and coalitions of local governmental units have developed plans for water development for their own needs; and

WHEREAS, the course selected by the State of Texas for developing its water resources must be rationally linked to the demands for and development of other resources and services; and

[WHEREAS, the federal government, long a major participant of public works investment, appears to be altering its traditional role in support of water development, thus creating a need for strong state level action to meet these trends at the federal level. At the same time, the state must pursue all available courses to assure an equitable level of continued federal participation.]

WHEREAS, the President of the United States has ordered the Office of Management and Budget to study all federal responsibilities relating to the nation's natural resources and the environment for the purpose of recommending reorganization of those federal agencies in-

involved with water resources development, if determined to be appropriate; and

WHEREAS, the President of the United States has also directed the secretary of the Interior, as chairman of the U.S. Water Resources Council, together with the Office of Management and Budget and the Council on Environmental Quality to conduct a comprehensive review of federal water resources policy with the intent of instituting "comprehensive reform of water resources policy with conservation as its cornerstone." This Federal Water Resource Policy Study has resulted in the creation of task groups, composed principally of federal agency employees, which have prepared issue and option papers on such important issues as (1) water resources planning and evaluation criteria, (2) institutions and institutional arrangements, (3) water conservation, (4) cost sharing, (5) federal reserved water rights, (6) water quality, and (7) water resource research; and

WHEREAS, state, regional, and local governments and other entities responsible for providing an adequate supply of water for present and future generations in Texas have not been allowed satisfactory involvement in the above described federal activities, and the studies have been carried out in such a manner that the review procedures may not protect the interests of the State of Texas; and

WHEREAS, recommendations resulting from these studies, if accepted by the President and implemented in whole or in part by the federal government, could have a significant and possible adverse impact on the future social, economic, and environmental well-being of Texas, thus creating the need for strong state-level action to assure an appropriate equitable level of continued federal participation in water resources development.

THEREFORE, because of my *continuing* (growing) concern that (the) maximum effective use be made of the vast planning effort *presently underway to update and amend, as necessary, the State Water Plan*, the need for this planning program to be closely coordinated with related activities by regional and local units of government and with appropriate federal actions, the need to implement this plan through a strong action program, and the urgent need for effective input by the state in the reformulation of federal procedures and the development of a national water policy which may impact the state (for water resource development that has been accomplished here in Texas, and the urgent need to translate these plans and other related activities into a strong action program coordinating the efforts of the state and local levels of government with appropriate federal actions), I am *re-establishing* (creating) the Governor's Water Resource Conservation and Development Task Force. (This action is essential at this time as a means of establishing priorities and focusing and channeling the extensive plans and capabilities of state and local levels of government to meet water needs throughout the state.)

The task force *is hereby* (will be) charged with the following duties:

(1) *Coordinate with and assist the governor and the Texas Department of Water Resources in developing*

recommended economic, social, and environmental objectives to be met by development of the water resources available to Texas. [Develop and recommend economic, social, and environmental goals to be met by water development in Texas.]

(2) **Coordinate with and assist the governor and the Texas Department of Water Resources and regional and local units of government in evaluating all feasible plans and proposals for water development and conveyance to meet both short- and long-range water needs of Texas.** [Examine all feasible plans and proposals for water resource development required to meet the foreseeable needs of the state.]

(3) **Assist in the implementation of an action program to assure timely implementation of water resource projects in Texas, with and without federal participation.** [Outline a statewide program for coordinated action of all state, regional, and local government agencies to assure continued, effective, and timely implementation of water conservation projects in Texas, with or without federal participation.]

(4) **Develop, in cooperation with the Texas Department of Water Resources and staff of my office, a policy which will address current proposals for changing federal policies and procedures in water resource programs.** Membership of the Task Force will be **appointed** [drawn] from the reservoir of knowledgeable professions in the water resource field available here in Texas. [Its deliberations will be aided and supplemented by related disciplines as appropriate. Initial membership is listed as Attachment A to this executive order.] **The membership and chairman of the task force will be appointed by me and will serve at my pleasure.**

The task force will operate in a personal advisory capacity to me. Administrative staff support will be provided by the Department of Water Resources. [The special advisor to the governor on Natural Resources will chair the task force. Administrative staff support to the special advisor to the governor on Natural Resources will be provided by the governor's office.]

[The first meeting of the task force will be held here in Austin on November 27th and 28th, 1973. The urgency of its mission is great, and I will work closely with its membership as its program evolves.]

The task force will report its findings, recommendations, and conclusions to me and make such interim reports as may be requested.

This amended executive order shall be effective on the 14th day of December, 1977, and shall remain in effect until modified or rescinded by me.

Issued in Austin, Texas, on December 14, 1977.

Doc. No. 777327 Dolph Briscoe
Governor of Texas

For further information, please call (512) 476-3021.

Opinions

Summary of Opinion H-1107

Request from Don Adams, Chairman, Administration Committee, Texas Senate, Austin, concerning whether the Texas Education Code, Section 16.056(f), enacted in the Regular Session of the 65th Legislature, was repealed in the subsequent special session.

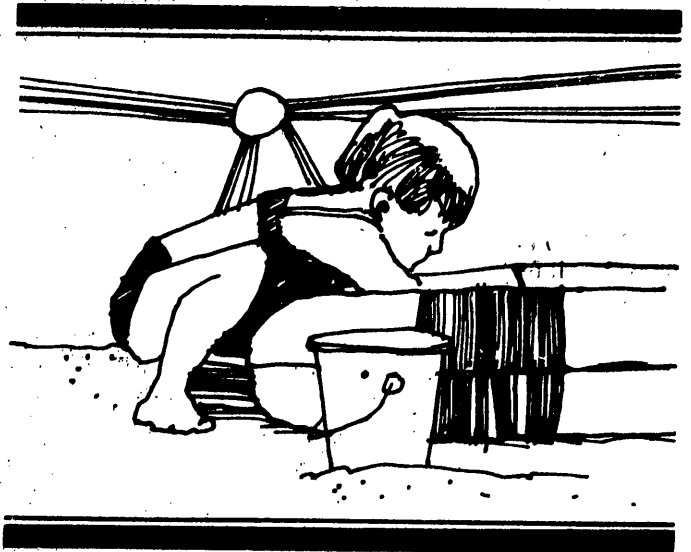
Summary of Opinion: Texas courts would probably rule that the Texas Education Code, Section 16.056(f), as enacted by the regular session of the 65th Legislature, was repealed in the subsequent special session.

Issued in Austin, Texas, on December 21, 1977.

Doc. No. 777326

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

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



PROPOSED RULES

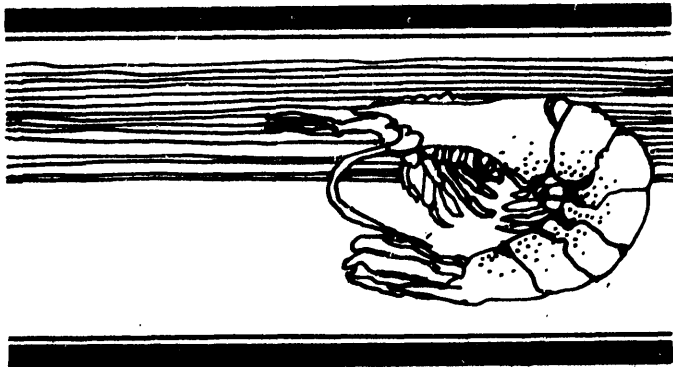
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An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

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

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

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



State Board of Barber Examiners

Practice and Procedure

Contested Cases 378.01.06

The State Board of Barber Examiners is proposing a new rule allowing admission of complainants as parties to contested cases. The purpose of this rule is to make clear the board's inherent power to admit parties (see Vernon's Texas Civil Statutes, Article 6252-13a, Section 3(5)) and to notify interested parties of the possibility of the admittance and its proper procedure. The provision will enable interested parties to participate in and share the responsibility for the development of evidence in any given case. This participation should have the effect of spreading the burden in cost of hearing controversies and its effect, if any, on fiscal matters should be to reduce expenditures. No authorities outside of the agency have been consulted with reference to the fiscal implications of this proposed rule.

Public comment on the proposed rule is invited. Comments may be submitted by telephoning Charles Blackburn, executive secretary of the board, at (512) 458-2241, or by writing to

Charles Blackburn at 5555 North Lamar, Building H, Suite 111, Austin, Texas 78751.

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

.001. Admission of Parties. Any person properly interested in the subject matter of a contested case to be heard before the board may apply to the board in writing to be admitted as a party to the case. Upon the board's approval of such application, said person shall be admitted as a party to such contested case.

Issued in Austin, Texas, on December 22, 1977.

Doc. No. 777378

Charles F. Blackburn
Executive Secretary
State Board of Barber Examiners

Proposed Date of Adoption: February 6, 1978

For further information, please call (512) 458-2241.

Texas Education Agency Occupational Education and Technology

Adoption by Reference 226.32.93

The Texas Education Agency proposes the repeal of the following rules adopting federal regulations by reference. The agency finds that nothing is added to the force or effect of these regulations by adopting them as rules under the Administrative Procedure and Texas Register Act.

The agency anticipates that the proposed repeals will have no fiscal implication for the state or for local governments.

Public comment on the proposed repeals is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701.

The repeals are proposed under the authority of the following federal regulations, which were previously adopted by reference:

- .010. *Public Law 90-576.*
- .020. *Public Law 93-380.*
- .030. *45 CFR, Part 100, Federal Register, Volume 38, Number 213, November 6, 1973.*
- .040. *45 CFR, Part 102, Federal Register, Volume 40, Number 38, February 25, 1975.*
- .050. *45 CFR, Part 102, Federal Register, Volume 40, Number 239, December 11, 1975.*
- .060. *45 CFR, Part 103, Federal Register, Volume 39, Number 159, August 15, 1974.*
- .070. *45 CFR, Part 103, Subpart E, Federal Register, Volume 40, March 4, 1975.*

Doc. Nos. 777299-777305

Adaptations for Special Populations

Special Programs of Special Education

226.35.74

The Texas Education Agency proposes to amend Rule 226.35.74.080 concerning comprehensive services for the visually handicapped by adding an administrative procedure section, Section (b), to the rule. Section (a) of the rule, which has already been adopted, contains State Board of Education policy for the program of services for the visually handicapped.

Visually handicapped individuals are eligible for services from birth through age 22. Services shall include basic special services provided by regular or special education programs and such supplemental services as parental counseling and training and orientation and mobility training.

The Texas Education Agency estimates the state cost for Rule 226.35.74.080 as follows:

FY 1978	\$2,970,000
FY 1979	\$2,970,000
FY 1980	\$3,200,000
FY 1981	\$3,400,000
FY 1982	\$3,600,000

The existing local special education program, funded under the Foundation School Program, maintains responsibility for providing the basic educational program for the visually handicapped.

Public comment on the proposed amendment to Rule 226.35.74.080 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701.

All requests for a public hearing on proposed rules must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This rule is promulgated under the authority of Sections 11.052, 11.091, 11.102, 16.104, and 16.161, Texas Education Code, and Article 4413(202), Vernon's Texas Civil Statutes.

.080. *Comprehensive Services for the Visually Handicapped.*

(b) Administrative procedure.

(1) Program eligibility and authority. All accredited school districts operating approved special education programs under the Foundation School Program or regional education service centers are eligible to apply for and receive state funding aid for the provision of educational and related services to visually handicapped individuals ages birth through 22.

(A) Basic special education services. The local school district is responsible for providing to visually handicapped individuals residing within their district boundaries all those basic special services routinely provided by regular or special education as specified in current policies, procedures, and guidelines. The existing local special education programs shall maintain responsibility for providing the basic educational program for the visually handicapped by allocating the necessary

resource and services as are provided to other handicapped students in special education programs.

(B) Supplemental services for the visually handicapped. Additional special services required by the unique nature of individuals with visual handicaps are the ultimate responsibility of school districts using supplemental assistance. Supplemental services as provided for in law, policy, and procedures may be provided either directly by the school district or through contract or working arrangements. Program eligibility and authority for supplemental programs for the visually handicapped are as follows:

(i) Local district programs. Local districts will be eligible for supplemental state funds and have the ultimate responsibility to provide supplemental services to the visually handicapped.

(ii) Special cooperatives to provide services to the visually handicapped. If part or all of the necessary services needed by visually handicapped individuals cannot be provided by a single school district, two or more school districts may develop special cooperatives in order to provide those needed services. Subject to prior approval of the Texas Education Agency, one district may serve as the fiscal agent or the regional education service center may serve in that capacity. The fiscal agent will receive the supplemental funds and act as liaison and agent for the cooperative with the Texas Education Agency. The fiscal agents' responsibilities include applications, reports, records, and accounting for the cooperative program; coordinating and maintaining program planning and evaluation; and any other responsibilities of fiscal agents of special education cooperatives operating under Texas Education Agency policies, procedures, and guidelines.

Any modifications or changes in designation of fiscal agents must receive prior approval from the local district management and the Texas Education Agency.

Authority is granted to local districts to develop cooperatives which have as their purpose to serve the unique needs of the visually handicapped. Cooperative programs may or may not correspond to existing special education cooperative boundaries. School districts may be able to provide some services independent of other districts, and at the same time cooperate with other programs for the provision of other needed services. The most cost-effective and programmatically effective arrangement should be considered and incorporated into the program.

Cooperatives should be described in the planning document and approved by each participating school district. These cooperatives should operate under the same policies, procedures, and guidelines as other special education cooperatives.

(iii) Education service centers. Education service centers are considered essential components of an effective statewide program for the visually handicapped and are eligible for supplemental funding for services to the visually handicapped. Regional education service centers may be providing as necessary both direct and supportive services to visually handicapped students and their programs. Education service centers may employ a minimum of one qualified staff member whose major

responsibility will be concerned with various components of programs and services to the visually handicapped.

Additionally, direct service personnel may be allocated to the regional education service center based on cooperative agreements and/or regional needs as determined through regional assessments and planning if such an arrangement represents the most cost-effective and programmatically effective alternative.

Salaries for education service center personnel will be in accordance with the salaries of similarly functioning personnel in each education service center.

(iv) Authority to contract for supplemental services for the visually handicapped. Local programs for the visually handicapped may contract with any qualified public or private organizations or qualified individuals for diagnostic, evaluation, instructional, and related services or other services supplemental to the education of the visually handicapped. Contracts using supplemental funds may not include services normally available through special education allocations, including contracts with approved nonpublic schools for exceptional children. Such contract services should be described in the local plan and budget which is submitted to the Texas Education Agency.

(2) Planning, budgeting, evaluation, and allocation. Programs for the visually handicapped shall be implemented and funded based on a system of continuous planning, budgeting, and evaluation. Information derived from the system shall be used for program renewal and decision making at all levels of performance.

(A) Planning, budgeting, and evaluation process. Within a reasonable period of time, a planning, budgeting, and evaluation system will be developed within each program for the visually handicapped. The process will be used for making application to the Texas Education Agency for allocating funds for programs.

(B) Management information system and reporting. With appropriate approval from the Reports Management System, Executive Planning Committee, and Commissioner's Coordinating Council of the Texas Education Agency, the Statewide Program for the Visually Handicapped will determine the information requirements for reporting to various groups to which programs for the visually handicapped are to be held accountable. Minimum information expected would include:

(i) measurement of the performance of both students and personnel; and

(ii) provision of data to determine the effectiveness and efficiency of programs serving the visually handicapped.

Data will be collected, analyzed, and reported at the local, regional, and state levels. These data included in the management information system will be ongoing with occasional special studies conducted. Feedback for educational renewal and placement will occur at each level of information collecting, analyzing, and reporting.

(C) On-site reviews of programs for the visually handicapped. On-site reviews of programs for the visually handicapped will be conducted at least every three years or more often as necessary. The responsibility for conducting reviews will rest with the Statewide Program for the Visually Handicapped, Texas Education

Agency. The purpose of the program reviews will be to determine:

(i) compliance with policies, procedures, and standards as determined by the Texas Education Agency and approved by the State Board of Education;

(ii) effectiveness and efficiency of the programs;

(iii) appropriateness of educational programs for the visually handicapped; and

(iv) adequacy of instructional support.

Evaluations performed by team members will be based on predetermined written objective criteria.

(D) Financial allocations.

(i) Basic comprehensive special education services for the visually handicapped shall be supported through the usual Foundation School Program funds and special education allocation process.

(ii) Supplemental Foundation School Program funds will support eligible programs in the provision of the comprehensive educational and related services to the visually handicapped. These funds will be in addition to other school district allocations and may not be used in lieu of special education or regular education funding otherwise available. Personnel positions, materials, transportation, staff development, and other resources necessary for the effective delivery of services to the visually handicapped will be determined and approved for funding based on substantiated program needs. Funding for programs will be negotiated through the Statewide Program for the Visually Handicapped. The negotiating process will require information as to the program's current use of resources in an effective manner, documented evidence that additional resources are required, and a sufficiently detailed plan as to how the additional resources will be used.

Eligible programs may make application for funding to the Statewide Program for the Visually Handicapped by use of Texas Education Agency form SPE-080, available from the Texas Education Agency. Applications will be due annually at a time specified by the commissioner of education. Emergency applications may be submitted at any time during the year. The Texas Education Agency will approve supplemental funding based upon: review of the application and all supportive documentation; evidence that the application requests funding supplemental in nature and will not be used to supplant other available resources; compliance with State Board of Education policies and administrative procedures; and the availability of funds.

The approved application will constitute a contract. Approved programs must keep revenue and expenditure accounts in accordance with Bulletin 679, Financial Accounting Manual. Any change in the spending pattern set forth in the initial budget (beyond specified limits) will require an approved budget amendment. Besides state and local efforts for funding, programs serving visually handicapped are encouraged to seek other needed revenues and services through federal or other sources. These funds or services, however, should be reflected in the program plan and budget.

(iii) Priorities for supplemental funding for the visually handicapped for 1977-78 include: school districts and cooperatives—support for existing programs

for the visually handicapped to expand services heretofore not available with state special education funds (e.g., orientation and mobility instruction, physical therapy, occupational therapy, and other needed services); and development of direct service programs for the visually handicapped in schools or cooperatives which have been unable to provide services because of various justifiable economic or logistical reasons; education service centers—support for qualified personnel and services provided by the education service center to local programs for the visually handicapped including: direct service to visually handicapped students as needed; and technical assistance to existing and new programs for the visually handicapped including, but not limited to, consultative services; vision screening; needs assessments, planning, developing, evaluating, and accounting; direction service; pupil appraisal; specialized media and materials; staff development and inservice education; and coordination of services.

Doc. No. 777306

Adult

Adoption by Reference 226.35.93

The Texas Education Agency proposes the repeal of the following rules adopting federal regulations by reference. The agency finds that nothing is added to the force or effect of these regulations by adopting them as rules under the Administrative Procedure and Texas Register Act.

The agency anticipates that the proposed repeals will have no fiscal implication for the state or for local governments.

Public comment on the proposed repeals is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701.

The repeals are proposed under the authority of the following federal regulations, which were previously adopted by reference:

- .010. Public Law 91-230.
- .030. Public Law 94-23.
- .040. 45 CFR, Chapter 1, Part 166, Federal Register, Volume 40, Number 79, April 23, 1975.
- .050. 45 CFR, Chapter 1, Part 166, Federal Register, Volume 40, Number 205, October 22, 1975.
- .080. Public Law 93-203
- .090. 29 CFR, Federal Register, Volume 40, Number 101, May 23, 1975.
- .120. 45 CFR, Chapter 1, Part 160c, Federal Register, Volume 40, Number 240, December 12, 1975.

Doc. Nos. 777307-777313

Adaptations for Special Populations

Adoption by Reference 226.35.95

The Texas Education Agency proposes the repeal of the following rules adopting federal regulations by reference.

The agency finds that nothing is added to the force or effect of these regulations by adopting them as rules under the Administrative Procedure and Texas Register Act.

The agency anticipates that the proposed repeals will have no fiscal implication for the state or for local governments.

Public comment on the proposed repeals is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701.

The repeals are proposed under the authority of the following federal regulation, which was previously adopted by reference:

.010. Public Law 89-10.

Issued in Austin, Texas, on December 21, 1977.

Doc. No. 777314 M. L. Brockett
Commissioner of Education

Proposed Date of Adoption: February 2, 1978

For further information, please call (512) 475-7077.

Texas State Board of Examiners of Psychologists

Applications 400.02.00

The Texas State Board of Examiners of Psychologists is proposing to amend Rule 400.02.00.008, which indicates the experience requirements for licensure of persons who offer psychological services for compensation in the State of Texas. The phrase "at least one of which was" is to be deleted to require two years of experience in psychology supervised by a licensed psychologist, at least one of which is post-doctoral.

It is the opinion of the board that this proposed rule will have no fiscal implications for state or local government.

Public comment on the proposed amendment of Rule 400.02.00.008 is invited. Persons should submit their comments in writing to Patti Smith, Executive Secretary, Texas State Board of Examiners of Psychologists, 5555 North Lamar, Building H, Suite 126, Austin, Texas 78751.

This amendment to the rule is proposed under the authority of Texas Civil Statutes, Article 4512c.

.008. Experience Requirements. The required two years of experience stipulated in Section 21(2) of the Psychologist's Certification and Licensing Act must be two years of experience in psychology, [at least one of which was] supervised by a licensed psychologist, and at least one of which is post-doctoral.

Issued in Austin, Texas, on December 21, 1977.

Doc. No. 777329 Patti Smith
Executive Secretary
Texas State Board of Examiners of Psychologists

Proposed Date of Adoption: Next board meeting

For further information, please call (512) 458-3295.

ADOPTED RULES

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

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

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

Employees Retirement System of Texas

Definition 335.02.00

The Board of Trustees of the Employees Retirement System of Texas has adopted the following rules as permanent. No changes have been made from Proposed Rules 335.02.00.115-.117. No written comments have been received.

These rules are adopted pursuant to the authority of Texas Revised Civil Statutes, Article 6228a, Section 6(A).

.115 Year. Year means the state fiscal year, unless another meaning is clearly indicated by the text.

.116. Compensation Insurance. Compensation insurance means worker's compensation benefits from the State of Texas.

.117. State Employees Retirement Act. State Employees Retirement Act refers to Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Texas Revised Civil Statutes, Article 6228a).

Doc. No. 777336

Administrative Procedure 335.10.00.106-.108

The Board of Trustees of the Employees Retirement System of Texas has adopted the following amendments to Rules 335.10.00.106-.108 as permanent. No written comments have been received. No substantive changes have been made from the proposed rules.

These rules are adopted by authority of Texas Revised Civil Statutes, Article 6228a, Section 6(A).

.106. Denial of Benefits/Hearing Procedure.

(a) Upon denial by the executive director of a claim for any benefits administered by the board, the claimant has 15

days from the date of the denial letter to request a hearing. A notice informing the claimant of the right to a hearing will be included with the denial letter. A hearing shall be conducted as soon as possible consonant with a fair disposition of the claim. Ordinarily, hearings shall be conducted in the City of Austin. The applicant shall be required to pay for a transcription or reproduction of the hearing prepared at his request.

(b) Hearings shall be conducted in accordance with the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a, as amended). All parties to the hearing may be assisted by counsel. All parties may present witnesses, books, records, and other evidence relevant to their claim. Evidence shall be governed by the rules of evidence used in nonjury civil trials in district courts of this state.

(c) A claimant who fails to prosecute his appeal for six calendar months after a hearing is requested shall have his request for a hearing dismissed. A notification of dismissal of a hearing request must be sent by certified mail to the last known address of the claimant at least 30 days prior to the date of dismissal. For good cause, the executive director may permit reinstatement of an appeal.

107. Post Hearing Procedure.

(a) Upon completion of the hearing, the hearing officer shall forward his proposal for decision and the record to the executive director. Ordinarily, a proposal for decision shall be submitted not later than the 60th day after the conclusion of the hearing.

(b) A copy of the hearing officer's proposal for decision shall be sent by certified mail to the party adversely affected. Any briefs and exceptions to the proposal for decision must be filed within 30 days of receipt of the proposal.

.108. Post Hearing Action. After review of the record, the executive director shall grant the application or shall submit the hearing officer's proposal for decision, briefs, and exceptions filed by parties adversely affected, and the executive director's recommendation to the board for determination and order.

Doc. No. 777337

335.10.00.110-.112

The Board of Trustees of the Employees Retirement System of Texas has adopted Rules 335.10.00.110-.112 as permanent. No written comments have been received. No substantive changes have been made from the proposed rules.

These rules are adopted by authority of Texas Revised Civil Statutes, Article 6228a, Section 6(A).

.110. Continuances and Postponements.

(a) For good cause and upon his own motion or the motion of any party, the hearing officer may continue a hearing.

(b) Once a date and time for a hearing is set, a request for postponement will be acceptable only if received in writing by the Employees Retirement System before 5 p.m. on the work day before the date of the hearing.

.111. Subpoenas, Depositions, and Witnesses.

(a) A subpoena shall be issued only upon the showing of good cause. The party requesting the subpoena shall deposit with the Employees Retirement System sufficient sums to en-

sure payment of expenses incident to the subpoenas and payment of fees for witnesses or deponents.

(b) A witness or deponent who is not a party to the hearing and who is subpoenaed or directed to attend a hearing or proceeding to testify, produce written material, records, or objects necessary and proper for the purposes of the hearing is entitled to receive fees as provided by rules of the board.

(c) Fees to which a witness or deponent is entitled shall be paid by the system from the funds deposited by the party at whose request the subpoena was issued or the witness appeared or a deposition was taken.

(d) The hearing officer shall require the person at whose request a deposition is taken to deposit with the system the estimated costs of the transcription and appearance fees. The original copy of the deposition shall be a part of the record of the hearing.

.112. Fees. Witness and deponent fees are as follows:

(a) Mileage and per diem allowances are the same as those provided for state employees under the General Appropriations Act.

(b) A standard appearance fee for each day or part of a day the person is necessarily present as a witness or deponent is set at \$25. A witness or deponent who gives testimony in a professional capacity may be paid an appearance fee of no more than twice the standard fee.

(c) Fees shall be paid only on presentation of proper vouchers sworn by the witness or deponent and approved by the system.

Doc. No. 777338

Membership 335.20.00

The Board of Trustees of the Employees Retirement System of Texas has adopted Rule 335.20.00.105 as permanent. No written comments have been received. No changes from the proposed text have been made.

This rule is adopted by authority of Texas Revised Civil Statutes, Article 6228a, Section 6(A).

.105. Direct Payment of Contributions.

(a) Payment of contributions by a person who is a member by virtue of service on an administrative board shall be made to the member's department. Contributions are due on the last day of the month for which service credit is being established.

(b) If payment is not received by the system when the department's retirement report is submitted, a notice that payment has not been made and of the pending loss of eligibility to establish additional board service shall be sent to the member with copies of this notice to the chief fiscal officer and to the head of the department or the agency of which the member is part of the administrative board.

(c) In the event an administrative board member's contributions are not paid to the Retirement System within 60 days after the due date of the contribution in accordance with this rule, the member shall lose all rights to continue to establish service as a member of an administrative board.

Doc. No. 777339

Creditable Service 335.30.00.102

The Board of Trustees of the Employees Retirement System of Texas has adopted the following amendment to Rule 335.30.00.102 as permanent. No written comments have been received. No changes have been made from the proposed text.

These rule changes are adopted by authority of Texas Revised Civil Statutes, Article 6228a, Section 6(A).

.102. Service Credit/Legislative Employee Credit.

(a) Each month of contributory service performed after September 1, 1958, shall count for all purposes as 1/12 of a year of creditable service irrespective of the amount of the member's contribution; provided, however, that no more than one month's credit may be given for all service in the same month.

(b) If established prior to January 1, 1978, service by an employee of the Texas Legislature for an entire regular legislative session shall, upon verification and payment by the member of applicable contributions, interest, fees, etc., be credited as 12 months of creditable service for calculation of length of service (vesting for retirement purposes) only; provided, however, that no more than 12 months' credit may be given for all service during any fiscal year.

(c) A member receiving 12 months' credit for service during an entire legislative session who subsequently withdraws his contributions, upon becoming eligible, may reestablish credit only for the length of service actually performed.

Doc. No. 777340

335.30.00.113

Pursuant to Texas Revised Civil Statutes, Article 6228a, Section 6(A), the Board of Trustees of the Employees Retirement System has repealed Section (d) of Rule 335.30.00.113. Repeal of this section was required by changes in Article 6228a provided in Senate Bill 756, Acts of the 65th Legislature, 1977. This change was proposed in the November 25, 1977, issue of the *Texas Register* (2 TexReg 4583). No written comments were received.

Doc. No. 777341

335.30.00.115

The Board of Trustees of the Employees Retirement System has adopted the following Rule 335.30.00.115 as permanent. No written comments have been received. No changes have been made from the proposed text.

This rule is adopted pursuant to the authority of Texas Revised Statutes, Article 6228a, Section 6(A).

.115. Fractional Service Retirement Benefits.

(a) Retirement credit established in the two classes of service under the State Employees Retirement Act may be treated as if the service had been rendered in separate systems.

(b) A member who is retiring exclusively under programs administered by the board may use the shortest vest-

ing period required for any class of service in the programs in which the member has retirement credit.

(c) A member who retires with 10 or more years of service credit in the Employees Retirement System, exclusive of military service credit, may receive retirement benefits as an elective state official for the percentage of his eligible military service as is derived by dividing the number of months of creditable service as an elective state official by 96 months, but no more than 100 percent.

Doc. No. 777342

Benefits 335.40.00

The Board of Trustees of the Employees Retirement System of Texas has adopted the following rules as permanent. No written comments have been received. Rule 335.40.00.109 has been altered in the last sentence to reflect that average salary will be computed on the amount paid a member for service under the Employees Retirement System only. Rules proposed as 335.40.00.105-.109 are renumbered to be Rules 335.40.00.106-.110, as the result of a proposed rule being given the number of a permanent rule.

These rules are adopted by authority of Texas Revised Civil Statutes, Article 6228a, Section 6(A).

.106. Removal From the Disability List. Upon a finding by the board that a disability beneficiary is no longer disabled, he shall automatically be restored to membership in the system and all service credit shall be restored. The balance of his retirement reserve shall be transferred to the employees saving fund and to the state accumulation fund in proportion to the original sums transferred to the retirement annuity reserve fund at retirement.

.107. Disability Beneficiary—Continuation of Rights. A disability beneficiary who remains disabled but whose earned income equals the monthly benefit shall retain rights to death benefits and participation in the Employees Uniform Group Insurance Program as a retiree.

.108. Administrative Board Membership.
(a) A contributing member of the system who was a contributing member of the system as a member of an administrative board during the month of December, 1977, may establish credit for board service performed prior to December, 1977, by payment of applicable contributions, interest, and fees as required in the act.

(b) Credit for board service performed after December, 1977, may be established only by payment of monthly contributions as the service is performed in the manner prescribed by the board.

.109. Transferred Service Salary Average. In the event that service performed by a member under the Teacher Retirement Act is used to calculate average salary for retirement purposes under the Employees Retirement System, average salary for that service shall be based upon the amount of salary for which retirement contributions were made under the Teacher Retirement Act divided by the number of months for which credit is granted by the Employees Retirement System. In a month in which contributions were made to both the Employees Retirement System and the Teacher Retirement System, the salary for that month shall

be computed using the amount on which contributions were made under the State Employees Retirement Act only.

.110. Transferred Service Monthly Credit.

(a) Credit for service transferred from the Teacher Retirement System to the Employees Retirement System on January 1, 1978, and thereafter, may be established only in the appointive officer or employee class of service.

(b) Credit for four and one-half months or more of service performed in a fiscal year under the Teacher Retirement Act prior to September 1, 1958, shall be transferred to the Employees Retirement System as one year of service credit. No credit shall be established for less than four and one-half months service in a fiscal year prior to September 1, 1958.

(c) Credit for service performed in a fiscal year after August 31, 1958, shall be transferred to the Employees Retirement System on a month-by-month basis. Service of nine or more months in a fiscal year shall be established as 12 months' credit.

(d) Dual credit may not be granted for any one month. A member with credit for a month under the State Employees Retirement Act may not receive additional credit in the Employees Retirement System for service performed in that month under the Teacher Retirement Act.

(e) Credit for military service established under the Teacher Retirement Act may be transferred to the Employees Retirement System only if that military service is eligible for credit under provisions of the State Employees Retirement Act.

Issued in Austin, Texas, on December 27, 1977.

Doc. No. 777343 Joseph N. Murphy, Jr.
Executive Director
Employees Retirement System of
Texas

Effective Date: January 16, 1978

For further information, please call (512) 476-6431.

Texas Board of Pardons and Paroles

Parole

Re-Parole After Revocation 205.03.04

The Texas Board of Pardons and Paroles has amended Rule 205.03.04.002(a) with regard to the re-parole of a state inmate after his or her prior parole has been revoked. The purpose of this amendment is to clarify board policy regarding inmates with new convictions and their subsequent review for re-parole consideration.

This rule shall be effective 20 days after filing. The executive director of this agency has determined that no fiscal ramifications will be felt by any governmental subdivision as a result of the adoption of this rule.

These rules are promulgated under the authority of Article 42.12, Sections 15(d) and 14A(i), Texas Code of Criminal Procedure (1973).

.002. Review Dates.

(a) Initial review dates for revoked parolees are determined according to the statutory requirements of parole

eligibility if the revoked parolee is also serving a sentence for a new conviction. If parole eligibility for a new conviction is less than one year from the date of his or her return to prison on the revocation, the initial review for re-parole consideration may be set one year from the date of his or her return to prison on the revocation, notwithstanding the fact of possible earlier eligibility on the new conviction.

Issued in Austin, Texas, on December 27, 1977.

Doc. No. 777363 George G. Killinger
Chairman
Texas Board of Pardons and Paroles

Effective Date: January 17, 1978

For further information, please call (512) 475-3675.

Texas State Board of Examiners of Psychologists Health Service Provider 400.05.00

Pursuant to the authority of Article 4512c, Texas Civil Statutes, the Texas State Board of Examiners of Psychologists has adopted the repeal of Rule 400.05.00.001, as published in the November 22, 1977, issue of the *Texas Register* (2 TexReg 4500).

Doc. No. 777362

Specialty Certification Health Service Provider 400.05.01

The Texas State Board of Examiners of Psychologists has adopted Rules 400.05.01.001-.003 with two changes in the proposed text. Section (d) has been added to Rule .002, which requires two supportive letters of recommendations from health service providers in psychology who are familiar with the applicant's work experience. The last sentence of Proposed Rule .003(b), which indicated training status is not required for the second year of the required supervised experience, has been deleted.

Under the authority of Texas Civil Statutes, Article 4512c, the Texas State Board of Examiners of Psychologists has adopted Rules 400.05.01.001-.003, which read as follows:

.001. Definition of Health Service Provider in Psychology. A health service provider in psychology is defined as a licensed psychologist who is duly trained and experienced (meets defined criteria of training and experience) in the delivery of direct, preventive, assessment, and therapeutic intervention services to individuals whose growth, adjustment, or functioning is actually impaired or is demonstrably at high risk of impairment.

.002. Criteria for Health Service Provider in Psychology. Effective January 1, 1978, the following are the board's requirements for a licensed psychologist to be eligible for specialty certification as a health service provider in psychology:

(a) The psychologist must be currently licensed by the Texas State Board of Examiners of Psychologists.

(b) The psychologist must hold a doctorate degree from a department of psychology or educational psychology in a regionally accredited educational institution.

(c) The psychologist must have completed not less than two years (1,500 hours each year) of supervised experience in health service, of which at least one year is post doctoral and one year (may be post doctoral year) is in an organized health service training program.

(d) Two supportive letters of recommendation from health service providers in psychology who are familiar with the applicant's work are required.

.003. Criteria Guidelines for Health Service Provider in Psychology.

(a) Organized health service training program means an internship or its equivalent. The internship year must be completed within a consecutive two-year or 24-month period. Anyone who has not completed a formal internship must demonstrate that his or her training was the equivalent of such an intensive experience. During this internship period it is expected that applicant's status was "intern" or "trainee."

(b) Program for the second year must be subsequent to the internship year. It is expected that the person would have completed the remaining required period of time (1,500 hours) within a four consecutive year period.

(c) Acceptable supervised experience refers to direct, formal contact with a senior person who is responsible for the educational development and guidance of the trainee or supervisee. Acceptable supervised experience does not include classwork, practicum experience, or other course-related experiences.

(d) Acceptable supervisory experience is that in which health services in psychology are directly provided by the applicant to individuals or groups of patients/clients. Personal growth experience, i.e. personal therapy, encounter groups, etc., are not acceptable.

(e) The ratio of supervision time to service time should be sufficient to ensure adequate learning.

(f) Supervisor qualifications include the following:

(1) A minimum of 1,500 hours of creditable supervised experience should be under the direct supervision of a licensed psychologist.

(2) Supervisors must be licensed/certified or have met the qualifications for practice in their respective professions.

(3) To be creditable, the professional qualifications of the direct supervisor must be appropriate to the services rendered. Applicants must provide evidence of qualifications of supervisors.

(g) Documentation of the two years of supervised experience through a signed supervisor confirmation form will be required of all applicants.

Issued in Austin, Texas, on December 23, 1977.

Doc. No. 777364 Patti Smith
Executive Secretary
Texas State Board of Examiners of
Psychologists

Effective Date: January 17, 1978

For further information, please call (512) 458-3295.

16 OPEN MEETINGS

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

Texas Adult Probation Commission

Thursday, January 12, 7:30 p.m. and Friday, January 13, 1978, 9:30 a.m. The Texas Adult Probation Commission will meet in Parlor B, Hilton Inn, 505 Avenue Q, Lubbock. The summarized agenda includes discussion and action regarding lease of office space, agency organization, personnel, standards for adult probation departments and officers, and payment of state aid.

Additional information may be obtained from Don Stiles, Suite 502, 1414 Colorado, Austin, Texas 78711, telephone (512) 475-1374.

Filed: December 29, 1977, 9:57 a.m.
Doc. No. 777391

Employees Retirement System of Texas

Thursday, January 12, 1978, 10 a.m. The Group Insurance Advisory Committee of the Employees Retirement System of Texas will meet at 1705 San Jacinto, Austin, to elect officers for 1978 and to discuss enrollment results of the Uniform Group Insurance Program for employees and retirees of the State of Texas.

Additional information may be obtained from Joseph N. Murphy, Jr., P.O. Box 12337, Austin, Texas 78711, telephone (512) 476-6431.

Filed: December 27, 1977, 8:54 a.m.
Doc. No. 777334

Texas Health Facilities Commission

Thursday, January 5, 1978, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. The commission will consider adoption of an amendment to Part (f) and (j) of Rule

315.11.00.002, Explanation of Applicability of the Act, which explains the eligibility of projects to change level of care for exemption certificates under the provisions of Section 3.02 of Article 4418(h), Texas Civil Statutes.

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

Filed: December 28, 1977, 11:41 a.m.
Doc. No. 777376

Thursday, January 12, 1978, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. The commission will consider applications for certificate of need from the following: Central Counties Center for MH/MR Services, Temple; Twin Pines Nursing Home, Victoria; and Daniel Jarvis Home Health Agency, Inc., Bryan. Applications for exemption certificates will be considered from: Clear Lake Hospital, Webster; and Silver Haven Care Center, Burleson.

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

Filed: December 28, 1977, 11:41 a.m.
Doc. No. 777377

University of Houston

Friday, January 6, 1978, 11:30 a.m. The Board of Regents of the University of Houston will meet in Room 220, E. Cullen Building, University of Houston Campus, 4800 Calhoun, Houston. The board will consider personnel recommendations; bank resolutions, due to change in personnel signing; reports of board committees; investment and building; and reports of grants and gifts.

Additional information may be obtained from Philip G. Hoffman, University of Houston, Houston, Texas 77004, telephone (713) 748-6050.

Filed: December 27, 1977, 3:16 p.m.
Doc. No. 777359

State Board of Insurance

Wednesday, January 4, 1978, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider the claim complaint of Mary Starnes.

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

Filed: December 27, 1977, 11:02 a.m.
Doc. No. 777344

Wednesday, January 4, 1978, 2 p.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider proposed amendments to the Texas Automobile Insurance Plan.

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

Filed: December 27, 1977, 11:02 a.m.
Doc. No. 777346

Friday, January 6, 1978, 10 a.m. The State Board of Insurance will meet in Room 142, 1110 San Jacinto, Austin, to make a title hearing decision.

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

Filed: December 27, 1977, 11:02 a.m.
Doc. No. 777345

Tuesday, January 10, 1978, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider a claim complaint of Mrs. Charles Caldwell.

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

Filed: December 27, 1977, 11:03 a.m.
Doc. No. 777348

Tuesday, January 10, 1978, 2 p.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to hear the commissioner's report and to conduct an executive session on personnel matters.

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

Filed: December 27, 1977, 11:03 a.m.
Doc. No. 777347

Texas Advisory Commission on Intergovernmental Relations

Friday, January 13, 1978, 9 a.m. The Texas Advisory Commission on Intergovernmental Relations will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. The commission will consider the following: executive director's report; report on Title I Evaluation Project; projects on professional standards for local law enforcement officers and coordination of training programs for local government executives and professionals in Texas; fiscal year 1979 work program development; and budget items.

Additional information may be obtained from Lorraine Camp, Room 622, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3728.

Filed: December 27, 1977, 4:08 p.m.
Doc. No. 777367

Friday, January 13, 1978, 11:05 a.m. The Project Committee on "Joint Funding and Grant Simplification for Human Service Programs" of the Texas Advisory Commission on Intergovernmental Relations will meet in the cafeteria meeting room, Stephen F. Austin Building, 1700 North Congress, Austin, to hear progress reports and to discuss the commission's study on joint funding and grant simplification of human service programs.

Additional information may be obtained from Lorraine Camp, Room 622, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3728.

Filed: December 27, 1977, 4:07 p.m.
Doc. No. 777368

Friday, January 13, 1978, 11:05 a.m. The Project Committee on "Evaluation of Title I Community Service Program" of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 119, Stephen F. Austin Building, 1700 North Congress, Austin, to hear progress reports and to discuss the commission's Title I evaluation study.

Additional information may be obtained from Lorraine Camp, Room 622, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3728.

Filed: December 27, 1977, 4:07 p.m.
Doc. No. 777369

Friday, January 13, 1978, 11:05 a.m. The Project Committee on "Personal Liability of Public Employees and Officials" of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, to hear progress reports and to discuss the commission's study on personal liability of public employees and officials.

Additional information may be obtained from Lorraine Camp, Room 622, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3728.

Filed: December 27, 1977, 4:07 p.m.
Doc. No. 777370

Lamar University

Thursday, January 5, 1978, 10 a.m. The Board of Regents of Lamar University will meet in the board room of the Otho Plummer Administration Building, Lamar University, Beaumont, to consider bids for sale of barge and buoy tender.

Additional information may be obtained from Andrew J. Johnson, LUS Box 10014, Beaumont, Texas 77710, telephone (713) 838-7533.

Filed: December 27, 1977, 3:16 p.m.
Doc. No. 777360

Texas Department of Mental Health and Mental Retardation

Friday, January 6, 1978, 10:30 a.m. The Committee to Examine Appointees Requiring Board Approval of the Texas Board of Mental Health and Mental Retardation will meet in Room 295, Central Office, 909 West 45th Street, Austin. The committee will review procedures for evaluation and selection of employees requiring board approval.

Additional information may be obtained from Kenneth D. Gaver, M.D., P.O. Box 12668, Austin, Texas 78711, telephone (512) 454-3761.

Filed: December 27, 1977, 4:43 p.m.
Doc. No. 777371

Tuesday, January 10, 1978, 10 a.m. The Committee to Work with Interested Parent Organizations Regarding Services Provided in State Schools for the Mentally Retarded of the Texas Board of Mental Health and Mental Retardation will meet in the law offices of Butler, Binion, Rice, Cook and Knapp, Room 1152, 1100 Mellie Esperson Building, Houston. The committee will consider recommendations from interested parent organizations regarding services provided by TDMHMR in state schools for the mentally retarded.

Additional information may be obtained from Kenneth D. Gaver, M.D., P.O. Box 12668, Austin, Texas 78711, telephone (512) 454-3761.

Filed: December 27, 1977, 4:44 p.m.
Doc. No. 777372

Texas National Guard Armory Board

Friday, January 6, 1978, 1:30 p.m. The Texas National Guard Armory Board will meet in Building 64, Camp Mabry, Austin, to consider the following items: Austin No. 4, land acquisition; hunting and fishing; rescission of resolution of 9-24-60 for signatures; addition of new authorized signatures; Dumas-YMCA construction addition on lease/purchase property; Santa Anna, authority for housing units on leased/purchase property; Killeen, acquisition of land and/or improvements; rescission of resolution of April 12, 1969, and July 10, 1971, for Armory Priority Construction List; establishment of Armory Construction Priority List; San Marcos, request of Southwest Texas State University for land; and maintenance of Houston Light Guard Armory.

Additional information may be obtained from Harry B. Kelton, West Austin Station, Austin, Texas 78763, telephone (512) 475-5481.

Filed: December 29, 1977, 10:47 a.m.
Doc. No. 777398

Pan American University

Tuesday, January 10, 1978, 9 a.m. The Proposed Student Government Constitution Committee of the Board of Regents of Pan American University will meet in the conference room, Administration Building, Pan American University, Edinburg, to consider recommendations concerning the proposed student government constitution.

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

Filed: December 27, 1977, 3:08 p.m.
Doc. No. 777353

Tuesday, January 10, 1978, 10 a.m. The Buildings and Grounds Committee of the Board of Regents of Pan American University will meet in the conference room, Administration Building, Pan American University, Edinburg, to consider recommendations concerning opening of bids and awarding of contract for construction of bookstore.

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

Filed: December 27, 1977, 3:09 p.m.
Doc. No. 777354

Tuesday, January 10, 1978, 10:30 a.m. The Rules of Procedures and Policies Committee of the Board of Regents of Pan American University will meet in the conference room, Administration Building, Pan American University, Edinburg, to consider recommendations concerning the level of possible comprehensiveness for the revised Manual of Procedures and Policies.

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

Filed: December 27, 1977, 3:09 p.m.
Doc. No. 777355

Tuesday, January 10, 1978, 11 a.m. The Academic and Developmental Affairs Committee of the Board of Regents of Pan American University will meet in the conference room, Administration Building, Pan American University, Edinburg, to consider employment of personnel (executive session), pursuant to Vernon's Annotated Texas Statutes, Article 6252-17, Section 2g.

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

Filed: December 27, 1977, 3:09 p.m.
Doc. No. 777356

Tuesday, January 10, 1978, 11:30 a.m. The Board of Regents of Pan American University will meet in the conference room, Administration Building, Pan American University, Edinburg, to consider the following: reports of

Buildings and Grounds Committee, Academic and Developmental Affairs Committee, Procedures and Policies Committee, and Proposed Student Government Constitution Committee; appointment of trustees for Joe and Jess Crump Scholarship Fund; approval of signatures on checks and vouchers; approval of leave of absence; small class size; and budget changes.

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

Filed: December 27, 1977, 3:10 p.m.
Doc. No. 777357

Board of Pardons and Paroles

Monday through Friday, January 9-12, 1978, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. The board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole and procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by the agency; and take action upon gubernatorial directives.

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

Filed: December 29, 1977, 9:58 a.m.
Doc. No. 777389

Texas Peanut Producers Board

Tuesday, January 10, 1978, 1 p.m. The Texas Peanut Producers Board will meet in the Holiday Inn, Downtown, Dallas, to discuss activities and board business.

Additional information may be obtained from Wayne Eaves, P.O. Box 398, Gorman, Texas 76454, telephone (817) 734-5853.

Filed: December 29, 1977, 9:58 a.m.
Doc. No. 777388

Texas State Board of Registration for Professional Engineers

Wednesday, January 11, 1978, 1 p.m. The meeting of the Texas State Board of Registration for Professional Engineers will be held on January 11, instead of January 22, as published in the December 27th issue of the *Texas Register*. The meeting will be held in Room 200, John H. Reagan Building, 1400 Congress, Austin. The board will review architectural plans and details for the engineering registration building.

Additional information may be obtained from Donald C. Klein, P.E., Room 200, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-3141.

Filed: December 22, 1977, 11:22 a.m.
Doc. No. 777322

Thursday, January 12, 1978, 10 a.m. The Texas State Board of Registration for Professional Engineers will conduct a meeting in Room 200, John H. Reagan Building, 1400 Congress, Austin, to review architectural plans and details for the engineering registration building. This meeting was originally scheduled for January 11.

Additional information may be obtained from Donald C. Klein, P.E., Room 200, John H. Reagan Building, 1400 Congress, Austin, Texas 78701, telephone (512) 475-3141.

Filed: December 29, 1977, 11:20 a.m.
Doc. No. 777410

Public Utility Commission of Texas

Tuesday, January 3, 1978, 2 p.m. The Public Utility Commission of Texas will conduct an emergency pre-hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, concerning an inquiry by the commission into the propriety of service termination and legality of rates charged by Eastwood Water Company (Docket No. 1520).

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: December 27, 1977, 4:04 p.m.
Doc. No. 777365

Monday, January 9, 1978, 9 a.m. The Public Utility Commission of Texas will conduct a pre-hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, concerning an application of Texas Power and Light for a rate increase (Docket No. 1517).

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: December 27, 1977, 9:26 a.m.
Doc. No. 777332

Monday, January 9, 1978, 10 a.m. The Public Utility Commission of Texas has rescheduled a hearing to be held in Suite 400N, 7800 Shoal Creek Boulevard, Austin, concerning the application of Douglas Utility Company for a rate increase and a certificate of convenience and necessity to operate water and sewer utility service in Harris County (Docket No. 899). The hearing was originally scheduled for January 6 at 10 a.m.

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: December 27, 1977, 3:07 p.m.
Doc. No. 777351

Tuesday, January 10, 1978, 10 a.m. The Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, concerning an application of Dogwood Realty Company for a certificate in Anderson County (Docket No. 785). This hearing was originally scheduled for December 21, 1977.

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: December 27, 1977, 4:05 p.m.
Doc. No. 777366

Railroad Commission of Texas

Wednesday, January 4, 1978, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in emergency session in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin.

The agenda is summarized as follows: Examiner Jeffrey R. Hill, Moran Utilities Company, appeal from action by City of Conroe (Docket No. 753); Examiner Hylon L. Adams, Brazos River Gas Company, appeal from action of City of Jacksboro (Docket No. 684); Examiner James O. Houchins, Grey Forest Utilities, annual report and gross receipts tax (Docket No. 1085); Examiner Jeffrey R. Hill, Gas Utilities, Inc., statement of intent to increase rates in unincorporated areas of Pettus, Tuleta, and Tulsita (Docket No. 1104); and Examiner Jeffrey R. Hill, statement of intent to increase rates in unincorporated area of Campbellton (Docket No. 1105).

Additional information may be obtained from Joy Wood, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-2747.

Filed: December 28, 1977, 2:02 p.m.
Doc. No. 777381

Wednesday, January 4, 1978, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in emergency session in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin.

The agenda is summarized as follows: consideration of various Rule 37 exceptions, proper pluggings, Statewide Rule 14(B)(2) exceptions, gas field rules, temporary field rules, Statewide Rule 38, review of proposed acreage assignment, salt water disposal; and various administrative new oil and gas field discoveries, 14(B)(2) exceptions, Statewide Rule 13(C) exceptions, Statewide Rule 11 exceptions, Statewide Rule 8(C) exceptions, and several motions for rehearings.

Additional information may be obtained from Luci Castleberry, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-3003.

Filed: December 28, 1977, 2:02 p.m.
Doc. No. 777382

Wednesday, January 4, 1978, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas has made an emergency addition to the agenda of a meeting to be held in

the Ernest O. Thompson Building, 10th and Colorado Streets, Austin, to include consideration of plugging with state funds.

Additional information may be obtained from Luci Castleberry, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-3003.

Filed: December 28, 1977, 2:02 p.m.
Doc. No. 777383

Wednesday, January 4, 1978, 9 a.m. The Transportation Division of the Railroad Commission of Texas has made an emergency addition to the agenda of a meeting to be held in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin.

The addition is summarized as follows: Motor Freight Circular No. 20379, Application No. 366, of Oil Field Haulers Association, Inc., seeks to amend OFHA Tariff 6-S, RCT No. 14, Items 330, 760, 1330, 1340, 1350, 1370, and 1380 to reflect increase in transit charges; and postponement of Regulation 051.03.17.015, approval of agreements between carriers concerning group representation.

Additional information may be obtained from Denna Braun, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-2088.

Filed: December 28, 1977, 2:03 p.m.
Doc. No. 777380

School Tax Assessment Practices Board

Thursday, January 12, 1978, 10:30 a.m. The School Tax Assessment Practices Board will meet in the Old Supreme Court Room, third floor, State Capitol, to discuss the following items: agency's progress status and possible plans with new director; administrative policies and procedures; and needed personnel, positions, and posting of positions.

Additional information may be obtained from Linda Schotz, General Delivery, Capitol Station, Austin, Texas 78711, telephone (512) 475-1596.

Filed: December 29, 1977, 9:57 a.m.
Doc. No. 777390

Teacher Retirement System of Texas

Sunday, January 15, 1978, 10 a.m. The Medical Board of the Teacher Retirement System of Texas will meet at 1001 Trinity, Austin, to consider member applications for disability retirement and to discuss the necessity for annual reexamination of certain persons receiving disability benefits.

Additional information may be obtained from James Preston, 1001 Trinity, Austin, Texas 78701, telephone (512) 477-9711, extension 340.

Filed: December 27, 1977, 3:06 p.m.
Doc. No. 777350

Texas A&M University System

Friday, December 30, 1977, 2 p.m. The Executive Committee of the Board of Regents of the Texas A&M University System met at Stouffers Greenway Plaza Hotel, 6 Greenway Plaza East, Houston, to review a proposed program of advance refunding of selected bond issues of the Texas A&M University System.

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

Filed: December 27, 1977, 3:14 p.m.
Doc. No. 777358

Texas Eastern University

Wednesday, January 11, 1978, 2 p.m. The Board of Regents of Texas Eastern University will meet at 3900 University Boulevard, Tyler, following committee meetings at 1 p.m.

The board will consider the following: personnel; construction progress report; contract change; architectural statements; Phase II campus plan; Presidential Inauguration Fund balance; architectural contract for Library Building (Part A); president's report and recommendations to include social security coverage for university employees; fall semester 1977 enrollment report; Vaughn Foundation Gift; faculty research projects; Texas Higher Education Governing Board Conference; and any business that may properly come before the meeting concerning the affairs of the university.

Additional information may be obtained from Dr. James H. Stewart, Jr., 3900 University Boulevard, Tyler, Texas 75701, telephone (214) 566-1471.

Filed: December 27, 1977, 3:07 p.m.
Doc. No. 777352

Texas Southern University

Thursday, January 5, 1978, 10 a.m. The Board of Regents of Texas Southern University will meet in the Flagship Hotel, Galveston, to conduct a workshop session with university administrators.

Additional information may be obtained from Everett O. Bell, 3201 Wheeler Avenue, Houston, Texas 77004, telephone (713) 529-8911.

Filed: December 28, 1977, 9:51 a.m.
Doc. No. 777373

Texas Water Commission

Monday, January 3, 1978, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. The commission will consider the following items: bond issues, change of plans of bond issue, application for release of escrow, petition for creation of districts, examiner's proposals for decision on water quality matters, voluntary cancellation of permits, total cancellation of permit, applications for contractual permits, and setting hearing dates on applications.

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

Filed: December 22, 1977, 1:36 p.m.
Doc. No. 777330

Thursday, January 12, 1978, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider examiner's proposal for decision on the ratification of a temporary order (No. 77-56E) issued to Anheuser-Busch, Inc.

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

Filed: December 28, 1977, 1:52 p.m.
Doc. No. 777379

Friday, January 27, 1978, 9 a.m. The Texas Water Commission will conduct a hearing in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin. The summarized agenda includes consideration of a request from the City of Austin (Holly Power Plant) for an amendment to Permit No. 01886 to regulate the discharge of boiler blowdown and to allow for an increased discharge not to exceed an average flow of 605,000,000 gallons per day of industrial wastewater in Travis County.

Additional information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: December 29, 1977, 10:12 a.m.
Doc. No. 777392

Friday, January 27, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin. The summarized agenda includes consideration of a request from Carl Fogle, Ovalo, for an amendment to Permit No. 2197 to extend the duration of the permit to December 1, 1990.

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

Filed: December 29, 1977, 10:13 a.m.
Doc. No. 777393

Tuesday, January 31, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. The agenda, as summarized, includes consideration of a request from Plains Weather Improvement Association, Inc., Plainview, for a permit to engage in weather modification. The applicant proposes to engage in hail suppression and rainfall enhancement by means of aerial application of artificial nuclei.

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

Filed: December 29, 1977, 10:13 a.m.

Doc. No. 777394

Wednesday, February 1, 1978, 9 a.m. The Texas Water Commission will conduct a hearing in the City of Houston Health Department Auditorium, 1115 North Macgregor, Houston. The commission will consider, as summarized, a request from George H. Musterman, Inc., for a permit to allow for a discharge of domestic sewage effluent from a sewage treatment plant to serve a population equivalent of 7,500 people in Harris County.

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

Filed: December 29, 1977, 10:12 a.m.

Doc. No. 777395

Friday, February 3, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin. The commission will consider, as summarized, a request from Unitrek Corporation, Dallas, for a permit to maintain three existing dams and reservoirs for recreational purposes in Tarrant County.

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

Filed: December 29, 1977, 10:12 a.m.

Doc. No. 777396

Texas Water Well Drillers Board

Tuesday, January 3, 1978, 9:30 a.m. The Texas Water Well Drillers Board will meet in Room 119, Stephen F. Austin Building, 1700 North Congress, Austin. The agenda will include the following: certification of new applicants for registration; report on water well drillers examination and progress report on registration of new drillers since the November 1, 1977, board meeting; report on investigator's activities; consideration of complaints and violations; discussion of proposed procedural and substantive rules; and proposed changes to water well drillers log and application for water well drillers license forms.

Additional information may be obtained from Fred Osborne, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-6176.

Filed: December 22, 1977, 1:36 p.m.

Doc. No. 777331

Regional Agencies

Meetings Filed December 27, 1977

The Middle Rio Grande Development Council, A-95 Project Review Committee, met at the Del Rio Civic Center, Del Rio, on December 29, 1977, at 2:30 p.m. Further information may be obtained from Elia G. Santos, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

The South Texas Health Systems Agency, Plan Development Committee, will meet in Room 221B, Student Union Building, Texas A&I University, Kingsville, on January 6, 1978, at 10 a.m. Further information may be obtained from Don Dietz, Box 2378, Texas A&I Station, Kingsville, Texas 78363, telephone (512) 595-5545.

The Coastal Bend Subarea Health Advisory Council will meet at 2875 South Staples Street, Corpus Christi, on January 4, 1978, at 1:30 p.m. Further information may be obtained from Emily M. Petersen, Box 2378, Texas A&I Station 1, Kingsville, Texas 78363, telephone (512) 595-5545.

The Golden Crescent Subarea Advisory Council, Nominating Committee, will meet in Room 106, Allied Health Building, Victoria College, Victoria, on January 4, 1978, at 7:30 p.m. The Council will meet again on January 11, 1978, at 7:30 p.m., at the same location. Further information may be obtained from Emily M. Petersen, Box 2378, Texas A&I Station 1, Kingsville, Texas 78363, telephone (512) 595-5545.

Doc. No. 777381

Meetings Filed December 28, 1977

The High Plains Underground Water Conservation District No. 1, Board of Directors, will meet at 2930 Avenue Q, Lubbock, on January 5, 1978, at 10 a.m. Further information may be obtained from C. E. Thompson, 2930 Avenue Q, Lubbock, Texas 74905, telephone (806) 762-0181.

Doc. No. 777387

Meetings Filed December 29, 1977

The Trinity River Authority of Texas, Utility Services Committee, will meet in the General Office conference room, 2723 Avenue E. East, Arlington, on January 4, 1978, at 10:30 a.m. Further information may be obtained from William J. Philbin, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

Doc. No. 777412



When all forms of taxation are taken together, excluding severance taxes, Texas has the second lowest per capita tax burden among the fifty states. Among sunbelt states, industrial states and states without an income tax, Texas' per capita tax burden is lowest. (See Table 1.)

Comptroller of Public Accounts

Study of Texas Business Climate

Editor's note: The following information and tables are excerpts from a brochure published by the Office of the Comptroller of Public Accounts in December, 1977. The brochure is entitled "Texas Means Business!" and subtitled "A Study of Fiscal Responsibility in Texas as Compared to Other States." The purpose of the brochure is to attract more tax-paying businesses into Texas. The publication ranks the state number one in the nation in favorable business climate and reviews the state's financial and tax situation.

Texas ranks number one in the nation in favorable "business climate." This conclusion is based on a fifty state study of taxes most commonly paid by businesses and certain other factors.

Texas' top ranking is substantiated by the Fantus Company, an industrial relocation consulting firm. In their 1975 report *Ranking of the States by Business Climate*, the Fantus Company ranked Texas above all other states in terms of taxes, laws, and regulations which are attractive to business.

Texas' favorable ranking is largely the result of low taxes on business. Of those taxes most commonly paid by business, either directly or indirectly through higher salaries to compensate for high tax rates, Texas has the lowest overall rates in the nation.

Texas' position with regard to the most significant taxes affecting business is reflected below:

Tax	Texas' Position
Corporate Income Tax	No tax imposed
Personal Income tax	No tax imposed
Sales and Use Tax	State rate of 4% equal to U.S. average
Property Taxes	Low. \$50 per capita below U.S. average
Motor Fuels Taxes	Lowest rate in nation
Unemployment Insurance Tax	Lowest average rate in nation

Table 1

PER CAPITA TAX BURDEN BY STATE, 1976 All State Taxes Excluding Severance Tax

	Amount
Alaska	\$1,494
Hawaii	721
Delaware	616
Minnesota	545
New York	541
Wisconsin	525
Washington	501
California	500
Maine	496
Nevada	482
Maryland	473
Massachusetts	470
West Virginia	455
Arizona	448
Pennsylvania	432
Vermont	431
North Dakota	427
Illinois	426
Rhode Island	419
Iowa	418
New Mexico	417
Michigan	413
U. S. AVERAGE	408
Connecticut	405
Idaho	395
Wyoming	390
Kentucky	383
Utah	377
North Carolina	377
Colorado	372
Kansas	369
South Carolina	366
Virginia	362
Indiana	361
Mississippi	361
Oregon	353
Florida	343
Arkansas	340
Georgia	338
Alabama	336
Montana	327
Nebraska	314
New Jersey	312
Ohio	309
Oklahoma	307
Missouri	302
Tennessee	301
Louisiana	286
South Dakota	280
TEXAS	273
New Hampshire	223

Source: U.S. Bureau of the Census, *State Tax Collections in 1976*, January 1977, pp. 7 and 11.

Significance of State Business Tax Comparisons

Taxes are an important factor to be considered when deciding where to live or locate a new manufacturing plant. In one way or another, state and local taxes paid by a business affect its profit, and profit is what business is all about.

The importance of state and local taxes goes beyond the income statement. A tax dollar paid is a dollar unavailable for plant expansion, modernization and product research. Private sector growth is cut to the extent that capital investment is reduced by taxation. Businesses in high tax states are often at a decided competitive disadvantage in national markets.

Consider the plight of states with high taxes. The shift in manufacturing jobs from high tax states to low tax states is pronounced. Between 1967 and 1974, for example, the ten states rated by the Fantus Company as having the most attractive tax climates gained 606,000 manufacturing jobs. Texas led all states with a net gain of 150,000 jobs. Seven of the ten states with the lowest Fantus business tax climate ranking lost a total of 565,000 jobs; New York, Massachusetts and Pennsylvania suffered most.

It is for these reasons that state officials should always be concerned about the tax burden on business, and why the Comptroller regularly monitors taxes in other states and makes publications such as this available to the Legislature.

Government Spending

Texas state government operates under a constitutional requirement that appropriations must never exceed available revenue. The result is that government spending, like tax burden, has consistently been among the lowest in the nation.

Because of Texas' constitutional requirement of "pay as you go," the state's available resources have been allocated on the premise that it is impossible to operate a good state government for less money than most states spend. Texas spends its available revenues on programs which benefit the state and its people through business and economic stimulation, e.g., transportation and education.

Areas of Concentration. In 1976, forty-seven percent of the state budget was used to finance education, principally elementary and secondary education. Texas matches the average state in the percentage of budget for highways, about 12%.

Areas of Economy. Texas has restrained spending in a number of areas:

—In 1977, only 1.5% of budget was spent on executive administration, only 0.6% on business regulatory agencies.

—Welfare spending has declined from 20.2% of budget in 1973 to 17.6% in 1977. Appropriations for welfare in 1978/1979 are reduced to 17.5%.

—Texas ranks 49th in spending for corrections, due to the fact that the Texas Department of Corrections is partially self-supporting.

—Financial administration is less expensive in Texas than in 48 other states. Only Missouri is lower. Tax ad-

ministration, accounting and other financial functions cost Texas \$5.15 per capita in 1976, compared with a national average of \$9.14.

Ranking among States. In 1976, the last year for which comparison data is available, Texas spent \$547 per capita, putting Texas 48th among the 50 states and 24% below the national average as illustrated in Table 8.

Table 8

PER CAPITA EXPENDITURES BY STATE GOVERNMENTS, 1976

Rank		Amount
1	Alaska	\$2,506
2	Hawaii	1,378
3	Delaware	1,081
4	Wyoming	1,064
5	New York	980
6	Vermont	935
7	Minnesota	878
8	New Mexico	848
9	North Dakota	835
10	Maryland	832
11	Rhode Island	822
12	Wisconsin	819
13	Maine	811
14	Louisiana	804
15	West Virginia	796
16	California	793
17	Washington	790
18	Utah	774
19	Nevada	772
20	Montana	770
21	Oregon	765
22	Massachusetts	764
23.5	Idaho	749
23.5	Michigan	749
25	Pennsylvania	733
26	Iowa	723
	U. S. AVERAGE	718
27	South Carolina	714
28	Illinois	707
29	Arizona	705
30	Colorado	701
31	Mississippi	698
32	Kentucky	687
33	South Dakota	686
34	North Carolina	680
35	Alabama	653
36	Connecticut	643
37	Oklahoma	639
38	Arkansas	633
39	Virginia	626
40	Kansas	624
41	New Jersey	615
42	New Hampshire	594
43	Indiana	584
44	Nebraska	582
45	Tennessee	577
46	Georgia	575
47	Ohio	551
48	TEXAS	547
49	Florida	533
50	Missouri	502

SOURCE: U. S. Bureau of the Census, *State Government Finances in 1976*, August 1977, p.12.

Texas is maintaining strong control of government spending (Table 9):

—Between 1968 and 1972, Texas averaged 48th in per capita spending. Between 1973 and 1976, Texas

averaged 49th.

—Between 1968 and 1972, Texas spending was 26% below the average state. Between 1973 and 1976, Texas spending was 28% below the average state.

Table 9

STATE SPENDING COMPARED

Year	State Spending Per Capita		Texas Compared	
	Texas	50 State Average	Rank Among 50 States	Percent Below State Average
1968	\$230	\$303	46th	24%
1969	246	338	48th	27
1970	285	383	49th	26
1971	325	434	48th	25
1972	355	476	48th	25
1973	364	517	50th	30
1974	397	569	50th	30
1975	470	651	49th	28
1976	547	718	48th	24

SOURCE: U. S. Department of Commerce, Bureau of the Census, State Government Finances, 1968-1976, published in 1969-1977.

Total Spending. In the latest fiscal year (ending August 31, 1977), the State of Texas had net expenditures of \$6.607 billion, up 6.5% from the previous year.

The Texas Legislature funds state operations on a biennial basis (two year budget). Appropriations for the preceding and forthcoming bienniums are shown in Table 10.

Total State Financial Picture. There is no better way to demonstrate the health of Texas state government than to look at the numbers. The following chart shows revenues, expenditures and cash balances for the period 1971 through 1977.

Note the following:

—Revenues grow from \$3.5 billion in 1971 to \$7.4 billion this last year, an increase of \$3.9 billion (over 100%).

—Tax revenue grows even faster and becomes more important to the state as the proportion of federal support diminishes. Tax revenue contributes \$2.4 billion of the total \$3.9 billion increase between 1971 and 1977.

—Revenues are higher than expenditures each year. Costs of government have risen each year with inflation and population growth, but not as fast as state revenues.

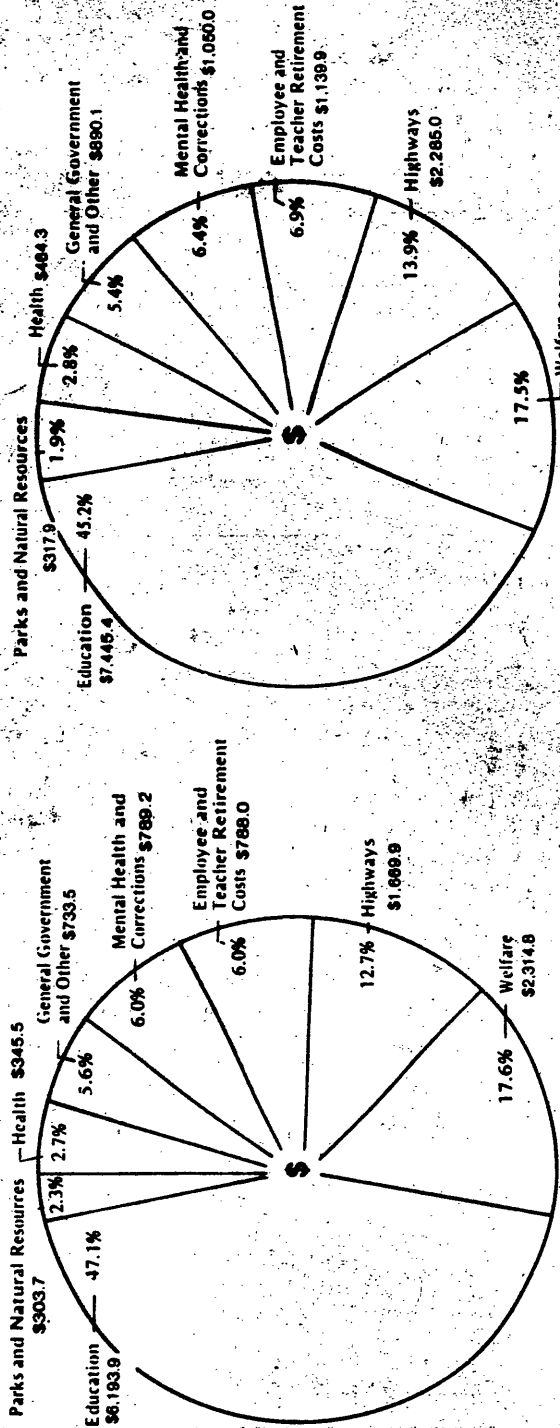
—Cash balances increase in all years.

The chart demonstrates Texas' strong financial picture and the ability of the state to operate efficiently without runaway spending, higher taxes or reliance on debt financing. (See Chart 11.)

Doc. No. 21A39

Table 10

LEGISLATIVE APPROPRIATIONS BY FUNCTION (PERCENTAGE OF TOTAL) (IN MILLIONS OF DOLLARS)



1978/1979 BIENNIUM
Total Appropriations: \$16,467.4

1976/1977 BIENNIUM
Total Appropriations: \$13,138.5

SOURCE: Texas, Comptroller of Public Accounts, State Spending: The Next Two Years, Analysis No. 11, August 1977.

Texas is maintaining strong control of government spending (Table 9):

—Between 1968 and 1972, Texas averaged 48th in per capita spending. Between 1973 and 1976, Texas

averaged 49th.

—Between 1968 and 1972, Texas spending was 25% below the average state. Between 1973 and 1976, Texas spending was 28% below the average state.

Table 9

STATE SPENDING COMPARED

Year	State Spending Per Capita		Texas Compared	
	Texas	50 State Average	Rank Among 50 States	Percent Below State Average
1968	\$230	\$303	46th	24%
1969	246	338	48th	27
1970	285	383	49th	26
1971	325	434	48th	25
1972	355	476	48th	25
1973	364	517	50th	30
1974	397	569	50th	30
1975	470	651	49th	28
1976	547	718	48th	24

SOURCE: U. S. Department of Commerce, Bureau of the Census, State Government Finances, 1968-1976, published in 1969-1977.

Total Spending. In the latest fiscal year (ending August 31, 1977), the State of Texas had net expenditures of \$6.607 billion, up 6.5% from the previous year.

The Texas Legislature funds state operations on a biennial basis (two year budget). Appropriations for the preceding and forthcoming bienniums are shown in Table 10.

Total State Financial Picture. There is no better way to demonstrate the health of Texas state government than to look at the numbers. The following chart shows revenues, expenditures and cash balances for the period 1971 through 1977.

Note the following:

—Revenues grow from \$3.5 billion in 1971 to \$7.4 billion this last year, an increase of \$3.9 billion (over 100%).

—Tax revenue grows even faster and becomes more important to the state as the proportion of federal support diminishes. Tax revenue contributes \$2.4 billion of the total \$3.9 billion increase between 1971 and 1977.

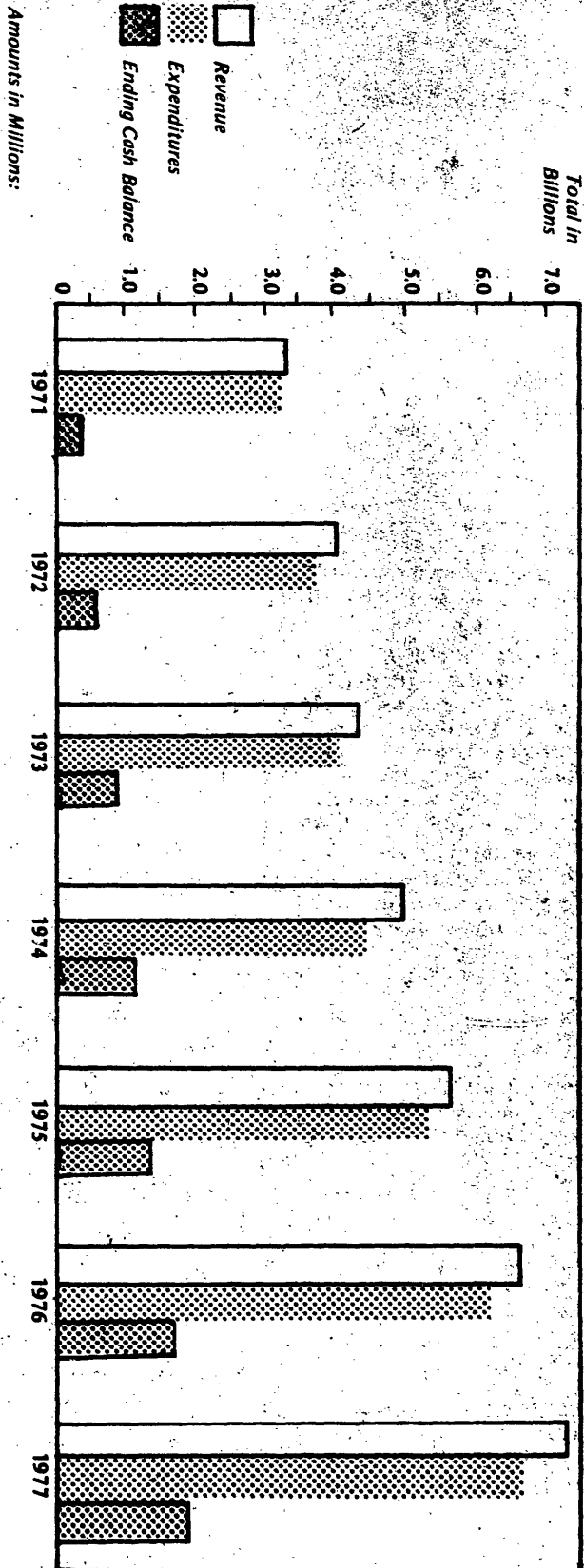
—Revenues are higher than expenditures each year. Costs of government have risen each year with inflation and population growth, but not as fast as state revenues.

—Cash balances increase in all years.

The chart demonstrates Texas' strong financial picture and the ability of the state to operate efficiently without runaway spending, higher taxes or reliance on debt financing. (See Chart 1i.)

Doc. No. 21A39

Table 11
TEXAS STATE FINANCIAL PICTURE, 1971-1977



Amounts in Millions:

Revenue	Expenditures	Ending Cash Balance
\$3,461	\$2,344	\$474
\$4,009	2,584	574
\$4,443	3,026	916
\$5,000	3,370	1,262
\$5,675	3,913	1,454
\$6,592	4,422	1,643
\$7,356	4,849	1,979

	1971	1972	1973	1974	1975	1976	1977
Taxes	1,995	2,344	2,584	3,026	3,370	3,913	4,422
Federal Funds	1,007	1,150	1,293	1,283	1,524	1,775	1,849
Misc.	459	515	566	691	781	904	1,085
Expenditures	3,437	3,791	4,019	4,427	5,377	6,204	6,607
Cash Balance	\$ 474	\$ 574	\$ 916	\$1,262	\$1,454	\$1,643	\$1,979

SOURCES: Texas Comptroller of Public Accounts, 1976 Annual Financial Report and 1977 Annual Financial Report.

Texas Energy Advisory Council

Emergency Energy Preparedness Committee

Energy Emergency Planning Guide

Members of the Emergency Energy Preparedness Committee of the Texas Energy Advisory Council (TEAC) approved the first draft of the *Texas Energy Emergency Planning Guide* in a meeting on December 22, 1977, in the state senate chamber in Austin. A task force of the committee prepared the guide to submit to members of the full committee for consideration. With some changes, the committee approved the 70-page document for publication and review by involved organizations and interested persons.

The *Energy Emergency Planning Guide* documents and evaluates the experience of last winter, outlines Texas' existing statutory authority to act in energy emergencies, provides an advance notice to the public of those actions considered most likely to be taken by Texas government, and provides a response to federal government energy emergency planning guidelines. Included in the plan's procedures for emergency relief are increasing storage levels of natural gas, accelerating productions from state leases and reallocation of state royalty gas, strict demand restraint or conservation measures during acute shortages, assisting low-income families and the needy with peak fuel bills, and a moratorium on utility cutoffs because of inability to pay bills. In the event of a fuel crisis, a communications center will be operated at the offices of the TEAC at 7703 North Lamar, Austin, to maintain data and ready communication networks for monitoring supply and demand conditions. The center will conduct a 24-hour service for receiving calls requesting allocations of supplies and special actions of the Emergency Energy Preparedness Committee.

The committee is accepting comments on the guide through January 16, 1978, from involved agencies and interested persons. Copies of the guide may be obtained by contacting the TEAC office, 7703 North Lamar, Austin, Texas 78752, telephone (512) 475-5588.

Members of the committee are Railroad Commission Chairman Mack Wallace, chairman; Attorney General John Hill; Public Utility Commissioner Al Erwin; Max Sherman, chairman of the Texas Energy Advisory Committee; and Steven Oaks, secretary of state. Lieutenant Governor Bill Hobby and Speaker of the House Bill Clayton are ex officio members. The task force charged with drafting the guide was chaired by TEAC Executive Director Milton Holloway. Other members of the task force were Hill, Erwin, Clayton, and Guy Mathews of the Gas Utilities Division of the Railroad Commission.

Doc. No. 21A40

Texas Register

Correction of Error

Adopted Rules 301.83.01.003 and .008 of the *Texas Department of Health*, as published in the December 20, 1977, issue of the *Register* (2 TexReg 4915), each contained an error. Rule .003(g)(1)(A) should have read "violates maximum allowable levels." Rule .008(e) should have read "for the initial analyses required by paragraphs .008(a), .008(a)(1), .008(a)(2), or .008(a)(3) of this section, data for surface waters acquired within one year prior to June 24, 1977, and data for ground waters acquired within three years prior to June 24, 1977, may be substituted at the discretion of the department."

Correction of Error

Section (d) of *Railroad Commission of Texas* Adopted Rule 051.05.03.304 was omitted when the rule was published in the December 27, 1977, issue of the *Texas Register* (2 TexReg 5074). Section (d) reads as follows:

(d) To the extent that any damage, occurring during or subsequent to any of the following acts, does not proximately result from any negligent act of the licensee, the licensee may limit liability based upon:

(1) unauthorized, unsafe, or improper application of LP-gas or any LP-gas system or equipment by any user or other person.

(2) any use or operation of LP-gas or any LP-gas system or equipment contrary to specific representations made by any user or other person to an LP-gas licensee during or preceding installation or servicing of such LP-gas system or equipment and relied upon by such LP-gas licensee in selecting, designing, installing, or servicing such system or equipment, or

(3) any modification, change, installation, alteration, tampering, or other action by any unlicensed person, to or upon any LP-gas system or equipment.

Office of the Secretary of State

Chapter 14 Texas Election Code Filing Requirements

The Office of the Secretary of State is reminding State of Texas officeholders, specific purpose political committees, and general purpose political committees of certain filing requirements of Chapter 14, Vernon's Texas Election Code.

Officeholders intending to conduct a new campaign for another term of office at some future date and specific purpose political committees intending to conduct a new campaign supporting or opposing a measure or a candidate for

public office are required to file a new designation of campaign treasurer before accepting any contributions or making any expenditures for the new campaign. A designation of campaign treasurer remains effective only for that period of time necessary to wind up the financial affairs of a particular campaign. Should a new designation of campaign treasurer be filed, a final sworn statement to terminate the financial affairs of the previous campaign must be filed.

If candidates, officeholders, and specific purpose political committees have had any activity since the end of the period last reported, they are required to file an annual report disclosing all contributions received and expenditures made during the calendar year which have not been previously reported. General purpose political committees must file an annual report even if there have been no contributions received nor expenditures made since the end of the period last reported. Since the regular filing date for annual reports of January 15 falls on a Sunday, the deadline is extended to 5 p.m. January 16, 1978.

Should an existing general purpose political committee wish to file monthly statements for the 1978 calendar year, the committee must file a notice of intent between January 1 and January 15. Once a general purpose political committee has filed this notice, it must continue with this filing procedure for the total calendar year. For further information on this procedure, please refer to Article 14.07(H)(8), Vernon's Texas Election Code.

General purpose political committees should file sworn statements and notices of intent with the Enforcement Division, Office of the Secretary of State, P.O. Box 12887, Austin, Texas 78711. Officeholders and specific purpose political committees must file sworn statements with the appropriate official for the type of office or measure which was the object of the campaign in accordance with the following:

State office; multi-county district office; the office of state senator, state representative, and state board of education; or statewide or district measure—Secretary of State, Enforcement Division, P.O. Box 12887, Austin, Texas 78711.

All other district offices, county offices, or county measures—county clerk.

Municipal office or municipal measure—city secretary or clerk.

Other political subdivision office or political subdivision measure—secretary or clerk of governing body.

For further information, please call the Office of the Secretary of State's Enforcement Division at (512) 475-5619 or the Elections Division toll free at 1-800-252-9602 or (512) 475-3091.

Issued in Austin, Texas, on December 28, 1977.

Doc. No. 777375 Bill Didlake, Director
Criminal Justice Division
Office of the Secretary of State

Filed: December 28, 1977, 10:55 a.m.

For further information, please call (see above).

Texas Department of Water Resources

Water Quality Management Plan for the Cypress Basin

A hearing commission of the Texas Department of Water Resources will conduct a public hearing beginning at 1:30 p.m. January 24, 1978, 76th District Court Courtroom, Morris County Courthouse, Daingerfield, to receive testimony concerning Volume I, *Basic Data Report*, of the *Water Quality Management Plan for the Cypress Basin*. This document is the first of two volumes which, upon completion of Volume II, will form the *Water Quality Management Plan for the Cypress Basin*. Volume I, *Basic Data Report*, includes information on existing wastewater treatment facilities; existing water quality; existing land-use patterns; existing population; and projections of economic growth, population, and probable land-use patterns. Volume II, *Plan Summary Report*, will present the recommended plans for water quality management and the legal, financial, and institutional requirements of each plan. Also included in Volume II will be descriptions of feasible alternatives, an environmental assessment, and a summary of the public participation activities conducted during the development of the plan. The *Water Quality Management Plan for the Cypress Basin* is being developed to satisfy the requirements of the Federal Water Pollution Control Act Amendments of 1972, Section 208, and pursuant to Title 40 Code of Federal Regulations Parts 130 and 131 and the State of Texas Continuing Planning Process. The public hearing shall be conducted in compliance with the Texas Water Code, Section 26.037 (formerly Section 21.089). The study area for this plan includes all of the Cypress River Basin.

Copies of the *Basic Data Report* will be made available for public inspection at the following locations: Texas Department of Water Resources Offices, Stephen F. Austin Building, 1700 North Congress Avenue, Austin; Texas Department of Water Resources District 5 Office, 2807 Highway 42 North, Kilgore; and the Northeast Texas Municipal District, P.O. Box 680, Daingerfield, Texas 75638. Copies of Volume II, *Plan Summary Report*, will be made available at these same locations when completed in June, 1978. However, the hearing cited in this notice will consider only Volume I, *Basic Data Report*, of *Water Quality Management Plan for the Cypress Basin*.

Requests for copies of the *Basic Data Report* and questions about it should be addressed to Jackson H. Kramer, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, or call (512) 475-3454. When requesting a copy or sending a query by mail, please include your complete return address and telephone number.

The public is encouraged to attend the hearing and to present evidence or opinions on the accuracy of the existing and projected data compiled in the *Basic Data Report*. Written testimony which is submitted prior to or during the public hearing will be included in the record. The hearing commission would appreciate receiving a copy of all testimony at least five days before the hearing. The testimony and questions concerning the public hearing should be addressed to Gordon W. Houser, Texas Department of Water Resources,

P.O. Box 13087, Austin, Texas 78711, or telephone (512) 475-5516.

The date selected for this hearing is intended to comply with deadlines set by statute and regulation. Any publication or receipt of this notice less than 30 calendar days prior to the hearing date is due to the necessity of scheduling the hearing on the date selected.

This public hearing may be continued in order to fully develop the evidence.

Doc. No. 777291

Water Quality Management Plan for the Neches Basin

A hearing commission of the Texas Department of Water Resources will conduct a public hearing beginning at 1:30 p.m. January 17, 1978, Genecov Room, Chamber of Commerce Building, 407 North Broadway, Tyler, in order to receive testimony concerning Volume I, *Basic Data Report*, of the *Water Quality Management Plan for the Neches Basin*. This document is the first of two volumes which, upon completion of Volume II, will form the *Water Quality Management Plan for the Neches Basin*. Volume I, *Basic Data Report*, includes information on existing wastewater treatment facilities; existing water quality; existing land-use patterns; existing population; and projections of economic growth, population, and probable land use patterns. Volume II, *Plan Summary Report*, will present the recommended plans for water quality management and the legal, financial, and institutional requirements of each plan. Also included in Volume II will be descriptions of feasible alternatives, an environmental assessment, and a summary of the public participation activities conducted during the development of the plan. The *Water Quality Management Plan for the Neches Basin* is being developed to satisfy the requirements of the Federal Water Pollution Control Act Amendments of 1972, Section 208, and pursuant to Title 40 Code of Federal Regulations Parts 130 and 131 and the State of Texas Continuing Planning Process. The public hearing shall be conducted in compliance with the Texas Water Code, Section 26.037 (formerly 21.089). The study area for this plan includes most of the Neches River Basin. This plan will not address the planning required in the Southeast Texas Designated Areawide Planning Area; detailed planning within that area will be provided through the development of the Southeast Texas Areawide Waste Treatment Management Plan and will not be considered at this hearing.

Copies of the *Basic Data Report* will be made available for public inspection at the following locations: Texas Department of Water Resources Offices, Stephen F. Austin Building, 1700 North Congress Avenue, Austin; Texas Department of Water Resources District 5 Office, 2807 Highway 42 North, Kilgore; Texas Department of Water Resources District 6 Office, Childress Road, Port of Orange, Orange; Angelina and Neches River Authority Office, 210 Lufkin Avenue, Lufkin; and the Lower Neches Valley Authority Office, 7850 Eastex Freeway, Beaumont. Copies of Volume II, *Plan Summary Report*, will be made available at these same locations when completed in June, 1978. However, the hearing cited in this notice will consider only Volume I, *Basic Data Report*, of the

Water Quality Management Plan for the Neches Basin. Requests for copies of the *Basic Data Report* and questions about it should be addressed to Randall E. Baylor, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, or telephone (512) 475-3454. When requesting a copy or sending a query by mail, please include your complete return address and telephone number.

The public is encouraged to attend the hearing and to present evidence or opinions as to the accuracy of the existing and projected data compiled in the *Basic Data Report*. Written testimony which is submitted prior to or during the public hearing will be included in the record. The hearing commission would appreciate receiving a copy of all testimony at least five days before the hearing. The testimony and questions concerning the public hearing should be addressed to Gordon W. Houser, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, or telephone (512) 475-7836.

The date selected for this hearing is intended to comply with deadlines set by statute and regulation. Any publication or receipt of this notice less than 30 calendar days prior to the hearing date is due to the necessity of scheduling the hearing on the date selected.

This public hearing may be continued in order to fully develop the evidence.

Doc. No. 777292

Water Quality Management Plan for the Sabine Basin

A hearing commission of the Texas Department of Water Resources will conduct a public hearing beginning at 1:30 p.m. January 17, 1978, Genecov Room, Chamber of Commerce Building, 407 North Broadway, Tyler, in order to receive testimony concerning Volume I, *Basic Data Report*, of the *Water Quality Management Plan for the Sabine Basin*. This document is the first of two volumes which, upon completion of Volume II, will form the *Water Quality Management Plan for the Sabine Basin*. Volume I, *Basic Data Report*, includes information on existing wastewater treatment facilities; existing water quality; existing land-use patterns; existing population; and projections of economic growth, population, and probable land-use patterns. Volume II, *Plan Summary Report*, will present the recommended plans for water quality management and the legal, financial, and institutional requirements of each plan. Also included in Volume II will be descriptions of feasible alternatives, an environmental assessment, and a summary of the public participation activities conducted during the development of the plan. The *Water Quality Management Plan for the Sabine Basin* is being developed to satisfy the requirements of the Federal Water Pollution Control Act Amendments of 1972, Section 208, and pursuant to Title 40 Code of Federal Regulations Parts 130 and 131 and the State of Texas Continuing Planning Process. The public hearing shall be conducted in compliance with Texas Water Code, Section 26.037 (formerly Section 21.089). The study area for this plan includes most of the Sabine River Basin. This plan will not address the planning required in the Southeast Texas Designated Areawide Planning Area; detailed planning within that area will be

provided through the development of the *Southeast Texas Areawide Waste Treatment Management Plan* and will not be considered at this hearing.

Copies of the *Basic Data Report* will be made available for public inspection at the following locations: Texas Department of Water Resources Offices, Stephen F. Austin Building, 1700 North Congress Avenue, Austin; Texas Department of Water Resources District 5 Office, 2807 Highway 42 North, Kilgore; Texas Department of Water Resources District 6 Office, Childress Road, Port of Orange, Orange; and the Sabine River Authority Office, Orange. Copies of Volume II, Plan Summary Report, will be made available at these same locations when completed in June, 1978. However, the hearing cited in this notice will consider only Volume I, *Basic Data Report*, of *Water Quality Management Plan for the Sabine Basin*.

Requests for copies of the *Basic Data Report* and questions about it should be addressed to Randall E. Baylor, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, or telephone (512) 475-3454. When requesting a copy or sending a query by mail, please include your complete return address and telephone number.

The public is encouraged to attend the hearing and to present evidence or opinions as to the accuracy of the existing and

projected data compiled in the *Basic Data Report*. Written testimony which is submitted prior to or during the public hearing will be included in the record. The hearing commission would appreciate receiving a copy of all testimony at least five days before the hearing. The testimony and questions concerning the public hearing should be addressed to Gordon W. Houser, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711 or telephone (512) 475-5516.

The date selected for this hearing is intended to comply with deadlines set by statute and regulation. Any publication or receipt of this notice less than 30 calendar days prior to the hearing date is due to the necessity of scheduling the hearing on the date selected.

This public hearing may be continued in order to fully develop the evidence.

Issued in Austin, Texas, on December 16, 1977.

Doc. No. 777290

Gordon W. Houser
Staff Attorney
Texas Department of
Water Resources

Filed: December 21, 1977, 12:06 p.m.

For further information, please call (512) 475-3454.

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